

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

MARCH 27, 2014

**HOUSE AMENDMENT TO
SENATE FILE 2118**

S-5093

1 Amend Senate File 2118, as passed by the Senate, as
2 follows:

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

5 <Section 1. Section 236.3, subsection 1, Code 2014,
6 is amended by adding the following new paragraph:

7 NEW PARAGRAPH. *0g.* Name or description of any
8 property of sentimental or emotional significance
9 which may cause the victim to stay in the abusive
10 relationship and which is owned, possessed, leased,
11 kept, or held by the petitioner, respondent, or minor
12 child of the petitioner or respondent that may be
13 affected by the controversy.

14 Sec. 2. Section 236.4, Code 2014, is amended by
15 adding the following new subsection:

16 NEW SUBSECTION. 3A. The court may include in the
17 temporary order issued pursuant to this section a grant
18 to the petitioner of the exclusive care, possession,
19 or control of any property of sentimental or emotional
20 significance which may cause the victim to stay in the
21 abusive relationship and which is owned, possessed,
22 leased, kept, or held by the petitioner, respondent, or
23 minor child of the petitioner or respondent that may
24 be affected by the controversy. The court may forbid
25 the respondent from taking, transferring, encumbering,
26 concealing, attacking, striking, harming, or otherwise
27 disposing of the property.

28 Sec. 3. Section 236.4, subsection 4, Code 2014, is
29 amended to read as follows:

30 4. If a hearing is continued, the court may make or
31 extend any temporary order under subsection 2, ~~or~~ 3, or
32 3A that it deems necessary.

33 Sec. 4. Section 236.5, subsection 1, paragraph
34 b, Code 2014, is amended by adding the following new
35 subparagraph:

36 NEW SUBPARAGRAPH. (7) A grant to the petitioner
37 of the exclusive care, possession, or control of any
38 property of sentimental or emotional significance
39 which may cause the victim to stay in the abusive
40 relationship and which is owned, possessed, leased,
41 kept, or held by the petitioner, respondent, or minor
42 child of the petitioner or respondent that may be
43 affected by the controversy.>

44 2. Title page, by striking lines 1 through 4 and
45 inserting <An Act relating to domestic abuse protective
46 orders and property of sentimental or emotional
47 significance owned or held by a petitioner, respondent,
48 or minor child of the petitioner or respondent in a
49 domestic abuse case.>

RECEIVED FROM THE HOUSE

S-5093 FILED MARCH 26, 2014

SENATE FILE 2130

S-5094

1 Amend Senate File 2130 as follows:

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

3 <DIVISION I
4 FY 2013-2014

5 Section 1. PRIMARY ROAD FUND.

6 1. There is appropriated from the primary road fund
7 to the department of transportation for the fiscal year
8 beginning July 1, 2013, and ending June 30, 2014, the
9 following amount, or so much thereof as is necessary,
10 to be used for the purpose designated:

11 For the purchase of salt:

12 \$ 7,800,000

13 2. Notwithstanding section 8.33, moneys
14 appropriated in this section that remain unencumbered
15 and unobligated at the close of the fiscal year shall
16 not revert but shall remain available for expenditure
17 for the designated purpose until the close of the
18 succeeding fiscal year.

19 Sec. ____ . EFFECTIVE UPON ENACTMENT. This division
20 of this Act, being deemed of immediate importance,
21 takes effect upon enactment.

22 DIVISION II
23 FY 2014-2015>

24 2. Title page, line 4, after <road fund> by
25 inserting <, and including effective date provisions>

26 3. By renumbering as necessary.

By MATT McCOY

S-5094 FILED MARCH 26, 2014

HOUSE AMENDMENT TO
SENATE FILE 2239

S-5092

1 Amend Senate File 2239, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking everything after the enacting clause
4 and inserting:

5 <DIVISION I

6 ELDER ABUSE RELIEF

7 Section 1. NEW SECTION. 235F.1 Definitions.

8 As used in this chapter, unless the context
9 otherwise requires:

10 1. "*Attorney in fact*" means an attorney in fact
11 under a power of attorney pursuant to chapter 633B or
12 an attorney in fact under a durable power of attorney
13 for health care pursuant to chapter 144B.

14 2. "*Caretaker*" means a related or nonrelated
15 person who has the responsibility for all or a
16 substantial portion of the protection, care, or custody
17 of a vulnerable elder as a result of assuming the
18 responsibility voluntarily, by contract, through
19 employment, or by order of the court. "*Caretaker*" does
20 not include a caretaker as defined in section 235E.1.

21 3. "*Conservator*" means the same as defined in
22 section 633.3.

23 4. a. "*Elder abuse*" means any of the following:

24 (1) The nonaccidental infliction of bodily injury
25 on a vulnerable elder by a caretaker.

26 (2) The commission of a sexual offense under
27 chapter 709 or section 726.2 with or against a
28 vulnerable elder.

29 (3) Neglect which is the substantial deprivation of
30 the minimum food, shelter, clothing, supervision, or
31 physical or mental health care, or other care necessary
32 to maintain a vulnerable elder's life or health by a
33 caretaker.

34 (4) Financial exploitation as provided in section
35 726.24.

36 b. "*Elder abuse*" does not include any of the
37 following:

38 (1) Circumstances in which the vulnerable elder
39 declines medical treatment if the vulnerable elder
40 holds a belief or is an adherent of a religion whose
41 tenets and practices call for reliance on spiritual
42 means in place of reliance on medical treatment.

43 (2) Circumstances in which the vulnerable elder's
44 caretaker, acting in accordance with the vulnerable
45 elder's stated or implied consent, declines medical
46 treatment if the vulnerable elder holds a belief or is
47 an adherent of a religion whose tenets and practices
48 call for reliance on spiritual means in place of
49 reliance on medical treatment.

50 (3) The withholding or withdrawing of health care

S-5092

1 from a vulnerable elder who is terminally ill in the
2 opinion of a licensed physician, when the withholding
3 or withdrawing of health care is done at the request
4 of the vulnerable elder or at the request of the
5 vulnerable elder's next of kin, attorney in fact, or
6 guardian pursuant to the applicable procedures under
7 chapter 125, 144A, 144B, 222, 229, or 633.

8 (4) Good faith assistance by a family or household
9 member or other person in managing the financial
10 affairs of a vulnerable elder at the request of the
11 vulnerable elder or at the request of a family member,
12 guardian, or conservator of the vulnerable elder.

13 5. "*Family or household member*" means a spouse,
14 a person cohabiting with the vulnerable elder, a
15 parent, or a person related to the vulnerable elder
16 by consanguinity or affinity, but does not include
17 children of the vulnerable elder who are less than
18 eighteen years of age.

19 6. "*Fiduciary*" means a person or entity with the
20 legal responsibility to make decisions on behalf of
21 and for the benefit of a vulnerable elder and to act
22 in good faith and with fairness. "*Fiduciary*" includes
23 but is not limited to an attorney in fact, a guardian,
24 or a conservator.

25 7. "*Financial exploitation*" means financial
26 exploitation as provided in section 726.24.

27 8. "*Guardian*" means the same as defined in section
28 633.3.

29 9. "*Peace officer*" means the same as defined in
30 section 801.4.

31 10. "*Plaintiff*" means a vulnerable elder who
32 files a petition under this chapter and includes a
33 substitute petitioner who files a petition on behalf of
34 a vulnerable elder under this chapter.

35 11. "*Present danger of elder abuse*" means a
36 situation in which the defendant has recently
37 threatened the vulnerable elder with initial
38 or additional elder abuse, or the potential for
39 misappropriation, misuse, or removal of the funds,
40 benefits, property, resources, belongings, or assets of
41 the vulnerable elder combined with reasonable grounds
42 to believe that elder abuse is likely to occur.

43 12. "*Pro se*" means a person proceeding on the
44 person's own behalf without legal representation.

45 13. "*Substitute petitioner*" means a family or
46 household member, guardian, conservator, attorney in
47 fact, or guardian ad litem for a vulnerable elder, or
48 other interested person who files a petition under this
49 chapter.

50 14. "*Vulnerable elder*" means a person sixty-five

1 years of age or older who is unable to protect himself
2 or herself from elder abuse as a result of a mental or
3 physical condition or advanced age.

4 Sec. 2. NEW SECTION. 235F.2 Commencement of
5 actions – waiver to juvenile court.

6 1. A vulnerable elder or a substitute petitioner
7 may seek relief from elder abuse by filing a verified
8 petition in the district court. Venue shall lie where
9 either party resides. The petition shall state all of
10 the following:

11 a. The name of the vulnerable elder and the name
12 and address of the vulnerable elder's attorney, if
13 any. If the vulnerable elder is proceeding pro se,
14 the petition shall state a mailing address for the
15 vulnerable elder.

16 b. The name of the substitute petitioner if the
17 petition is being filed on behalf of a vulnerable
18 elder, and the name and address of the attorney of the
19 substitute petitioner. If the substitute petitioner is
20 proceeding pro se, the petition shall state a mailing
21 address for the substitute petitioner.

22 c. The name and address, if known, of the
23 defendant.

24 d. The relationship of the vulnerable elder to the
25 defendant.

26 e. The nature of the alleged elder abuse.

27 f. The name and age of any other individual whose
28 welfare may be affected.

29 g. The desired relief, including a request for
30 temporary or emergency orders.

31 2. A temporary or emergency order may be based on a
32 showing of a prima facie case of elder abuse. If the
33 factual basis for the alleged elder abuse is contested,
34 the court shall issue a protective order based upon
35 a finding of elder abuse by a preponderance of the
36 evidence.

37 3. a. The filing fee and court costs for an order
38 for protection and in a contempt action resulting from
39 an order granted under this chapter or chapter 664A
40 shall be waived for the plaintiff.

41 b. The clerk of court, the sheriff of any county in
42 this state, and other law enforcement and corrections
43 officers shall perform their duties relating to service
44 of process without charge to the plaintiff.

45 c. When a permanent order for protection is entered
46 by the court, the court may direct the defendant to pay
47 to the clerk of court the fees for the filing of the
48 petition and reasonable costs of service of process if
49 the court determines the defendant has the ability to
50 pay the plaintiff's fees and costs.

1 d. In lieu of personal service of an order for
2 protection issued pursuant to this section, the
3 sheriff of any county in the state, and any other
4 law enforcement and corrections officers may serve a
5 defendant with a short-form notification pursuant to
6 section 664A.4A.

7 4. If the person against whom relief from elder
8 abuse is being sought is seventeen years of age
9 or younger, the district court shall waive its
10 jurisdiction over the action to the juvenile court.

11 5. If a substitute petitioner files a petition
12 under this section on behalf of a vulnerable elder, the
13 vulnerable elder shall retain the right to all of the
14 following:

15 a. To contact and retain counsel.

16 b. To have access to personal records.

17 c. To file objections to the protective order.

18 d. To request a hearing on the petition.

19 e. To present evidence and cross-examine witnesses
20 at the hearing.

21 6. The relief provided under this chapter shall
22 not be available if the action involves a guardian
23 or conservator of the vulnerable elder and the relief
24 sought is more appropriately obtained in a protective
25 proceeding filed under chapter 633.

26 Sec. 3. NEW SECTION. 235F.3 Plaintiffs proceeding
27 pro se – provision of forms and assistance.

28 1. The judicial branch shall prescribe standard
29 forms to be used by vulnerable elders or substitute
30 petitioners seeking protective orders by proceeding pro
31 se in actions under this chapter. The standard forms
32 shall include language in fourteen point boldface type.
33 Standard forms prescribed by the judicial branch shall
34 be the exclusive forms used by plaintiffs proceeding
35 pro se under this chapter. The judicial branch shall
36 distribute the forms to the clerks of the district
37 courts.

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

41 Sec. 4. NEW SECTION. 235F.4 Appointment of
42 guardian ad litem.

43 The court may on its own motion or on the motion of
44 a party appoint a guardian ad litem for a vulnerable
45 elder if justice requires. The vulnerable elder's
46 attorney shall not also serve as the guardian ad litem.

47 Sec. 5. NEW SECTION. 235F.5 Hearings – temporary
48 orders.

49 1. Not less than five and not more than fifteen
50 days after commencing a proceeding and upon notice to

1 the other party, a hearing shall be held at which the
2 plaintiff must prove the allegation of elder abuse by a
3 preponderance of the evidence.

4 2. The court may enter any temporary order it deems
5 necessary to protect the vulnerable elder from elder
6 abuse prior to the hearing, upon good cause shown in
7 an ex parte proceeding. Present danger of elder abuse
8 constitutes good cause for purposes of this subsection.

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

12 4. Upon application of a party, the court shall
13 issue subpoenas requiring attendance and testimony of
14 witnesses and production of papers.

15 5. The court shall advise the defendant of a
16 right to be represented by counsel of the defendant's
17 choosing and to have a continuance to secure counsel.

18 6. The showing required under subsection 1 may be
19 made by, but is not limited to the testimony at the
20 hearing of, any of the following:

21 a. The vulnerable elder.

22 b. The guardian, conservator, attorney in fact, or
23 guardian ad litem of the vulnerable elder.

24 c. Witnesses to the elder abuse.

25 d. Adult protective services workers who have
26 conducted an investigation.

27 7. The court shall exercise its discretion in
28 a manner that protects the vulnerable elder from
29 traumatic confrontation with the defendant.

30 8. Hearings shall be recorded.

31 Sec. 6. NEW SECTION. 235F.6 Disposition.

32 1. Upon a finding that the defendant has engaged
33 in elder abuse, the court may, if requested by the
34 plaintiff, order any of the following:

35 a. That the defendant be required to move from
36 the residence of the vulnerable elder if both the
37 vulnerable elder and the defendant are titleholders or
38 contract holders of record of the real property, are
39 named as tenants in the rental agreement concerning the
40 use and occupancy of the dwelling unit, are living in
41 the same residence, or are married to each other.

42 b. That the defendant provide suitable alternative
43 housing for the vulnerable elder.

44 c. That a peace officer accompany the party who is
45 leaving or has left the party's residence to remove
46 essential personal effects of the party.

47 d. That the defendant be restrained from abusing,
48 harassing, intimidating, molesting, interfering with,
49 or menacing the vulnerable elder, or attempting to
50 abuse, harass, intimidate, molest, interfere with, or

1 menace the vulnerable elder.

2 e. That the defendant be restrained from entering
3 or attempting to enter on any premises when it
4 appears to the court that such restraint is necessary
5 to prevent the defendant from abusing, harassing,
6 intimidating, molesting, interfering with, or menacing
7 the vulnerable elder.

8 f. That the defendant be restrained from exercising
9 any powers on behalf of the vulnerable elder through a
10 court-appointed guardian, conservator, or guardian ad
11 litem, an attorney in fact, or another third party.

12 g. In addition to the relief provided in subsection
13 2, other relief that the court considers necessary to
14 provide for the safety and welfare of the vulnerable
15 elder.

16 2. If the court finds that the vulnerable elder has
17 been the victim of financial exploitation, the court
18 may order the relief the court considers necessary to
19 prevent or remedy the financial exploitation, including
20 but not limited to any of the following:

21 a. Directing the defendant to refrain from
22 exercising control over the funds, benefits, property,
23 resources, belongings, or assets of the vulnerable
24 elder.

25 b. Requiring the defendant to return custody or
26 control of the funds, benefits, property, resources,
27 belongings, or assets to the vulnerable elder.

28 c. Requiring the defendant to follow the
29 instructions of the guardian, conservator, or attorney
30 in fact of the vulnerable elder.

31 d. Prohibiting the defendant from transferring the
32 funds, benefits, property, resources, belongings, or
33 assets of the vulnerable elder to any person other than
34 the vulnerable elder.

35 3. The court shall not use an order issued under
36 this section to do any of the following:

37 a. To allow any person other than the vulnerable
38 elder to assume responsibility for the funds, benefits,
39 property, resources, belongings, or assets of the
40 vulnerable elder.

41 b. For relief that is more appropriately obtained
42 in a protective proceeding filed under chapter 633
43 including but not limited to giving control and
44 management of the funds, benefits, property, resources,
45 belongings, or assets of the vulnerable elder to a
46 guardian, conservator, or attorney in fact for any
47 purpose other than the relief granted under subsection
48 2.

49 4. The court may approve a consent agreement
50 between the parties entered to bring about the

1 cessation of elder abuse. A consent agreement approved
2 under this section shall not contain any of the
3 following:

4 a. A provision that prohibits any party to the
5 action from contacting or cooperating with any
6 government agency including the department of human
7 services, the department of inspections and appeals,
8 the department on aging, the department of justice,
9 law enforcement, and the office of long-term care
10 ombudsman; a licensing or regulatory agency that has
11 jurisdiction over any license or certification held
12 by the defendant; a protection and advocacy agency
13 recognized in section 135C.2; or the defendant's
14 current employer if the defendant's professional
15 responsibilities include contact with vulnerable
16 elders, dependent adults, or minors, if the party
17 contacting or cooperating has a good-faith belief
18 that the information is relevant to the duties or
19 responsibilities of the entity.

20 b. A provision that prohibits any party to the
21 action from filing a complaint with or reporting a
22 violation of law to any government agency including
23 the department of human services, the department of
24 inspections and appeals, the department on aging, the
25 department of justice, law enforcement, and the office
26 of long-term care ombudsman; a licensing or regulatory
27 agency that has jurisdiction over any license or
28 certification held by the defendant; a protection and
29 advocacy agency recognized in section 135C.2; or the
30 defendant's current employer.

31 c. A provision that requires any party to the
32 action to withdraw a complaint filed with or a
33 violation reported to any government agency including
34 the department of human services, the department of
35 inspections and appeals, the department on aging, the
36 department of justice, law enforcement, and the office
37 of long-term care ombudsman; a licensing or regulatory
38 agency that has jurisdiction over any license or
39 certification held by the defendant; a protection and
40 advocacy agency recognized in section 135C.2; or the
41 defendant's current employer.

42 5. A protective order or approved consent agreement
43 shall be for a fixed period of time not to exceed one
44 year. The court may amend or extend its order or a
45 consent agreement at any time upon a petition filed by
46 either party and after notice and hearing. The court
47 may extend the order if the court, after hearing at
48 which the defendant has the opportunity to be heard,
49 finds that the defendant continues to pose a threat to
50 the safety of the vulnerable elder, persons residing

1 with the vulnerable elder, or members of the vulnerable
2 elder's immediate family, or continues to present a
3 risk of financial exploitation of the vulnerable elder.
4 The number of extensions that may be granted by the
5 court is not limited.

6 6. The order shall state whether a person is to be
7 taken into custody by a peace officer for a violation
8 of the terms stated in the order.

9 7. The court may order that the defendant pay the
10 attorney fees and court costs of the vulnerable elder
11 or substitute petitioner.

12 8. An order or approved consent agreement under
13 this section shall not affect title to real property.

14 9. A copy of any order or approved consent
15 agreement shall be issued to the plaintiff, the
16 defendant, the county sheriff of the county in which
17 the order or consent decree is initially entered, and
18 the twenty-four-hour dispatcher for the county sheriff.
19 Any subsequent amendment or revocation of an order or
20 consent agreement shall be forwarded by the clerk to
21 all individuals previously notified.

22 10. The clerk shall notify the county sheriff and
23 the twenty-four-hour dispatcher for the county sheriff
24 in writing so that the county sheriff and the county
25 sheriff's dispatcher receive written notice within six
26 hours of filing the order, approved consent agreement,
27 amendment, or revocation. The clerk may fulfill this
28 requirement by sending the notice by facsimile or other
29 electronic transmission which reproduces the notice in
30 writing within six hours of filing the order.

31 11. The county sheriff's dispatcher shall notify
32 all law enforcement agencies having jurisdiction over
33 the matter and the twenty-four-hour dispatcher for
34 the law enforcement agencies upon notification by the
35 clerk.

36 Sec. 7. NEW SECTION. 235F.7 Emergency orders.

37 1. When the court is unavailable from the close
38 of business at the end of the day or week to the
39 resumption of business at the beginning of the day or
40 week, a petition may be filed before a district judge,
41 or district associate judge designated by the chief
42 judge of the judicial district, who may grant emergency
43 relief in accordance with section 235F.6, subsection 1
44 or 2, if the district judge or district associate judge
45 deems it necessary to protect the vulnerable elder
46 from elder abuse, upon good cause shown in an ex parte
47 proceeding. Present danger of elder abuse constitutes
48 good cause for purposes of this subsection.

49 2. An emergency order issued under subsection 1
50 shall expire seventy-two hours after issuance. When

1 the order expires, the plaintiff may seek a temporary
2 order from the court pursuant to section 235F.5.

3 3. A petition filed and emergency order issued
4 under this section and any documentation in support of
5 the petition and order shall be immediately certified
6 to the court. The certification shall commence a
7 proceeding for purposes of section 235F.2.

8 Sec. 8. NEW SECTION. 235F.8 Procedure.

9 1. A proceeding under this chapter shall be held in
10 accordance with the rules of civil procedure, except
11 as otherwise set forth in this chapter and in chapter
12 664A, and is in addition to any other civil or criminal
13 remedy.

14 2. The plaintiff's right to relief under this
15 chapter is not affected by leaving the vulnerable
16 elder's home to avoid elder abuse.

17 DIVISION II

18 FINANCIAL EXPLOITATION OF VULNERABLE ELDERS

19 Sec. 9. NEW SECTION. 726.24 Financial exploitation
20 of a vulnerable elder.

21 1. A person commits financial exploitation of a
22 vulnerable elder when the person stands in a position
23 of trust or confidence with the vulnerable elder and
24 knowingly and by undue influence, deception, coercion,
25 fraud, or extortion, obtains control over or otherwise
26 uses or diverts the benefits, property, resources,
27 belongings, or assets of the vulnerable elder for the
28 person's own benefit or gain.

29 2. A person who commits financial exploitation
30 of a vulnerable elder is guilty of the following, as
31 applicable:

32 a. Financial exploitation in the fifth degree which
33 is a simple misdemeanor if the value of the funds,
34 benefits, property, resources, belongings, or assets is
35 two hundred dollars or less.

36 b. Financial exploitation in the fourth degree
37 which is a serious misdemeanor if the value of the
38 funds, benefits, property, resources, belongings, or
39 assets exceeds two hundred dollars but does not exceed
40 five hundred dollars.

41 c. Financial exploitation in the third degree which
42 is an aggravated misdemeanor if the value of the funds,
43 benefits, property, resources, belongings, or assets
44 exceeds five hundred dollars but does not exceed one
45 thousand dollars.

46 d. Financial exploitation in the second degree
47 which is a class "D" felony if the value of the funds,
48 benefits, property, resources, belongings, or assets
49 exceeds one thousand dollars but does not exceed ten
50 thousand dollars.

1 e. Financial exploitation in the first degree
2 which is a class "C" felony if the value of the funds,
3 benefits, property, resources, belongings, or assets
4 exceeds ten thousand dollars.

5 3. Nothing in this section shall be construed to
6 impose criminal liability on a person who has made a
7 good-faith effort to assist a vulnerable elder in the
8 management of the vulnerable elder's funds, benefits,
9 property, resources, belongings, or assets, but through
10 no fault of the person, the person has been unable to
11 provide such assistance or does not achieve the results
12 sought by the vulnerable elder.

13 4. For the purposes of this section:

14 a. "*Caretaker*" means the same as defined in section
15 235F.1.

16 b. "*Coercion*" means communication or conduct which
17 unduly compels a vulnerable elder to act or refrain
18 from acting against the vulnerable elder's will and
19 against the vulnerable elder's best interests.

20 c. "*Stands in a position of trust or confidence*"
21 means the person has any of the following relationships
22 relative to the vulnerable elder:

23 (1) Is a parent, spouse, adult child, or other
24 relative by consanguinity or affinity of the vulnerable
25 elder.

26 (2) Is a caretaker for the vulnerable elder other
27 than a facility or person governed by chapter 235E.

28 (3) Is a person who is in a confidential
29 relationship with the vulnerable elder. For the
30 purposes of this subparagraph (3), a confidential
31 relationship does not include a legal, fiduciary, or
32 ordinary commercial or transactional relationship the
33 vulnerable elder may have with a bank incorporated
34 under the provisions of any state or federal law,
35 any savings and loan association or savings bank
36 incorporated under the provisions of any state or
37 federal law, any credit union organized under the
38 provisions of any state or federal law, any attorney
39 licensed to practice law in the state, or any agent,
40 agency, or company regulated under chapter 505, 508,
41 515, or 543B.

42 d. "*Undue influence*" means taking advantage of a
43 person's role, relationship, or authority to improperly
44 change or obtain control over the actions or decision
45 making of a vulnerable elder against the vulnerable
46 elder's best interests.

47 e. "*Vulnerable elder*" means the same as defined in
48 section 235F.1.

49 Sec. 10. CODE EDITOR DIRECTIVES. The Code editor
50 shall create a new subchapter in chapter 726, entitled

1 "protection of vulnerable elders" that includes section
2 726.24, as enacted in this Act.

3 DIVISION III

4 ADDITIONAL PROVISIONS AND CONFORMING AMENDMENTS

5 Sec. 11. Section 13.2, subsection 1, Code 2014, is
6 amended by adding the following new paragraph:

7 NEW PARAGRAPH. o. Develop written procedures and
8 policies to be followed by prosecuting attorneys in the
9 prosecution of elder abuse and financial exploitation
10 of a vulnerable elder under chapter 235F and section
11 726.24.

12 Sec. 12. Section 13.31, subsection 3, Code 2014, is
13 amended to read as follows:

14 3. Administer the domestic abuse program provided
15 in chapter 236 and elder abuse actions commenced under
16 chapter 235F.

17 Sec. 13. Section 135B.7, Code 2014, is amended by
18 adding the following new subsection:

19 NEW SUBSECTION. 5. The department shall also adopt
20 rules requiring hospitals to establish and implement
21 protocols for responding to the needs of patients who
22 are victims of elder abuse, as defined in section
23 235F.1.

24 Sec. 14. Section 232.8, subsection 1, Code 2014, is
25 amended by adding the following new paragraph:

26 NEW PARAGRAPH. e. The juvenile court shall have
27 jurisdiction in proceedings commenced against a child
28 pursuant to section 235F.2 over which the district
29 court has waived its jurisdiction. The juvenile court
30 shall hear the action in the manner of an adjudicatory
31 hearing under section 232.47, subject to the following:

32 (1) The juvenile court shall abide by the
33 provisions of sections 235F.5 and 235F.6 in holding
34 hearings and making a disposition.

35 (2) The plaintiff is entitled to proceed pro se
36 under section 235F.3.

37 Sec. 15. Section 232.22, subsection 1, Code 2014,
38 is amended by adding the following new paragraph:

39 NEW PARAGRAPH. h. There is probable cause to
40 believe that the child has committed a delinquent
41 act which would be elder abuse under chapter 235F if
42 committed by an adult.

43 Sec. 16. Section 232.52, subsection 2, Code 2014,
44 is amended by adding the following new paragraph:

45 NEW PARAGRAPH. i. In the case of a child
46 adjudicated delinquent for an act which would be a
47 violation of chapter 235F if committed by an adult,
48 an order requiring the child to attend a batterers'
49 treatment program under section 708.2B.

50 Sec. 17. Section 235B.6, subsection 2, paragraph

1 e, subparagraph (5), Code 2014, is amended to read as
2 follows:

3 (5) ~~The office of the attorney for the department~~
4 ~~who is responsible for representing the department~~
5 general.

6 Sec. 18. Section 235B.6, subsection 3, Code 2014,
7 is amended to read as follows:

8 3. Access to unfounded dependent adult abuse
9 information is authorized only to those persons
10 identified in subsection 2, paragraph "a", paragraph
11 "b", subparagraphs (2), (5), and (6), and paragraph
12 "e", subparagraphs (2), (5), and (10).

13 Sec. 19. Section 331.424, subsection 1, paragraph
14 a, subparagraph (6), Code 2014, is amended to read as
15 follows:

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

35 Sec. 20. Section 562A.27A, subsection 3, paragraph
36 a, subparagraph (1), Code 2014, is amended to read as
37 follows:

38 (1) The tenant seeks a protective order,
39 restraining order, order to vacate the homestead, or
40 other similar relief pursuant to chapter 235F, 236,
41 598, 664A, or 915, or any other applicable provision
42 which would apply to the person conducting the
43 activities causing the clear and present danger.

44 Sec. 21. Section 562B.25A, subsection 3, paragraph
45 a, subparagraph (1), Code 2014, is amended to read as
46 follows:

47 (1) The tenant seeks a protective order,
48 restraining order, order to vacate the homestead, or
49 other similar relief pursuant to chapter 235F, 236,
50 598, 664A, or 915, or any other applicable provision

1 which would apply to the person conducting the
2 activities causing the clear and present danger.

3 Sec. 22. Section 598.7, subsection 1, Code 2014, is
4 amended to read as follows:

5 1. The district court may, on its own motion or
6 on the motion of any party, order the parties to
7 participate in mediation in any dissolution of marriage
8 action or other domestic relations action. Mediation
9 performed under this section shall comply with the
10 provisions of chapter 679C. The provisions of this
11 section shall not apply if the action involves a child
12 support or medical support obligation enforced by
13 the child support recovery unit. The provisions of
14 this section shall not apply to actions which involve
15 elder abuse as defined in section 235F.1 or domestic
16 abuse pursuant to chapter 236. The provisions of
17 this section shall not affect a judicial district's
18 or court's authority to order settlement conferences
19 pursuant to rules of civil procedure. The court shall,
20 on application of a party, grant a waiver from any
21 court-ordered mediation under this section if the party
22 demonstrates that a history of domestic abuse exists as
23 specified in section 598.41, subsection 3, paragraph
24 "j".

25 Sec. 23. Section 598.16, subsection 7, Code 2014,
26 is amended to read as follows:

27 7. Upon application, the court shall grant a waiver
28 from the requirements of this section if a party
29 demonstrates that a history of elder abuse, as defined
30 in section 235F.1, or domestic abuse, as defined in
31 section 236.2, exists.

32 a. In determining whether a history of elder abuse
33 exists, the court's consideration shall include but
34 is not limited to commencement of an action pursuant
35 to section 235F.2, the issuance of a court order or
36 consent agreement pursuant to section 235F.6, the
37 issuance of an emergency order pursuant to section
38 235F.7, the holding of a party in contempt pursuant to
39 section 664A.7, the response of a peace officer to the
40 scene of alleged elder abuse, or the arrest of a party
41 following response to a report of alleged elder abuse.

42 b. In determining whether a history of domestic
43 abuse exists, the court's consideration shall include
44 but is not limited to commencement of an action
45 pursuant to section 236.3, the issuance of a protective
46 order against a party or the issuance of a court order
47 or consent agreement pursuant to section 236.5, the
48 issuance of an emergency order pursuant to section
49 236.6, the holding of a party in contempt pursuant
50 to section 664A.7, the response of a peace officer

1 to the scene of alleged domestic abuse or the arrest
2 of a party following response to a report of alleged
3 domestic abuse, or a conviction for domestic abuse
4 assault pursuant to section 708.2A.

5 Sec. 24. Section 598.41, subsection 3, paragraph j,
6 Code 2014, is amended to read as follows:

7 j. Whether a history of elder abuse, as defined in
8 section 235F.1 or domestic abuse, as defined in section
9 236.2, exists.

10 (1) In determining whether a history of elder abuse
11 exists, the court's consideration shall include but
12 is not limited to commencement of an action pursuant
13 to section 235F.2, the issuance of a court order or
14 consent agreement pursuant to section 235F.6, the
15 issuance of an emergency order pursuant to section
16 235F.7, the holding of a party in contempt pursuant to
17 section 664A.7, the response of a peace officer to the
18 scene of alleged elder abuse or the arrest of a party
19 following response to a report of alleged elder abuse.

20 (2) In determining whether a history of domestic
21 abuse exists, the court's consideration shall include
22 but is not limited to commencement of an action
23 pursuant to section 236.3, the issuance of a protective
24 order against the parent or the issuance of a court
25 order or consent agreement pursuant to section 236.5,
26 the issuance of an emergency order pursuant to section
27 236.6, the holding of a parent in contempt pursuant
28 to section 664A.7, the response of a peace officer to
29 the scene of alleged domestic abuse or the arrest of
30 a parent following response to a report of alleged
31 domestic abuse, or a conviction for domestic abuse
32 assault pursuant to section 708.2A.

33 Sec. 25. Section 598.41D, subsection 4, paragraph
34 b, subparagraph (2), Code 2014, is amended to read as
35 follows:

36 (2) That the specified family member does not have
37 a history of elder abuse, as defined in section 235F.1
38 or domestic abuse, as defined in section 236.2.

39 (a) In determining whether a history of elder abuse
40 exists, the court's consideration shall include but
41 is not limited to commencement of an action pursuant
42 to section 235F.2, the issuance of a court order or
43 consent agreement pursuant to section 235F.6, the
44 issuance of an emergency order pursuant to section
45 235F.7, the holding of a party in contempt pursuant to
46 section 664A.7, the response of a peace officer to the
47 scene of alleged elder abuse or the arrest of a party
48 following response to a report of alleged elder abuse.

49 (b) In determining whether a history of domestic
50 abuse exists, the court's consideration shall include

1 but is not limited to commencement of an action
2 pursuant to section 236.3, the issuance of a protective
3 order against the individual or the issuance of a
4 court order or consent agreement pursuant to section
5 236.5, the issuance of an emergency order pursuant to
6 section 236.6, the holding of an individual in contempt
7 pursuant to section 664A.7, the response of a peace
8 officer to the scene of alleged domestic abuse or the
9 arrest of an individual following response to a report
10 of alleged domestic abuse, or a conviction for domestic
11 abuse assault pursuant to section 708.2A.

12 Sec. 26. Section 598.42, Code 2014, is amended to
13 read as follows:

14 598.42 Notice of certain orders by clerk of court.

15 The clerk of the district court shall provide notice
16 and copies of temporary or permanent protective orders
17 and orders to vacate the homestead entered pursuant
18 to this chapter to the applicable law enforcement
19 agencies and the twenty-four hour dispatcher for the
20 law enforcement agencies, in the manner provided for
21 protective orders under section 235F.6 or 236.5. The
22 clerk shall provide notice and copies of modifications
23 or vacations of these orders in the same manner.

24 Sec. 27. Section 602.6306, subsection 2, Code 2014,
25 is amended to read as follows:

26 2. District associate judges also have jurisdiction
27 in civil actions for money judgment where the amount
28 in controversy does not exceed ten thousand dollars;
29 jurisdiction over involuntary commitment, treatment,
30 or hospitalization proceedings under chapters 125 and
31 229; jurisdiction of indictable misdemeanors, class
32 "D" felony violations, and other felony arraignments;
33 jurisdiction to enter a temporary or emergency order of
34 protection under chapter 235F or 236, and to make court
35 appointments and set hearings in criminal matters;
36 jurisdiction to enter orders in probate which do not
37 require notice and hearing and to set hearings in
38 actions under chapter 633 or 633A; and the jurisdiction
39 provided in section 602.7101 when designated as a
40 judge of the juvenile court. While presiding in these
41 subject matters a district associate judge shall employ
42 district judges' practice and procedure.

43 Sec. 28. Section 611.23, Code 2014, is amended to
44 read as follows:

45 611.23 Civil actions involving allegations of elder
46 abuse, sexual abuse, or domestic abuse – counseling.

47 In a civil case in which a plaintiff is seeking
48 relief or damages for alleged elder abuse as defined
49 in section 235F.1, sexual abuse as defined in section
50 709.1, or domestic abuse as defined in section 236.2,

1 the plaintiff may seek, and the court may grant, an
2 order requiring the defendant to receive professional
3 counseling, in addition to any other appropriate relief
4 or damages.

5 Sec. 29. Section 664A.1, subsection 2, Code 2014,
6 is amended to read as follows:

7 2. "*Protective order*" means a protective order
8 issued pursuant to chapter 232, a court order or
9 court-approved consent agreement entered pursuant
10 to this chapter or chapter 235F, a court order or
11 court-approved consent agreement entered pursuant to
12 chapter 236, including a valid foreign protective
13 order under section 236.19, subsection 3, a temporary
14 or permanent protective order or order to vacate
15 the homestead under chapter 598, or an order that
16 establishes conditions of release or is a protective
17 order or sentencing order in a criminal prosecution
18 arising from a domestic abuse assault under section
19 708.2A, or a civil injunction issued pursuant to
20 section 915.22.

21 Sec. 30. Section 664A.2, subsection 2, Code 2014,
22 is amended to read as follows:

23 2. A protective order issued in a civil proceeding
24 shall be issued pursuant to chapter 232, 235F, 236, 598,
25 or 915. Punishment for a violation of a protective
26 order shall be imposed pursuant to section 664A.7.

27 Sec. 31. Section 664A.4, subsection 2, Code 2014,
28 is amended to read as follows:

29 2. The clerk of the district court shall
30 provide a notice and copy of the no-contact order
31 to the appropriate law enforcement agencies and the
32 twenty-four-hour dispatcher for the law enforcement
33 agencies in the same manner as provided in section
34 235F.6 or 236.5, as applicable. The clerk of the
35 district court shall provide a notice and copy of a
36 modification or vacation of a no-contact order in the
37 same manner.

38 Sec. 32. Section 664A.5, Code 2014, is amended to
39 read as follows:

40 664A.5 Modification – entry of permanent no-contact
41 order.

42 If a defendant is convicted of, receives a deferred
43 judgment for, or pleads guilty to a public offense
44 referred to in section 664A.2, subsection 1, or is
45 held in contempt for a violation of a no-contact order
46 issued under section 664A.3 or for a violation of
47 a protective order issued pursuant to chapter 232,
48 235F, 236, 598, or 915, the court shall either terminate
49 or modify the temporary no-contact order issued by the
50 magistrate. The court may enter a no-contact order or

1 continue the no-contact order already in effect for
2 a period of five years from the date the judgment is
3 entered or the deferred judgment is granted, regardless
4 of whether the defendant is placed on probation.

5 Sec. 33. Section 664A.7, subsections 1 and 5, Code
6 2014, are amended to read as follows:

7 1. Violation of a no-contact order issued under
8 this chapter or a protective order issued pursuant to
9 chapter 232, 235F, 236, or 598, including a modified
10 no-contact order, is punishable by summary contempt
11 proceedings.

12 5. Violation of a no-contact order entered for
13 the offense or alleged offense of domestic abuse
14 assault in violation of section 708.2A or a violation
15 of a protective order issued pursuant to chapter 232,
16 235F, 236, 598, or 915 constitutes a public offense and
17 is punishable as a simple misdemeanor. Alternatively,
18 the court may hold a person in contempt of court for
19 such a violation, as provided in subsection 3.

20 Sec. 34. Section 804.7, Code 2014, is amended by
21 adding the following new subsection:

22 NEW SUBSECTION. 7. If the peace officer has
23 reasonable grounds for believing that elder abuse
24 as defined in section 235F.1 has occurred and has
25 reasonable grounds for believing that the person to be
26 arrested has committed it.

27 Sec. 35. Section 915.23, subsection 1, Code 2014,
28 is amended to read as follows:

29 1. An employer shall not discharge an employee, or
30 take or fail to take action regarding an employee's
31 promotion or proposed promotion, or take action to
32 reduce an employee's wages or benefits for actual time
33 worked, due to the service of an employee as a witness
34 in a criminal proceeding or as a plaintiff, defendant,
35 or witness in a civil proceeding pursuant to chapter
36 235F or 236.

37 Sec. 36. NEW SECTION. 915.50A General rights of
38 elder abuse victims.

39 In addition to other victim rights provided in
40 this chapter, victims of elder abuse shall have the
41 following rights:

42 1. The right to file a pro se petition for relief
43 from elder abuse in the district court, pursuant to
44 chapter 235F.

45 2. The right to receive a criminal no-contact order
46 upon a finding of probable cause, pursuant to section
47 664A.3.

48 Sec. 37. Section 915.94, Code 2014, is amended to
49 read as follows:

50 915.94 Victim compensation fund.

1 A victim compensation fund is established as
2 a separate fund in the state treasury. Moneys
3 deposited in the fund shall be administered by the
4 department and dedicated to and used for the purposes
5 of section 915.41 and this subchapter. In addition,
6 the department may use moneys from the fund for the
7 purpose of the department's prosecutor-based victim
8 service coordination, including the duties defined in
9 sections 910.3 and 910.6 and this chapter, and for the
10 award of funds to programs that provide services and
11 support to victims of elder abuse as defined in section
12 235F.1, domestic abuse or sexual assault as provided in
13 chapter 236, to victims under section 710A.2, and for
14 the support of an automated victim notification system
15 established in section 915.10A. The department may
16 also use up to one hundred thousand dollars from the
17 fund to provide training for victim service providers.
18 Notwithstanding section 8.33, any balance in the fund
19 on June 30 of any fiscal year shall not revert to the
20 general fund of the state.

21 Sec. 38. CODE EDITOR DIRECTIVE. The Code editor
22 shall revise the subchapter VI heading under chapter
23 915 to read "Victims of domestic abuse, elder abuse,
24 and human trafficking".

25 DIVISION IV

26 AGENCY COLLABORATION AND REPORT

27 Sec. 39. AGENCY COLLABORATION AND REPORT. The
28 department on aging, department of human services,
29 department of inspections and appeals, and the office
30 of the attorney general shall collaborate and provide
31 written recommendations on strengthening Iowa's
32 elder abuse prevention, detection, and intervention
33 efforts. To the extent possible, the departments
34 and the office shall also include relevant budgetary
35 considerations including staff and system needs, in
36 their recommendations. If the departments and the
37 office cannot reach consensus to develop a unified
38 recommendation, the director of each department and the
39 attorney general shall each provide a separate written
40 report and an explanation of the differences in the
41 proposed recommendations. The written recommendations
42 and reports shall be submitted to the general assembly,
43 the governor, and the department of management on or
44 before August 15, 2014.

RECEIVED FROM THE HOUSE

HOUSE AMENDMENT TO
SENATE FILE 2299

S-5091

1 Amend Senate File 2299, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 33, after <testing.> by inserting
4 <A defendant whose alcohol concentration is .08 or more
5 shall be eligible for a temporary restricted license if
6 the person installs an ignition interlock device of a
7 type approved by the commissioner of public safety on
8 all vehicles owned or operated by the defendant if the
9 defendant seeks a temporary restricted license.>

10 2. Page 4, line 32, after <chapter.> by inserting
11 <A defendant whose alcohol concentration is .08 or more
12 shall be eligible for a temporary restricted license if
13 the person installs an ignition interlock device of a
14 type approved by the commissioner of public safety on
15 all vehicles owned or operated by the defendant if the
16 defendant seeks a temporary restricted license.>

17 3. By striking page 7, line 23, through page 9,
18 line 11.

19 4. By striking page 9, line 16, through page 10,
20 line 22, and inserting:

21 <1. a. (1) The department may, on application,
22 issue a temporary restricted license to a person whose
23 noncommercial driver's license is revoked under this
24 chapter allowing the person to drive for any lawful
25 purpose if the person's driver's license has not been
26 revoked previously under section 321J.4, 321J.9, or
27 321J.12.

28 (2) The department may, on application, issue
29 a temporary restricted license to a person whose
30 noncommercial driver's license is revoked under this
31 chapter allowing the person to drive to and from the
32 person's home and specified places at specified times
33 which can be verified by the department and which
34 are required by the person's full-time or part-time
35 employment, continuing health care or the continuing
36 health care of another who is dependent upon the
37 person, continuing education while enrolled in an
38 educational institution on a part-time or full-time
39 basis and while pursuing a course of study leading to a
40 diploma, degree, or other certification of successful
41 educational completion, substance abuse treatment,
42 court-ordered community service responsibilities, and
43 appointments with the person's parole or probation
44 officer if the person's driver's license has not been
45 revoked previously under section 321J.4, 321J.9, or
46 321J.12 and if any of the following apply:

47 ~~(1) (a) The person's noncommercial driver's~~
48 ~~license is revoked under section 321J.4 and the minimum~~
49 ~~period of ineligibility for issuance of a temporary~~
50 ~~restricted license has expired. This subsection~~

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Page 2

1 ~~shall not apply to a revocation ordered under section~~
2 ~~321J.4 resulting from a plea or verdict of guilty~~
3 ~~of a violation of section 321J.2 that involved a~~
4 ~~death except for a revocation under section 321J.4,~~
5 ~~subsection 1, paragraph "c" or "e".~~

6 ~~(2) (b) The person's noncommercial driver's~~
7 ~~license is revoked under section 321J.9 and the person~~
8 ~~has entered a plea of guilty on a charge of a violation~~
9 ~~of section 321J.2 which arose from the same set of~~
10 ~~circumstances which resulted in the person's driver's~~
11 ~~license revocation under section 321J.9 and the~~
12 ~~guilty plea is not withdrawn at the time of or after~~
13 ~~application for the temporary restricted license, and~~
14 ~~the minimum period of ineligibility for issuance of a~~
15 ~~temporary restricted license has expired.~~

16 ~~(3) (c) The person's noncommercial driver's~~
17 ~~license is revoked under section 321J.12, and the~~
18 ~~minimum period of ineligibility for issuance of a~~
19 ~~temporary restricted license has expired.~~

20 ~~b. A temporary restricted license may be issued~~
21 ~~under this subsection if the person's noncommercial~~
22 ~~driver's license is revoked for two years under section~~
23 ~~321J.4, subsection 2, or section 321J.9, subsection 1,~~
24 ~~paragraph "b", and the first three hundred sixty five~~
25 ~~days of the revocation have expired.>~~

26 5. Page 12, line 10, by striking <subsection
27 subsections 3 and 4> and inserting <subsection 3>

28 6. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-5091 FILED MARCH 26, 2014

HOUSE AMENDMENT TO
SENATE FILE 2319

S-5090

1 Amend Senate File 2319, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 1 through 11.

4 2. Page 1, line 17, by striking <The> and inserting
5 <Subject to an appropriation of funds by the general
6 assembly, the>

7 3. Page 1, line 18, after <agencies> by inserting
8 <and the department>

RECEIVED FROM THE HOUSE

S-5090 FILED MARCH 26, 2014

**HOUSE AMENDMENT TO
SENATE FILE 2320**

S-5089

1 Amend Senate File 2320, as passed by the Senate, as
2 follows:

3 1. Page 1, after line 29 by inserting:

4 <b. That if the legal representative of a member
5 also acts as a provider under a consumer-directed
6 attendant care agreement or under a community choices
7 option employment agreement, the agreement shall
8 include all of the following reasonable safeguards:

9 (1) That the payment rate for the legal
10 representative acting as a provider is fair and
11 reasonable based upon the skill level of the provider
12 and may not exceed the median statewide reimbursement
13 rate for the service unless the higher rate receives
14 prior approval from the department.

15 (2) That the legal representative acting as a
16 provider is not paid for more than forty hours of
17 service per week.

18 (3) A contingency plan for provision of services
19 provided by the legal representative acting as a
20 provider in the event the legal representative is
21 unable to provide the services due to illness or other
22 unexpected event.>

23 2. Page 1, line 30, by striking <b.> and inserting
24 c.>

25 3. Page 2, by striking lines 1 through 10 and
26 inserting:

27 <2. The department of human services shall amend
28 the medical assistance home and community-based
29 services waivers to replace agency-provided
30 consumer-directed attendant care services with personal
31 care services.>

32 4. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-5089 FILED MARCH 26, 2014

SENATE FILE 2339

S-5096

1 Amend Senate File 2339 as follows:

2 1. Page 3, lines 8 and 9, by striking <12, and 13,>
3 and inserting <and 12,>

4 2. Page 6, after line 21 by inserting:

5 7. This section is repealed on June 30, 2021.>

6 3. By renumbering as necessary.

By WILLIAM A. DOTZLER, JR.

S-5096 FILED MARCH 26, 2014

ADOPTED

SENATE FILE 2343

S-5098

1 Amend Senate File 2343 as follows:

2 1. Page 1, by striking lines 20 through 27 and
3 inserting:

4 <b. A facility that has been granted eligibility
5 pursuant to paragraph "a" for a natural gas
6 cogeneration facility incorporated within or associated
7 with an ethanol plant prior to July 1, 2014, shall not
8 be required to submit a new application if the facility
9 constructs or utilizes methane and landfill gas or
10 biogas cogeneration facilities on or after that date
11 and does not make any other significant changes to the
12 facility or to its status as an eligible facility under
13 paragraph "a".>

By ROBERT M. HOGG

S-5098 FILED MARCH 26, 2014

HOUSE FILE 2230

S-5095

1 Amend House File 2230, as passed by the House, as
2 follows:

3 1. Page 1, line 14, after <interstate,> by
4 inserting <so long as the equipment is without payload
5 and the movement does not violate posted weight
6 limitations on bridges,>

By RICH TAYLOR

S-5095 FILED MARCH 26, 2014

ADOPTED

S-5097

1 Amend House File 2273, as passed by the House, as
2 follows:

3 1. By striking page 2, line 30, through page 3,
4 line 9, and inserting:

5 <DIVISION ____
6 VEHICLE REGISTRATION FEES AND RENTAL TAXATION
7 Sec. ____ Section 321.105A, subsection 2, paragraph
8 c, subparagraph (6), Code 2014, is amended to read as
9 follows:

10 (6) Vehicles, excluding motorcycles and motorized
11 bicycles, subject to registration in any state when
12 purchased for rental or registered and titled by a
13 motor vehicle dealer licensed pursuant to chapter 322
14 for rental use, and held for rental for a period of one
15 hundred twenty days or more and actually rented for
16 periods of sixty days or less by a person regularly
17 engaged in the business of renting vehicles, including
18 but not limited to motor vehicle dealers licensed
19 pursuant to chapter 322 who rent automobiles to users,
20 if the rental of the vehicles is subject to taxation
21 under section 423.2 or chapter 423C.

22 Sec. ____ Section 423.2, subsection 6, paragraph a,
23 Code 2014, is amended to read as follows:

24 a. The sales price of any of the following
25 enumerated services is subject to the tax imposed
26 by subsection 5: alteration and garment repair;
27 armored car; vehicle repair; battery, tire, and
28 allied; investment counseling; service charges of
29 all financial institutions; barber and beauty; boat
30 repair; vehicle wash and wax; campgrounds; carpentry;
31 roof, shingle, and glass repair; dance schools
32 and dance studios; dating services; dry cleaning,
33 pressing, dyeing, and laundering; electrical and
34 electronic repair and installation; excavating and
35 grading; farm implement repair of all kinds; flying
36 service; furniture, rug, carpet, and upholstery
37 repair and cleaning; fur storage and repair; golf and
38 country clubs and all commercial recreation; gun and
39 camera repair; house and building moving; household
40 appliance, television, and radio repair; janitorial and
41 building maintenance or cleaning; jewelry and watch
42 repair; lawn care, landscaping, and tree trimming
43 and removal; limousine service, including driver;
44 machine operator; machine repair of all kinds; motor
45 repair; motorcycle, scooter, and bicycle repair;
46 oilers and lubricators; office and business machine
47 repair; painting, papering, and interior decorating;
48 parking facilities; pay television; pet grooming; pipe
49 fitting and plumbing; wood preparation; executive
50 search agencies; private employment agencies, excluding

S-5097

1 services for placing a person in employment where the
2 principal place of employment of that person is to be
3 located outside of the state; reflexology; security
4 and detective services, excluding private security
5 and detective services furnished by a peace officer
6 with the knowledge and consent of the chief executive
7 officer of the peace officer's law enforcement
8 agency; sewage services for nonresidential commercial
9 operations; sewing and stitching; shoe repair and
10 shoeshine; sign construction and installation;
11 storage of household goods, mini-storage, and
12 warehousing of raw agricultural products; swimming
13 pool cleaning and maintenance; tanning beds or salons;
14 taxidermy services; telephone answering service; test
15 laboratories, including mobile testing laboratories and
16 field testing by testing laboratories, and excluding
17 tests on humans or animals; termite, bug, roach,
18 and pest eradicators; tin and sheet metal repair;
19 transportation service consisting of the rental of
20 recreational vehicles or recreational boats, or the
21 rental of ~~motor~~ vehicles subject to registration which
22 are registered for a gross weight of thirteen tons
23 or less for a period of sixty days or less, or the
24 rental of aircraft for a period of sixty days or less;
25 Turkish baths, massage, and reducing salons, excluding
26 services provided by massage therapists licensed
27 under chapter 152C; water conditioning and softening;
28 weighing; welding; well drilling; wrapping, packing,
29 and packaging of merchandise other than processed meat,
30 fish, fowl, and vegetables; wrecking service; wrecker
31 and towing.>

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

35 3. By renumbering as necessary.

By DR. JOE M. SENG

HOUSE FILE 2289

S-5099

1 Amend the amendment, S-5063, to House File 2289,
2 as amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by striking lines 5 through 24 and
5 inserting:

6 <Section 1. NEW SECTION. 321.492B Use of
7 unmanned aerial vehicle - prohibition - traffic law
8 enforcement.

9 The state or a political subdivision of the state
10 shall not use an unmanned aerial vehicle for traffic
11 law enforcement.>

12 2. Page 1, line 28, after <is> by inserting <not>

13 3. Page 1, line 29, by striking <if> and inserting
14 <unless>

15 4. Page 1, by striking lines 31 through 33 and
16 inserting <or unless the information is otherwise
17 obtained in a manner that is consistent with state and
18 federal law.>

19 5. Page 1, line 50, after <shall> by inserting
20 <examine whether the Iowa criminal code should be
21 modified to regulate the use of unmanned aerial
22 vehicles, shall>

23 6. Page 2, by striking lines 5 and 6 and inserting:

24 <____. Title page, by striking lines 1 and 2 and
25 inserting <An Act relating to the regulation and use of
26 unmanned aerial vehicles.>>

27 7. By renumbering as necessary.

By RICH TAYLOR
CHARLES SCHNEIDER

S-5099 FILED MARCH 26, 2014



SF 2319 – Dyslexia and Students in Schools (LSB 5570SV.2)
Analyst: John Parker (Phone: (515) 725-2249) (john.parker@legis.iowa.gov)
Fiscal Note Version – As amended and passed by the House

Description

Senate File 2319, as amended by **S-5090**, requires the Iowa Reading Research Center (IRRC) to collaborate and coordinate with the Area Education Agencies (AEAs) and the Department of Education (DE) to develop and offer school districts no-cost professional development services. The professional development services are to enhance the skills of elementary teachers in the use of evidence-based strategies to improve the literacy skills of all students. This requirement is subject to an appropriation by the General Assembly.

Currently, school districts are required to assist students assessed as exhibiting a substantial deficiency in the skills to read at grade level. **Senate File 2319** requires the assistance to include but not be limited to strategies that formally address dyslexia. Dyslexia is defined in this Bill.

House amendment **S-5090** preserves the name of the Iowa Reading Research Center as established during the 2012 Legislative Session. This Bill as passed by the Senate changed the name of the Iowa Reading Research Center to the Iowa Reading Resource Center.

Background

The Iowa Reading Research Center was established during the 2012 Legislative Session. The Center received a General Fund appropriation of \$2.7 million for FY 2013 and \$1.3 million for FY 2014. School districts received a General Fund appropriation of \$8.0 million for FY 2014 to assist students identified as having a substantial deficiency in reading with intensive instructional supports and services.

Assumptions

The following assumptions were used to determine the development costs, delivery costs, and providing substitute teachers for full-time teachers participating in development services relating to early literacy:

Overall Assumptions

- The DE indicates two grade levels (chosen from kindergarten through 3rd grade) of professional development will be developed and delivered in each of the next two years.
- Approximately 5,802 teachers (includes public and nonpublic teachers) will participate in the professional development training in the first and second years. The teacher count represents the average FTE positions dedicated to two grade levels in grades K-3.
- If all elementary teachers (K-5) participate in the professional development training over the next two years, a total of 17,018 will complete the training with half (8,509) completing the training each year. This analysis is included in the summary of impacts section.

Development Costs

- Contracting with two national experts for 60 days will cost \$1,500 per day per expert.
- Travel expenses for the two national experts for two on-location trips will cost \$2,000 per trip.
- Printing 300 pages of training materials for the teachers will cost \$0.15 per page.

Delivery Costs

- Professional development will require five days of training.
- A total of 39 training sessions will be required if the sessions are limited to 150 teachers in each session assuming two grade levels from K-3 participate in the training over the next two years. A total of 57 training sessions will be required assuming all elementary teachers (K-5) participate in the training over two years.
- Renting space to deliver the professional development training will cost \$800 per day.
- Meals for the participants will cost \$4,000 per day.
- Materials and handouts for participants will cost \$1,000 per day.
- Travel for the participants and trainers will cost \$3,700 per day.
- Trainers delivering the professional development will cost \$2,500 per day.

Substitute Teacher Replacement

- Professional development training will take place during the school year and will require substitute teachers for teachers participating in the training.
- Substitute teachers will be required for five days at an average cost of \$110 per day.
- School districts will be required to pay for the substitute teachers using current revenue sources.

Fiscal Impact

Training limited to two grade levels from K-3 teachers

The following impacts are to the General Fund for FY 2015 assuming 5,802 teachers complete the training:

Development Costs	
Contracting with two experts - cost per day	\$ 3,000
Number of days	60
Travel expenses	4,000
Subtotal:	<u>\$ 184,000</u>
Printing 300 pages for 5,802 teachers:	261,090
Total Costs for the IRRC to Develop Content and Materials:	<u>\$ 445,090</u>
Delivery Costs	
	<u>Cost Per Day</u>
Rental Space	\$ 800
Meals for participants	4,000
Materials and handouts	1,000
Travel expenses for the participants and trainers	3,700
Trainer's cost to deliver the training	2,500
Total for one day of training:	<u>\$ 12,000</u>
Total cost for five days of training:	<u>\$ 60,000</u>
Total cost to offer 39 training sessions to cover all teachers:	<u>\$ 2,340,000</u>
Total General Fund impact of Development and Delivery:	<u>\$ 2,785,090</u>

The impact to the General Fund in FY 2016 will only include delivery cost for 5,802 teachers and will be similar to the FY 2015 estimate of \$2.3 million.

School districts will be required to pay for substitute teachers when full-time teachers are participating in the professional development. The impact to school districts providing substitute teachers for five days is estimated to cost \$3.2 million statewide for FY 2015 and FY 2016.

Training for half of all FTE positions in K-5 over the next two years

The following impacts are to the General Fund for FY 2015 assuming 8,509 or half of the total FTE positions in K-5 complete the training:

Development Costs	
Contracting with two experts - cost per day	\$ 3,000
Number of days	60
Travel expenses	<u>4,000</u>
Subtotal:	<u>\$ 184,000</u>
Printing 300 pages for 8,509 teachers:	<u>382,905</u>
Total Costs for the IRRC to Develop Content and Materials:	<u>\$ 566,905</u>
Delivery Costs	
	<u>Cost Per Day</u>
Rental Space	\$ 800
Meals for participants	4,000
Materials and handouts	1,000
Travel expenses for the participants and trainers	3,700
Trainer's cost to deliver the training	<u>2,500</u>
Total for one day of training:	<u>\$ 12,000</u>
Total cost for five days of training:	<u>\$ 60,000</u>
Total cost to offer 57 training sessions to cover all teachers:	<u>\$ 3,420,000</u>
Total General Fund impact of Development and Delivery:	<u>\$ 3,986,905</u>

The impact to the General Fund in FY 2016 will only include delivery cost for the remaining 8,509 teachers in grades K-5 and will be similar to the FY 2015 estimate of \$3.4 million.

School districts will be required to pay for substitute teachers when full-time teachers are participating in the professional development. The impact to school districts providing substitute teachers for five days is estimated to cost \$4.7 million statewide for FY 2015 and FY 2016.

Sources

Department of Education
Iowa Reading Research Center

/s/ Holly M. Lyons

March 26, 2014

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