

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

APRIL 3, 2014

**HOUSE AMENDMENT TO  
SENATE FILE 2196**

**S-5117**

1 Amend Senate File 2196, as passed by the Senate, as  
2 follows:  
3 1. By striking page 1, line 26, through page 4,  
4 line 18.  
5 2. Page 4, line 20, by striking <- FUTURE>  
6 3. Page 4, by striking line 21.  
7 4. Page 4, line 28, by striking <135.176> and  
8 inserting <135.176,>  
9 5. Page 4, by striking lines 30 and 31 and  
10 inserting <~~section 135.178, the health care~~  
11 ~~professional and Iowa needs nurses now initiative~~  
12 ~~created in sections 261.128 and section 261.129,>~~  
13 6. Page 4, line 33, before <and> by inserting <the  
14 fulfilling Iowa's need for dentists matching grant  
15 program created in section 135.179,>  
16 7. Page 5, before line 1 by inserting:  
17 <Sec. \_\_\_\_ . Section 135.175, subsection 5, paragraph  
18 b, Code 2014, is amended to read as follows:  
19 b. The ~~health care professional and Iowa needs~~  
20 ~~nurses now initiative account. The health care~~  
21 ~~professional and Iowa needs nurses now initiative~~  
22 ~~account shall be under the control of the college~~  
23 ~~student aid commission created in section 261.1 and the~~  
24 ~~moneys in the account shall be used for the purposes of~~  
25 ~~the health care professional incentive payment program~~  
26 ~~and the Iowa needs nurses now initiative as specified~~  
27 ~~in sections 261.128 and section 261.129. Moneys in~~  
28 ~~the account shall consist of moneys appropriated or~~  
29 ~~allocated for deposit in or received by the fund or the~~  
30 ~~account and specifically dedicated to the health care~~  
31 ~~professional and Iowa needs nurses now initiative or~~  
32 ~~the account for the purposes of the account.>~~  
33 8. Page 5, line 1, by striking <b,>  
34 9. Page 5, line 2, by striking <f,>  
35 10. Page 5, after line 2 by inserting:  
36 <Sec. \_\_\_\_ . Section 135.175, subsection 5, Code  
37 2014, is amended by adding the following new paragraph:  
38 NEW PARAGRAPH. h. The fulfilling Iowa's need  
39 for dentists matching grant program account. The  
40 fulfilling Iowa's need for dentists matching grant  
41 program account shall be under the control of the  
42 department and the moneys in the account shall be used  
43 for the purposes of the fulfilling Iowa's need for  
44 dentists matching grant program as specified in section  
45 135.179. Moneys in the account shall consist of moneys  
46 appropriated or allocated for deposit in the account or  
47 received by the fund or the account and specifically  
48 dedicated to the fulfilling Iowa's need for dentists  
49 matching grant program account for the purposes of such  
50 account.>

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1 11. Page 5, line 11, by striking ~~<the Iowa needs~~  
2 ~~nurses now initiative,>~~ and inserting ~~<the Iowa needs~~  
3 ~~nurses now initiative,>~~

4 12. Page 5, line 12, before ~~<for>~~ by inserting ~~<the~~  
5 ~~fulfilling Iowa's need for dentists matching grant~~  
6 ~~program,>~~

7 13. Page 5, lines 14 and 15, by striking ~~<for the~~  
8 ~~purposes of the Iowa needs nurses now infrastructure~~  
9 ~~account,>~~ and inserting ~~<for the purposes of the Iowa~~  
10 ~~needs nurses now infrastructure account,>~~

11 14. Page 6, by striking lines 1 and 2 and  
12 inserting:

13 <Sec. \_\_\_\_\_. Section 135.175, subsection 9, Code  
14 2014, is amended by striking the subsection.

15 Sec. \_\_\_\_\_. Section 135.176, subsection 3, Code 2014,  
16 is amended by striking the subsection.

17 Sec. \_\_\_\_\_. NEW SECTION. 135.179 Fulfilling Iowa's  
18 need for dentists.

19 1. The department, in cooperation with a dental  
20 nonprofit health service corporation, shall create the  
21 fulfilling Iowa's need for dentists matching grant  
22 program.

23 2. Funding for the program may be provided through  
24 the health care workforce shortage fund or the  
25 fulfilling Iowa's need for dentists matching grant  
26 program account created in section 135.175. The  
27 purpose of the program is to establish, expand, or  
28 support the placement of dentists in dental or rural  
29 shortage areas across the state by providing education  
30 loan repayments.

31 3. The department shall contract with a dental  
32 nonprofit health service corporation to implement and  
33 administer the program. The dental nonprofit health  
34 service corporation shall provide loan repayments to  
35 dentists who practice in a dental or rural shortage  
36 area as defined by the department.

37 Sec. \_\_\_\_\_. Section 261.2, subsection 10, Code 2014,  
38 is amended to read as follows:

39 10. Administer ~~the health care professional~~  
40 ~~incentive payment program established in section~~  
41 ~~261.128~~ and the Iowa needs nurses now initiative  
42 created in section 261.129. This subsection is  
43 repealed June 30, ~~2014~~ 2016.

44 Sec. \_\_\_\_\_. Section 261.129, subsection 1, paragraph  
45 a, Code 2014, is amended to read as follows:

46 a. The commission shall establish a nurse educator  
47 incentive payment program. Funding for the program  
48 may be provided through the health care workforce  
49 shortage fund or the ~~health care professional and~~  
50 Iowa needs nurses now initiative account created in

1 section 135.175. For the purposes of this subsection,  
2 "nurse educator" means a registered nurse who holds a  
3 master's degree or doctorate degree and is employed  
4 as a faculty member who teaches nursing in a nursing  
5 education program as provided in 655 IAC 2.6 at a  
6 community college, an accredited private institution,  
7 or an institution of higher education governed by the  
8 state board of regents.

9 Sec. \_\_\_\_\_. Section 261.129, subsection 2, paragraph  
10 a, Code 2014, is amended to read as follows:

11 a. The commission shall establish a nursing faculty  
12 fellowship program to provide funds to nursing schools  
13 in the state, including but not limited to nursing  
14 schools located at community colleges, for fellowships  
15 for individuals employed in qualifying positions on  
16 the nursing faculty. Funding for the program may be  
17 provided through the health care workforce shortage  
18 fund or ~~the health care professional~~ and the Iowa  
19 needs nurses now initiative account created in section  
20 135.175. The program shall be designed to assist  
21 nursing schools in filling vacancies in qualifying  
22 positions throughout the state.

23 Sec. \_\_\_\_\_. Section 261.129, subsection 3, paragraph  
24 a, Code 2014, is amended to read as follows:

25 a. The commission shall establish a nurse educator  
26 scholarship program. Funding for the program may be  
27 provided through the health care workforce shortage  
28 fund or ~~the health care professional~~ and the Iowa  
29 needs nurses now initiative account created in section  
30 135.175. The goal of the nurse educator scholarship  
31 program is to address the waiting list of qualified  
32 applicants to Iowa's nursing schools by providing  
33 incentives for the training of additional nursing  
34 educators. For the purposes of this subsection, "nurse  
35 educator" means a registered nurse who holds a master's  
36 degree or doctorate degree and is employed as a faculty  
37 member who teaches nursing in a nursing education  
38 program as provided in 655 IAC 2.6 at a community  
39 college, an accredited private institution, or an  
40 institution of higher education governed by the state  
41 board of regents.

42 Sec. \_\_\_\_\_. Section 261.129, subsection 4, paragraph  
43 a, Code 2014, is amended to read as follows:

44 a. The commission shall establish a nurse educator  
45 scholarship-in-exchange-for-service program. Funding  
46 for the program may be provided through the health care  
47 workforce shortage fund or the ~~health care professional~~  
48 ~~and~~ Iowa needs nurses now initiative account created  
49 in section 135.175. The goal of the nurse educator  
50 scholarship-in-exchange-for-service program is to

1 address the waiting list of qualified applicants to  
2 Iowa's nursing schools by providing incentives for the  
3 education of additional nursing educators. For the  
4 purposes of this subsection, "nurse educator" means  
5 a registered nurse who holds a master's degree or  
6 doctorate degree and is employed as a faculty member  
7 who teaches nursing in a nursing education program  
8 as provided in 655 IAC 2.6 at a community college,  
9 an accredited private institution, or an institution  
10 of higher education governed by the state board of  
11 regents.

12 Sec. \_\_\_\_\_. Section 261.129, subsection 5, Code 2014,  
13 is amended to read as follows:

14 5. Repeal. This section is repealed June 30, ~~2014~~  
15 2016.>

16 15. Page 6, before line 3 by inserting:

17 <DIVISION \_\_\_\_  
18 HEALTH CARE WORKFORCE SUPPORT INITIATIVE ACCOUNTS -  
19 FUTURE PROVISIONS

20 Sec. \_\_\_\_\_. Section 135.175, subsection 1, paragraph  
21 a, Code 2014, as amended by this Act, is amended to  
22 read as follows:

23 a. A health care workforce support initiative is  
24 established to provide for the coordination and support  
25 of various efforts to address the health care workforce  
26 shortage in this state. This initiative shall include  
27 the medical residency training state matching grants  
28 program created in section 135.176, ~~the Iowa needs~~  
29 ~~nurses now initiative created in section 261.129,~~ the  
30 fulfilling Iowa's need for dentists matching grant  
31 program created in section 135.179, and health care  
32 workforce shortage national initiatives.

33 Sec. \_\_\_\_\_. Section 135.175, subsection 5, paragraph  
34 b, Code 2014, as amended by this Act, is amended by  
35 striking the paragraph.

36 Sec. \_\_\_\_\_. Section 135.175, subsection 5, paragraph  
37 f, Code 2014, is amended by striking the paragraph.

38 Sec. \_\_\_\_\_. Section 135.175, subsection 6, paragraph  
39 a, Code 2014, as amended by this Act, is amended to  
40 read as follows:

41 a. Moneys in the fund and the accounts in the fund  
42 shall only be appropriated in a manner consistent  
43 with the principles specified and the strategic plan  
44 developed pursuant to sections 135.163 and 135.164 to  
45 support the medical residency training state matching  
46 grants program, ~~the Iowa needs nurses now initiative,~~  
47 the fulfilling Iowa's need for dentists matching grant  
48 program, for national health care workforce shortage  
49 initiatives, ~~for the purposes of the Iowa needs nurses~~  
50 ~~now infrastructure account,~~ and to provide funding

1 for state health care workforce shortage programs as  
2 provided in this section.

3 Sec. \_\_\_\_ EFFECTIVE DATE. This division of this  
4 Act takes effect July 1, 2016.>

5 16. Page 8, after line 3 by inserting:

6 <DIVISION \_\_\_\_  
7 BOARD OF MEDICINE MEMBERSHIP

8 Sec. \_\_\_\_ Section 148.2A, subsection 2, paragraph  
9 e, subparagraphs (3) and (4), Code 2014, are amended  
10 to read as follows:

11 (3) ~~The majority of a~~ At least half of the members  
12 of a hearing panel containing alternate members shall  
13 be current members of the board.

14 (4) ~~The majority of a~~ At least half of the members  
15 of a hearing panel containing alternate members shall  
16 be licensed to practice under this chapter.>

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

18 <DIVISION \_\_\_\_  
19 IOWA HEALTH INFORMATION NETWORK

20 Sec. \_\_\_\_ Section 135.154, Code 2014, is amended by  
21 adding the following new subsections:

22 NEW SUBSECTION. 3A. "Care coordination" means  
23 the management of all aspects of a patient's care to  
24 improve health care quality, patient outcomes, and  
25 patient safety.

26 NEW SUBSECTION. 19A. "Public health activities"  
27 means actions taken by a participant in its capacity as  
28 a public health authority under the Health Insurance  
29 Portability and Accountability Act or as required or  
30 permitted by other federal or state law.

31 NEW SUBSECTION. 23. "Record locator service"  
32 means the functionality of the Iowa health information  
33 network that queries data sources to locate and  
34 identify potential patient records.

35 Sec. \_\_\_\_ Section 135.156D, subsection 2, Code  
36 2014, is amended to read as follows:

37 2. The Iowa health information network shall  
38 not function as a central repository of all health  
39 information including but not limited to an all-payer  
40 claims database or data warehouse.

41 Sec. \_\_\_\_ Section 135.156E, subsection 13, Code  
42 2014, is amended to read as follows:

43 13. Unless otherwise provided in this division,  
44 when ~~using~~ sharing health information through the  
45 Iowa health information network or a private health  
46 information network maintained in this state that  
47 complies with the privacy and security requirements of  
48 this chapter for the purposes of patient treatment,  
49 a health care professional or a hospital payment or  
50 health care operations, as such terms are defined in

1 the Health Insurance Portability and Accountability  
2 Act, or for the purposes of public health activities  
3 or care coordination, a participant authorized by the  
4 department to use the record locator service is exempt  
5 from any other state law that is more restrictive than  
6 the Health Insurance Portability and Accountability Act  
7 that would otherwise prevent or hinder the exchange  
8 of patient information by the ~~patient's health care~~  
9 ~~professional or hospital participant.~~>  
10 18. By renumbering, redesignating, and correcting  
11 internal references as necessary.

RECEIVED FROM THE HOUSE

SENATE FILE 2311

S-5121

1 Amend the House amendment, S-5086, to Senate File  
2 2311, as passed by the Senate, as follows:

3 1. By striking page 1, line 5, through page 3, line  
4 6, and inserting:

5 <Section 1. Section 80B.10, Code 2014, is amended  
6 to read as follows:

7 80B.10 Annual report.

8 The council shall make an annual report to the  
9 governor, the attorney general, and the commissioner  
10 of public safety which shall include pertinent data  
11 regarding the standards established and the degree of  
12 participation of agencies in the training program. The  
13 report required by this section shall specifically  
14 include data regarding academy resources devoted to  
15 training relating to human trafficking.

16 Sec. 2. Section 602.8102, subsection 135A, Code  
17 2014, is amended to read as follows:

18 135A. Assess the surcharges provided by sections  
19 911.1, 911.2, 911.2A, 911.3, and 911.4.

20 Sec. 3. Section 602.8108, subsection 2, Code 2014,  
21 is amended to read as follows:

22 2. Except as otherwise provided, the clerk of the  
23 district court shall report and submit to the state  
24 court administrator, not later than the fifteenth  
25 day of each month, the fines and fees received during  
26 the preceding calendar month. Except as provided in  
27 subsections 3, 4, 5, 5A, 7, 8, 9, and 10, the state  
28 court administrator shall deposit the amounts received  
29 with the treasurer of state for deposit in the general  
30 fund of the state. The state court administrator shall  
31 report to the legislative services agency within thirty  
32 days of the beginning of each fiscal quarter the amount  
33 received during the previous quarter in the account  
34 established under this section.

35 Sec. 4. Section 602.8108, Code 2014, is amended by  
36 adding the following new subsection:

37 NEW SUBSECTION. 5A. The clerk of the district  
38 court shall remit all moneys collected from the  
39 assessment of the human trafficking victim surcharge  
40 provided in section 911.2A to the state court  
41 administrator no later than the fifteenth day of each  
42 month for deposit in the human trafficking victim fund  
43 created in section 915.95.

44 Sec. 5. Section 710.10, Code 2014, is amended by  
45 adding the following new subsection:

46 NEW SUBSECTION. 7. For purposes of this section,  
47 methods of enticement include but are not limited  
48 to personal contact and communication by any means  
49 including through the mail, telephone, internet, or  
50 any social media, and include text messages, instant

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1 messages, and electronic mail.

2 Sec. 6. Section 725.1, Code 2014, is amended to  
3 read as follows:

4 725.1 Prostitution.

5 1. a. Except as provided in paragraph "b",  
6 a person who sells or offers for sale the person's  
7 services as a partner in a sex act commits an  
8 aggravated misdemeanor. ~~7-07~~

9 b. If the person who sells or offers for sale the  
10 person's services as a partner in a sex act is under  
11 the age of eighteen. The county attorney may elect, in  
12 lieu of filing a petition alleging that the person has  
13 committed a delinquent act, to refer that person to the  
14 department of human services for the possible filing  
15 of a petition alleging that the person is a child in  
16 need of assistance.

17 c. If the person who sells or offers for sale the  
18 person's services as a partner in a sex act is under  
19 the age of eighteen, upon the expiration of two years  
20 following the person's conviction for a violation  
21 of paragraph "a" or of a similar local ordinance,  
22 the person may petition the court to expunge the  
23 conviction, and if the person has had no other criminal  
24 convictions, other than local traffic violations or  
25 simple misdemeanor violations of chapter 321 during the  
26 two-year period, the conviction shall be expunged as  
27 a matter of law. The court shall enter an order that  
28 the record of the conviction be expunged by the clerk  
29 of the district court. Notwithstanding section 692.2,  
30 after receipt of notice from the clerk of the district  
31 court that a record of conviction has been expunged for  
32 a violation of paragraph "a", the record of conviction  
33 shall be removed from the criminal history data files  
34 maintained by the department of public safety.

35 2. a. Except as provided in paragraph "b", a  
36 person who purchases or offers to purchase ~~such~~ another  
37 person's services, as a partner in a sex act commits  
38 an aggravated misdemeanor.

39 b. A person who purchases or offers to purchase  
40 services as a partner in a sex act from a person who is  
41 under the age of eighteen commits a class "D" felony.

42 Sec. 7. Section 725.2, Code 2014, is amended to  
43 read as follows:

44 725.2 Pimping.

45 1. A person who solicits a patron for a prostitute,  
46 or who knowingly takes or shares in the earnings of  
47 a prostitute, or who knowingly furnishes a room or  
48 other place to be used for the purpose of prostitution,  
49 whether for compensation or not, commits a class "D"  
50 felony.

1       2. A person who solicits a patron for a prostitute  
2 who is under the age of eighteen, or who knowingly  
3 takes or shares in the earnings of a prostitute who is  
4 under the age of eighteen, or who knowingly furnishes  
5 a room or other place to be used for the purposes of  
6 prostitution of a prostitute who is under the age of  
7 eighteen, whether for compensation or not, commits a  
8 class "C" felony.

9       3. It shall be an affirmative defense to a  
10 prosecution of a person under the age of twenty-one  
11 for a violation of this section that the person was  
12 allowed, permitted, or encouraged by an adult having  
13 influence or control of the person to engage in acts  
14 prohibited pursuant to section 725.1, subsection 1,  
15 while the person was under the age of eighteen.

16       Sec. 8. NEW SECTION. 802.2B Other sexual offenses.

17       An information or indictment for the following  
18 offenses committed on or with a person who is under the  
19 age of eighteen years shall be found within ten years  
20 after the person upon whom the offense is committed  
21 attains eighteen years of age, or if the person  
22 against whom the information or indictment is sought  
23 is identified through the use of a DNA profile, an  
24 information or indictment shall be found within three  
25 years from the date the person is identified by the  
26 person's DNA profile, whichever is later:

27       1. Lascivious acts with a child in violation of  
28 section 709.8.

29       2. Assault with intent to commit sexual abuse in  
30 violation of section 709.11.

31       3. Indecent contact with a child in violation of  
32 section 709.12.

33       4. Lascivious conduct with a minor in violation of  
34 section 709.14.

35       5. Sexual misconduct with a juvenile in violation  
36 of section 709.16, subsection 2.

37       6. Sexual exploitation of a minor in violation of  
38 section 728.12.

39       Sec. 9. Section 802.3, Code 2014, is amended to  
40 read as follows:

41       802.3 Felony – aggravated or serious misdemeanor.

42       In all cases, except those enumerated in section  
43 802.1, 802.2, 802.2A, 802.2B, or 802.10, an indictment  
44 or information for a felony or aggravated or serious  
45 misdemeanor shall be found within three years after its  
46 commission.

47       Sec. 10. Section 802.10, subsection 3, Code 2014,  
48 is amended to read as follows:

49       3. However, notwithstanding subsection 2, an  
50 indictment or information shall be found against a

1 person within three years from the date the person is  
2 identified by the person's DNA profile. If the action  
3 involves sexual abuse, or another sexual offense the  
4 indictment or information shall be found as provided in  
5 section 802.2 or 802.2B, if the person is identified by  
6 the person's DNA profile.

7 Sec. 11. Section 808B.3, Code 2014, is amended by  
8 adding the following new subsection:

9 NEW SUBSECTION. 6. A felony offense involving  
10 human trafficking in violation of chapter 710A.

11 Sec. 12. Section 902.9, subsection 2, Code 2014, is  
12 amended to read as follows:

13 2. The surcharges required by sections 911.1,  
14 911.2, 911.2A, and 911.3 shall be added to a fine  
15 imposed on a class "C" or class "D" felon, as provided  
16 by those sections, and are not a part of or subject to  
17 the maximums set in this section.

18 Sec. 13. Section 903.1, subsection 4, Code 2014, is  
19 amended to read as follows:

20 4. The surcharges required by sections 911.1,  
21 911.2, 911.2A, 911.3, and 911.4 shall be added to a  
22 fine imposed on a misdemeanor as provided in those  
23 sections, and are not a part of or subject to the  
24 maximums set in this section.

25 Sec. 14. NEW SECTION. 911.2A Human trafficking  
26 victim surcharge.

27 1. In addition to any other surcharge, the court  
28 or clerk of the district court shall assess a human  
29 trafficking victim surcharge of one thousand dollars  
30 if an adjudication of guilt or a deferred judgment has  
31 been entered for a criminal violation of section 725.1,  
32 subsection 2, or section 710A.2, 725.2, or 725.3.

33 2. In the event of multiple offenses, the surcharge  
34 shall be imposed for each applicable offense.

35 3. The surcharge shall be remitted by the clerk of  
36 court as provided in section 602.8108, subsection 5A.

37 Sec. 15. NEW SECTION. 915.95 Human trafficking  
38 victim fund.

39 A fund is created as a separate fund in the state  
40 treasury. Moneys deposited in the fund shall be  
41 administered by the department and dedicated to and  
42 used for awarding moneys to programs that provide  
43 services and support to victims of human trafficking  
44 under section 710A.2, including public outreach and  
45 awareness programs and service provider training  
46 programs. Notwithstanding section 8.33, any balance in  
47 the fund on June 30 of any fiscal year shall not revert  
48 to the general fund of the state.

49 Sec. 16. EFFECTIVE DATE. The section of this Act  
50 enacting section 911.2A takes effect January 1, 2015.

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1 Sec. 17. APPLICABILITY. The section of this Act  
2 enacting section 911.2A applies to an adjudication of  
3 guilt or a deferred judgment entered for a violation of  
4 section 725.1, subsection 2, or section 710A.2, 725.2,  
5 or 725.3 on or after January 1, 2015.

6 \_\_\_\_\_. Title page, by striking lines 1 through 4  
7 and inserting <An Act relating to sexual and criminal  
8 offenses involving minors and others, including  
9 prostitution, pimping, and human trafficking, providing  
10 for a fee, and including penalties and effective date  
11 and applicability provisions.>>

**By** ROBERT E. DVORSKY

S-5121 FILED APRIL 2, 2014

ADOPTED

SENATE FILE 2311

S-5123

1 Amend the amendment, S-5121, to the House amendment,  
2 S-5086, to Senate File 2311, as passed by the Senate,  
3 as follows:

4 1. Page 1, after line 15 by inserting:

5 <Sec. \_\_\_\_\_. Section 80B.11, subsection 1, paragraph  
6 c, Code 2014, is amended by adding the following new  
7 subparagraph:

8 NEW SUBPARAGRAPH. (4) In-service training under  
9 this paragraph "c" shall include the requirement that  
10 all state patrol troopers complete a course on human  
11 trafficking.>

12 2. By renumbering as necessary.

**By** MARK CHELGREN

S-5123 FILED APRIL 2, 2014

WITHDRAWN

SENATE FILE 2311

S-5124

1 Amend the amendment, S-5121, to the House amendment,  
2 S-5086, to Senate File 2311, as passed by the Senate,  
3 as follows:

4 1. Page 4, after line 36 by inserting:

5 <Sec. \_\_\_\_ Section 914.2, Code 2014, is amended to  
6 read as follows:

7 914.2 Right of application.

8 1. Except as otherwise provided in subsection 2  
9 and section 902.2, a person convicted of a criminal  
10 offense has the right to make application to the board  
11 of parole for recommendation or to the governor for a  
12 reprieve, pardon, commutation of sentence, remission  
13 of fines or forfeitures, or restoration of rights of  
14 citizenship at any time following the conviction.

15 2. A person who is a disqualified elector pursuant  
16 to section 48A.6, subsection 1, shall not be permitted  
17 to apply to have the person's right to vote restored  
18 unless the person has fully remitted any human  
19 trafficking victim surcharge assessed pursuant to  
20 section 911.2A.>

21 2. By renumbering as necessary.

**By MARK CHELGREN**

S-5124 FILED APRIL 2, 2014

RULED OUT OF ORDER

**HOUSE AMENDMENT TO**  
**SENATE FILE 2312**

**S-5118**

1 Amend Senate File 2312, as passed by the Senate, as  
2 follows:

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

4 <Section 1. Section 499A.1, subsection 1, Code  
5 2014, is amended to read as follows:

6 1. Any two or more persons of full age, a  
7 majority of whom are citizens of the state, may  
8 organize themselves for the following or similar  
9 purposes: Ownership of residential, business property  
10 on a cooperative basis. A corporation or limited  
11 liability company is a person within the meaning of  
12 this chapter. The organizers shall adopt, and sign  
13 and acknowledge the articles of incorporation, stating  
14 the name by which the cooperative shall be known,  
15 the location of its principal place of business, its  
16 business or objects, the number of directors to conduct  
17 the cooperative's business or objects, the names of  
18 the directors for the first year, the time of the  
19 cooperative's annual meeting, the time of the annual  
20 meeting of its directors, and the manner in which the  
21 articles may be amended. The articles of incorporation  
22 shall be filed with the secretary of state who shall,  
23 if the secretary approves the articles, endorse the  
24 secretary of state's approval on the articles, record  
25 the articles, and forward the articles to the county  
26 recorder of the county where the principal place of  
27 business is to be located, and there the articles shall  
28 be recorded, and upon recording be returned to the  
29 cooperative. The articles shall not be filed by the  
30 secretary of state until a filing fee of five dollars  
31 together with a recording fee of fifty cents per page  
32 is paid, and upon the payment of the fees and the  
33 approval of the articles by the secretary of state, the  
34 secretary shall issue to the cooperative a certificate  
35 of incorporation as a cooperative not for pecuniary  
36 profit. The county recorder shall collect recording  
37 fees pursuant to section 331.604 for articles forwarded  
38 for recording under this section.>

39 2. Title page, line 4, after <regimes> by inserting  
40 <, by allowing limited liability companies to form  
41 multiple housing cooperatives,>

42 3. By renumbering as necessary.

RECEIVED FROM THE HOUSE

**S-5118** FILED APRIL 2, 2014

SENATE FILE 2342

S-5122

1 Amend Senate File 2342 as follows:

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- DIV A 2 1. Page 1, by striking lines 2 through 26.  
3 2. Page 3, line 9, by striking <a.>  
4 3. Page 3, by striking lines 14 through 23.

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DIV B 5 4. Page 18, after line 31 by inserting:  
6 <DIVISION \_\_\_\_  
7 PERSONNEL SETTLEMENT AGREEMENTS  
8 Sec. \_\_\_\_ . AUDITOR OF STATE – EXAMINATION OF  
9 PERSONNEL SETTLEMENT AGREEMENTS. There is appropriated  
10 from the general fund of the state to the auditor of  
11 state for the fiscal year beginning July 1, 2013, and  
12 ending June 30, 2014, the following amount, or so much  
13 thereof as is necessary, to be used for the purposes  
14 designated:  
15 For costs associated with conducting an examination  
16 of personnel settlement agreements:  
17 ..... \$ \$10,000  
18 Notwithstanding section 8.33, moneys appropriated in  
19 this section that remain unencumbered or unobligated  
20 at the close of the fiscal year shall not revert but  
21 shall remain available for expenditure for the purposes  
22 designated until the close of the succeeding fiscal  
23 year.  
24 Sec. \_\_\_\_ . AUDITOR OF STATE EXAMINATION – PERSONNEL  
25 SETTLEMENT AGREEMENTS. From the moneys appropriated  
26 in this Act, the auditor of state shall expend such  
27 amount as is necessary for purposes of conducting an  
28 examination concerning personnel settlement agreements  
29 made by the state with terminated state employees since  
30 January 2011 that were not approved by the state appeal  
31 board or decided by the public employment relations  
32 board. The examination shall include the nature of  
33 the positions subject to termination, the payments  
34 provided and the funding source of the payments, and  
35 the identity and authority of the person or persons  
36 signing the personnel settlement agreement on behalf  
37 of the state.  
38 Sec. \_\_\_\_ . EFFECTIVE UPON ENACTMENT. This division  
39 of this Act, being deemed of immediate importance,  
40 takes effect upon enactment.  
41 Sec. \_\_\_\_ . RETROACTIVE APPLICABILITY. This division  
42 of this Act applies retroactively to July 1, 2013.>

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DIV A 43 5. By renumbering as necessary.

**By** LIZ MATHIS  
ROBERT E. DVORSKY

SENATE FILE 2342

S-5125

1 Amend the amendment, S-5122, to Senate File 2342 as  
2 follows:

3 1. Page 1, line 30, by striking <2011> and  
4 inserting <1999>

5 2. Page 1, line 32, after <examination> by  
6 inserting <, to be completed within thirty days of the  
7 effective date of this division of this Act,>

8 3. Page 1, lines 36 and 37, by striking <on behalf  
9 of the state>

**By** JULIAN GARRETT

S-5125 FILED APRIL 2, 2014

LOST

HOUSE FILE 2417

S-5119

1 Amend House File 2417, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. By striking page 3, line 2, through page 4, line  
4 33, and inserting:

5 <Sec. \_\_\_\_\_. Section 222.13, Code 2014, is amended to  
6 read as follows:

7 222.13 Voluntary admissions.

8 1. If an adult person is believed to be a person  
9 with an intellectual disability, the adult person or  
10 the adult person's guardian may ~~submit a request in~~  
11 ~~writing through the central point of coordination~~  
12 ~~process for the county board of supervisors of the~~  
13 ~~adult person's county of residence to apply to the~~  
14 ~~department and the superintendent of any state resource~~  
15 ~~center for the voluntary admission of the adult person~~  
16 ~~either as an inpatient or an outpatient of the resource~~  
17 ~~center. The board of supervisors shall, on forms~~  
18 ~~prescribed by the department's administrator, apply~~  
19 ~~to the superintendent of the resource center in the~~  
20 ~~district for the admission of the adult person to the~~  
21 ~~resource center. If the expenses of the person's~~  
22 ~~admission or placement are payable in whole or in~~  
23 ~~part by the person's county of residence, application~~  
24 ~~for the admission shall be made through the regional~~  
25 ~~administrator for the county. An application for~~  
26 admission to a special unit of any adult person  
27 believed to be in need of any of the services provided  
28 by the special unit under section 222.88 may be made in  
29 the same manner, ~~upon request of the adult person or~~  
30 ~~the adult person's guardian. The superintendent shall~~  
31 accept the application if a preadmission diagnostic  
32 evaluation, ~~performed through the central point of~~  
33 ~~coordination process, confirms or establishes the need~~  
34 for admission, except that an application shall not  
35 be accepted if the institution does not have adequate  
36 facilities available or if the acceptance will result  
37 in an overcrowded condition.

38 2. If the resource center ~~has no~~ does not have an  
39 appropriate program for the treatment of an adult or  
40 minor person with an intellectual disability applying  
41 under this section or section 222.13A, the ~~board of~~  
42 ~~supervisors regional administrator for the person's~~  
43 county of residence or the department, as applicable,  
44 shall arrange for the placement of the person in any  
45 public or private facility within or without the state,  
46 approved by the director of the department of human  
47 services, which offers appropriate services for the  
48 person, ~~as determined through the central point of~~  
49 ~~coordination process. If the expenses of the placement~~  
50 are payable in whole or in part by a county, the

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1 placement shall be made by the regional administrator  
2 for the county.  
3 ~~3. Upon applying for admission~~ If the expenses of  
4 an admission of an adult or minor person to a resource  
5 center, or a special unit, or upon arranging for of  
6 the placement of the person in a public or private  
7 facility are payable in whole or in part by a county,  
8 ~~the board of supervisors~~ regional administrator for  
9 the county shall make a full investigation into the  
10 financial circumstances of that the person and those  
11 liable for that the person's support under section  
12 222.78 to determine whether or not any of them are able  
13 to pay the expenses arising out of the admission of the  
14 person to a resource center, special treatment unit,  
15 or public or private facility. If the board regional  
16 administrator finds that the person or those legally  
17 responsible for the person are presently unable to pay  
18 the expenses, the board shall direct that regional  
19 administrator shall pay the expenses be paid by  
20 payable by a county on behalf of the county. The board  
21 regional administrator may review its such a finding  
22 at any subsequent time while the person remains at the  
23 resource center, or is otherwise receiving care or  
24 treatment for which this chapter obligates the county  
25 to pay. If the board regional administrator finds upon  
26 review that the person or those legally responsible  
27 for the person are presently able to pay the expenses,  
28 the finding shall apply only to the charges incurred  
29 during the period beginning on the date of the review  
30 and continuing thereafter, unless and until the  
31 ~~board regional administrator~~ again changes its such a  
32 finding. If the board regional administrator finds  
33 that the person or those legally responsible for the  
34 person are able to pay the expenses, the board shall  
35 ~~direct that regional administrator shall collect the~~  
36 ~~charges be so paid to the extent required by section~~  
37 222.78, and the county auditor regional administrator  
38 shall be responsible for the collection payment of the  
39 remaining charges.>

40 2. Page 25, by striking lines 10 through 14 and  
41 inserting:

42 <a. ~~A county may split the~~ The charges payable  
43 by a county may be split between the county's mental  
44 health, intellectual disability, and developmental and  
45 disabilities services fund created pursuant to section  
46 331.424A and the county's budget for substance abuse  
47 substance related disorder expenditures.>

48 3. Page 44, after line 27 by inserting:

49 <Sec. \_\_\_\_\_. 2013 Iowa Acts, chapter 138, section  
50 29, subsection 1, paragraph n, is amended to read as

1 follows:

2 n. For the fiscal year beginning July 1, 2013,  
3 the reimbursement rates for inpatient mental health  
4 services provided at hospitals shall be increased  
5 by 1 percent over the rates in effect on June 30,  
6 2013, subject to Medicaid program upper payment  
7 limit rules; ~~community mental health centers and~~  
8 ~~providers of mental health services to county residents~~  
9 ~~pursuant to a waiver approved under section 225C.7,~~  
10 ~~subsection 3, shall be reimbursed at 100 percent of~~  
11 ~~the reasonable costs for the provision of services to~~  
12 ~~recipients of medical assistance;~~ and psychiatrists  
13 shall be reimbursed at the medical assistance program  
14 fee-for-service rate.

15 Sec. \_\_\_\_\_. 2013 Iowa Acts, chapter 138, section 29,  
16 subsection 1, is amended by adding the following new  
17 paragraph:

18 NEW PARAGRAPH. 0o. For the fiscal year beginning  
19 July 1, 2013, community mental health centers may  
20 choose to be reimbursed for the services provided to  
21 recipients of medical assistance through either of the  
22 following options:

23 (1) For 100 percent of the reasonable costs of the  
24 services.

25 (2) In accordance with the alternative  
26 reimbursement rate methodology established by the  
27 medical assistance program's managed care contractor  
28 for mental health services and approved by the  
29 department of human services.>

30 4. Page 44, after line 29 by inserting:

31 <Sec. \_\_\_\_\_. EMERGENCY RULES. The department of  
32 human services may adopt emergency rules under section  
33 17A.4, subsection 3, and section 17A.5, subsection 2,  
34 paragraph "b", to implement the provisions of this Act  
35 amending 2013 Iowa Acts, chapter 138, and the rules  
36 shall be effective immediately upon filing unless  
37 a later date is specified in the rules. Any rules  
38 adopted in accordance with this section shall also be  
39 published as a notice of intended action as provided  
40 in section 17A.4.

41 Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. The sections  
42 of this Act amending 2013 Iowa Acts, chapter 138, and  
43 relating to the amendments, being deemed of immediate  
44 importance, take effect upon enactment.

45 Sec. \_\_\_\_\_. RETROACTIVE APPLICABILITY. The sections  
46 of this Act amending 2013 Iowa Acts, chapter 138, and  
47 relating to the amendments, apply retroactively to July  
48 1, 2013.>

49 5. Title page, line 3, after <counties> by  
50 inserting <, including reimbursement of community

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Page 4

1 mental health centers under the medical assistance  
2 program for the fiscal year beginning July 1, 2013, and  
3 including effective date and retroactive applicability  
4 provisions.>

5 6. By renumbering as necessary.

**By** JOE BOLKCOM

S-5119 FILED APRIL 2, 2014

ADOPTED

HOUSE FILE 2449

S-5120

1 Amend House File 2449, as passed by the House, as  
2 follows:

3 1. Page 3, after line 14 by inserting:

4 <Sec. \_\_\_\_\_. Section 631.1, Code 2014, is amended to  
5 read as follows:

6 631.1 Small claims – jurisdiction.

7 1. The following actions or claims are small  
8 claims and shall be commenced, heard and determined as  
9 provided in this chapter:

10 ~~a. A civil action for a money judgment where the~~  
11 ~~amount in controversy is four thousand dollars or less~~  
12 ~~for actions commenced before July 1, 2002, exclusive of~~  
13 ~~interest and costs.~~

14 ~~b.~~ a. A civil action for a money judgment where  
15 the amount in controversy is five thousand dollars or  
16 less for actions commenced ~~on or after~~ before July 1,  
17 ~~2002~~ 2014, exclusive of interest and costs.

18 b. A civil action for a money judgment where the  
19 amount in controversy is ten thousand dollars or  
20 less for actions commenced on or after July 1, 2014,  
21 exclusive of interest and costs.

22 2. The district court sitting in small claims shall  
23 have concurrent jurisdiction of an action for forcible  
24 entry and detainer which is based on those grounds set  
25 forth in section 648.1, subsections 1, 2, 3 and 5.  
26 When commenced under this chapter, the action shall be  
27 a small claim for the purposes of this chapter.

28 3. The district court sitting in small claims has  
29 concurrent jurisdiction of an action of replevin if the  
30 value of the property claimed is ~~four thousand dollars~~  
31 ~~or less for actions commenced before July 1, 2002, and~~  
32 ~~five thousand dollars or less for actions commenced on~~  
33 ~~or after~~ before July 1, ~~2002~~ 2014, and ten thousand  
34 dollars or less for actions commenced on or after July  
35 1, 2014. When commenced under this chapter, the action  
36 is a small claim for the purposes of this chapter.

37 4. The district court sitting in small claims has  
38 concurrent jurisdiction of motions and orders relating  
39 to executions against personal property, including  
40 garnishments, where the value of the property or  
41 garnished money involved is ~~four thousand dollars or~~  
42 ~~less for actions commenced before July 1, 2002, and~~  
43 ~~five thousand dollars or less for actions commenced on~~  
44 ~~or after~~ before July 1, ~~2002~~ 2014, and ten thousand  
45 dollars or less for actions commenced on or after July  
46 1, 2014.

47 5. The district court sitting in small claims has  
48 concurrent jurisdiction of an action for abandonment  
49 of a manufactured or mobile home or personal property  
50 pursuant to section 555B.3, if no money judgment in

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1 ~~excess of four thousand dollars is sought for actions~~  
2 ~~commenced before July 1, 2002, and five thousand~~  
3 ~~dollars or less for actions commenced on or after~~  
4 before July 1, 2002 2014, and ten thousand dollars or  
5 less for actions commenced on or after July 1, 2014.  
6 If commenced under this chapter, the action is a small  
7 claim for the purposes of this chapter.

8 6. The district court sitting in small claims has  
9 concurrent jurisdiction of an action to challenge a  
10 mechanic's lien pursuant to sections 572.24 and 572.32.

11 7. The district court sitting in small claims  
12 has concurrent jurisdiction of an action for the  
13 collection of taxes brought by a county treasurer  
14 pursuant to sections 445.3 and 445.4 where the amount  
15 in controversy is five thousand dollars or less for  
16 ~~actions commenced on or after~~ before July 1, 2003 2014,  
17 and ten thousand dollars or less for actions commenced  
18 on or after July 1, 2014, exclusive of interest and  
19 costs.

20 8. The district court sitting in small claims has  
21 concurrent jurisdiction of motions and orders relating  
22 to releases of judgments in whole or in part including  
23 motions and orders under section 624.23, subsection  
24 2, paragraph "c" and section 624.37, where the amount  
25 owing on the judgment, including interests and costs,  
26 is five thousand dollars or less for actions commenced  
27 before July 1, 2014, and ten thousand dollars or less  
28 for actions commenced on or after July 1, 2014.

29 Sec. \_\_\_\_ . JURISDICTIONAL AMOUNT REVERSION. The  
30 jurisdictional amount in the section of this Act which  
31 amends section 631.1, shall revert to five thousand  
32 dollars if a court of competent jurisdiction declares  
33 the ten thousand dollar amount unconstitutional.>

34 2. By renumbering as necessary.

By BRAD ZAUN

MARK CHELGREN

JULIAN GARRETT

CHARLES SCHNEIDER