

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

MARCH 11, 2015

SENATE FILE 1

S-3020

1 Amend Senate File 1 as follows:
2 1. Page 1, by striking lines 19 through 22 and
3 inserting:
4 <d. For purposes of this subsection, "public
5 improvement" means a building or construction>
6 2. By striking page 1, line 33, through page 2,
7 line 9, and inserting <contain documentation showing
8 that the submitting business>
9 3. Page 2, by striking lines 20 through 23 and
10 inserting:
11 <d. For purposes of this subsection, "public
12 improvement" means a building or construction>
13 4. By renumbering, redesignating, and correcting
14 internal references as necessary.

By LIZ MATHIS

S-3020 FILED MARCH 10, 2015
ADOPTED

SENATE FILE 75

S-3030

1 Amend Senate File 75 as follows:
2 1. Page 2, after line 4 by inserting:
3 <Sec. ____ . USE OF BLUE AND WHITE LIGHTING DEVICES
4 - REPORT. The department of transportation shall
5 document the effectiveness of displaying blue and
6 white lighting devices on equipment used by the
7 department for snow and ice treatment or removal on
8 the public streets or highways. The department shall
9 utilize existing staff and accident reporting systems
10 to perform the documentation. Before July 1, 2019,
11 the department shall submit a report to the general
12 assembly containing the documentation.>
13 2. By renumbering as necessary.

By CHRIS BRASE

S-3030 FILED MARCH 10, 2015

SENATE FILE 166

S-3031

1 Amend Senate File 166 as follows:
2 1. Page 1, line 13, by striking <or other>
3 2. Page 1, line 17, by striking <or other>
4 3. Page 1, line 18, after <event.> by inserting
5 <For purposes of this paragraph, "athlete" does not
6 include an athlete participating in any extracurricular
7 interscholastic athletic contest or competition which
8 is sponsored or administered by an organization as
9 defined in section 280.13.>
10 4. Page 1, after line 18 by inserting:
11 <Sec. ____ . FANTASY OR SIMULATION SPORTS CONTEST
12 STUDY.
13 1. The department of inspections and appeals shall,
14 beginning no earlier than July 1, 2016, conduct a
15 study concerning the impact of defining a fantasy or
16 simulation sports contest as a bona fide contest as
17 provided in this Act. The department shall solicit
18 input concerning the impact of this Act from licensees
19 regulated by the racing and gaming commission,
20 individuals involved in gambling treatment programs,
21 fantasy sports contest providers, and other interested
22 stakeholders. Input received by the department shall
23 be included in the study.
24 2. The department shall submit a report, including
25 any findings and recommendations, to the general
26 assembly by December 1, 2016.>
27 5. By renumbering as necessary.

By JEFF DANIELSON

S-3031 FILED MARCH 10, 2015

SENATE FILE 227

S-3025

1 Amend Senate File 227 as follows:
2 1. Page 1, line 29, after <calendar.> by inserting
3 <Because the Iowa state fair provides educational
4 opportunities relating to science, technology,
5 agriculture, biology, ecology, and the environment,
6 attendance at the Iowa state fair by a student shall
7 be considered an educational activity and shall be
8 considered a reasonable excuse for a student's absence
9 from school for purposes of this chapter.>

By MARK CHELGREN JASON SCHULTZ
AMY SINCLAIR JAKE CHAPMAN
KEN ROZENBOOM BILL ANDERSON
JACK WHITVER RANDY FEENSTRA
TIM KRAAYENBRINK DENNIS GUTH
MARK COSTELLO MARK SEGEBART

S-3025 FILED MARCH 10, 2015
RULED OUT OF ORDER

SENATE FILE 227

S-3027

1 Amend Senate File 227 as follows:

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

4 <Section 1. NEW SECTION. 274.3 Exercise of powers
5 - construction.

6 1. The board of directors of a school district
7 shall operate, control, and supervise all public
8 schools located within its district boundaries and may
9 exercise any broad and implied power, not inconsistent
10 with the laws of the general assembly, related to the
11 operation, control, and supervision of those public
12 schools.

13 2. Notwithstanding subsection 1, the board of
14 directors of a school district shall not have power to
15 levy any tax unless expressly authorized by the general
16 assembly.

17 3. This chapter, chapter 257 and chapters 275
18 through 301, and other statutes relating to the
19 boards of directors of school districts and to school
20 districts shall be liberally construed to effectuate
21 the purposes of subsection 1.>

22 2. Title page, by striking lines 1 and 2 and
23 inserting <An Act relating to the exercise, by
24 school districts, of any broad and implied powers not
25 inconsistent with the laws of the general assembly,
26 and to the construction of statutes related to school
27 district boards and school districts, and providing an
28 exception.>

By JASON SCHULTZ
BRAD ZAUN
AMY SINCLAIR
JAKE CHAPMAN
RICK BERTRAND

BILL ANDERSON
RANDY FEENSTRA
JACK WHITVER
MARK CHELGREN
BILL DIX

S-3027 FILED MARCH 10, 2015
RULED OUT OF ORDER

SENATE FILE 227

S-3028

1 Amend Senate File 227 as follows:

2 1. Page 1, line 22, after <calendar.> by inserting
3 <Notice of the time, place, and the agenda, including
4 but not limited to consideration of the proposed school
5 calendar, of the public hearing shall be published not
6 less than fourteen and not more than thirty days before
7 the public hearing in a minimum nine point type in a
8 block configuration in a newspaper which is a newspaper
9 of general circulation in the school district.>

By DAVID JOHNSON

S-3028 FILED MARCH 10, 2015
LOST

SENATE FILE 335

S-3024

1 Amend Senate File 335 as follows:
2 1. Page 1, line 9, after <including> by inserting
3 <preliminary reports, investigative reports, and>
4 2. Page 1, lines 14 and 15, by striking <or for
5 whom an anatomical gift may be made>

By LIZ MATHIS

S-3024 FILED MARCH 10, 2015
ADOPTED

SENATE FILE 394

S-3029

1 Amend Senate File 394 as follows:
2 1. Page 1, line 23, after <the> by inserting
3 <hospital or other medical facility shall, through all
4 reasonable means, attempt to collect from the prisoner
5 the amount charged. If the hospital or other medical
6 facility is unable to collect from the prisoner, after
7 exhausting all reasonable means of collection, the>
8 2. Page 1, line 23, by striking <supervisors or>
9 and inserting <supervisors,>
10 3. Page 1, line 23, by striking <council> and
11 inserting <council, state agency, or the United States>

By STEVEN J. SODDERS

S-3029 FILED MARCH 10, 2015

SENATE FILE 401

S-3021

1 Amend Senate File 401 as follows:
2 1. Page 1, before line 1 by inserting:
3 <Section 1. Section 135G.6, subsection 2,
4 paragraphs b and c, Code 2015, are amended to read as
5 follows:
6 b. The department of human services shall not give
7 approval to an application which would cause the number
8 of publicly funded subacute care facility beds licensed
9 under this chapter to exceed ~~fifty~~ seventy-five beds.
10 c. The subacute care facility beds identified by
11 ~~the~~ a request for proposals process initiated on or
12 after the effective date of this Act shall be existing
13 ~~beds which have been awarded a new beds located in~~
14 hospitals and facilities existing under a current
15 certificate of need pursuant to chapter 135. Such
16 beds shall not be required to obtain an additional
17 certificate of need upon conversion to licensed
18 subacute care facility beds.>
19 2. Title page, by striking lines 1 through 3
20 and inserting <An Act relating to subacute care
21 facilities.>
22 3. By renumbering as necessary.

By AMANDA RAGAN

S-3021 FILED MARCH 10, 2015

SENATE FILE 437

S-3026

1 Amend Senate File 437 as follows:
2 1. Page 1, line 4, by striking <43.4A> and
3 inserting <43.91A>

By ROBERT E. DVORSKY

S-3026 FILED MARCH 10, 2015

SENATE FILE 450

S-3023

1 Amend Senate File 450 as follows:
2 1. Page 2, lines 26 and 27, by striking <to law
3 enforcement officers>
4 2. Page 2, line 29, by striking <80B.11> and
5 inserting <710A.6>

By JANET PETERSEN

S-3023 FILED MARCH 10, 2015

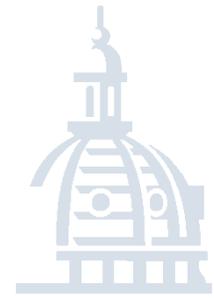
SENATE FILE 462

S-3022

1 Amend Senate File 462 as follows:
2 1. Page 1, by striking line 15.
3 2. Page 3, line 27, by striking <physician> and
4 inserting <physician licensed health care professional>
5 3. Page 5, line 26, by striking <provider> and
6 inserting <professional>

By AMANDA RAGAN

S-3022 FILED MARCH 10, 2015



SF 271 – Interpreters in Legal Proceedings (LSB1141SV)
Analyst: Alice Fulk Wisner (Phone: (515) 281-6764) (alice.wisner@legis.iowa.gov)
Fiscal Note Version – New

Description

Senate File 271 requires the Courts to provide interpreters for persons who are limited English proficient (LEP), deaf, deaf-blind, or hard-of-hearing in court proceedings and the court-ordered programs of mediation and Children in the Middle class.

Background

Current law requires costs for court interpreters to be paid for by nonindigent parties. Indigent parties are required to reimburse the State of Iowa for interpreter costs at the end of the case. In actuality, approximately 10.0% of the current cost of interpreter services is collected from indigent parties. The U.S. Department of Justice considers charging interpreter costs to LEP individuals a violation of the Civil Rights Act and has issued a statement that it may terminate federal funding for violation of its guidance on interpreter services.

Senate File 271 also streamlines the payment of interpreters. Currently they are paid by four different agencies depending on the case type. The State Public Defender, local public defenders, counties, and the State Court Administrator all pay for different interpreters. This bill directs the State Court Administrator to pay for all oral language court interpreters from the Jury and Witness Fund. The Jury and Witness Fund receives an annual appropriation from the General Fund (\$3.1 million in FY 2015).

Assumptions

Expenditures. The Courts estimate the following needs:

- 1.0 FTE position at a cost of \$60,000 to manage court interpreter compensation.
- \$222,000 in new funding for payments to interpreters assisting in court-ordered mediation and Children in the Middle classes.

Fiscal Impact

The net impact of this Bill is estimated to be \$326,000 including increased costs to the Jury and Witness Fund of \$282,000 annually. There will also be a minimal reduction in revenues (\$44,000) to reflect elimination of repayments by indigent parties. If the Fund balance is not sufficient to absorb the increased cost, an increased General Fund appropriation may be necessary.

Source

State Court Administration

/s/ Holly M. Lyons

March 10, 2014



LEGISLATIVE
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Fiscal Note

Fiscal Services Division



SF 366 – Peace Officers Retirement System Disability Benefits (LSB2320SV)

Analyst: Jennifer Acton (Phone: (515) 281-7846) (jennifer.acton@legis.iowa.gov)

Fiscal Note Version – New

Description

Senate File 366 relates to the recalculation of an accidental or ordinary disability retirement benefit for a beneficiary under 55 years of age under the Public Safety Peace Officers' Retirement, Accident, and Disability (POR) System.

Background

- Under current law, disability retirees in the POR System under age 55 are permitted total earnings, including disability pension payment and reemployment wages, equal to 1.5 times the current earnable compensation of an active member at the same position on the salary scale as the member's rank held at retirement. If a disability retiree's earnings exceed the limit, the POR System benefits are reduced by the amount the retiree has exceeded the limit or are repaid to the POR Fund by the retiree.
- At age 55, disability retirees are no longer subject to the earnings limit.
- As of February 28, 2015, there are 17 disability retirees under age 55 that may be subject to the retiree earnings limit.
- The following table shows the history of disability retirement benefit repayment amounts at 1.5 times earnable compensation.

Disability Retirement Benefit Repayment Amounts

Calendar Year	Amount Over the Earnings Limit	Number of Retirees Impacted
2010	\$ 28,892	Two
2011	23,706	One
2012	29,912	One
2013	33,542	One
	<u>\$ 116,052</u>	

- As of July 1, 2014, the POR System had an unfunded actuarial liability of \$155.8 million and a funded ratio of 69.80%. There are currently 1,194 members of the POR System, including 578 active members. The average age of an active member is 41.6. The average years of service equal 16.3. The average annual wage of a POR member is \$74,516.

Assumptions

- The example pay of \$76,500 on the following page is 90.0% of the maximum salary for a Special Agent 2 with Step 3 longevity at retirement (15-19 years of service).
- The fiscal impact of this legislation will vary depending on the situation of each eligible retiree.

The impact to the POR System will vary from year to year depending on the number of retirees subject to the change and how much each eligible person earns. The example retiree will be allowed to increase total earnings from \$114,750 to \$191,250, before POR benefits will be reduced or repayments will be required. This is illustrated in the following table.

Comparison for Proposed Increase in Disability Retiree Earnings Limit

	Current Law	Proposed Law
Wages based on active member with same rank as retiree	\$ 76,500	\$ 76,500
Multiplier Per Section 97A.6 (Iowa Code)	1.5	2.5
Benefits and earnings maximum	\$ 114,750	\$ 191,250
Maximum disability retiree earnings (pension and employment)	\$ 114,750	\$ 191,250
Average annual benefit for accidental disability	-45,000	-45,000
Earnings from employment without any reduction to POR benefit	\$ 69,750	\$ 146,250

Fiscal Impact

There is no impact to the State General Fund.

The following table shows the difference between the historic disability retirement benefit repayments at 1.5 times earnable compensation compared to the proposed 2.5 times earnable compensation limit. The difference will result in a reduction of repayments to the POR Fund of approximately \$29,000 per year.

Disability Retirement Benefit Repayment Amounts

Calendar Year	Amount Over the 1.5 Earnings Limit	Number of Retirees Impacted	Amount Over the 2.5 Earnings Limit
2010	\$ 28,892	Two	\$ 0
2011	23,706	One	0
2012	29,912	One	0
2013	33,542	One	0
	<u>\$ 116,052</u>		<u>\$ 0</u>
4-year average	\$ 29,013		

Source

Department of Public Safety

/s/ Holly M. Lyons

March 10, 2015

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



SF 399 – Radon Control, New Construction (LSB1995SV)
Analyst: Kenneth Ohms (Phone: (515) 725-2200) (kenneth.ohms@legis.iowa.gov)
Fiscal Note Version – New
Requestor: Senator Matt McCoy

Description

Senate File 399 requires the [Building Code Commissioner](#), with the approval of the [Building Code Advisory Council](#), to adopt requirements and standards for radon control in new residential construction. These requirements for construction will be mandatory beginning January 1, 2017, and supersede any minimum radon control requirements and standards adopted by governmental subdivisions in Iowa. Any person that fails to comply with an order to remedy any condition in violation of the adopted requirements and standards within 30 days after service or within the time fixed for compliance, whichever is longer, will be guilty of a simple misdemeanor pursuant to Iowa Code section [103A.21](#).

The Bill allows the [Iowa Department of Public Health](#) (IDPH) to retain the fees collected for [Certification of Radon Testing and Mitigation](#). The IDPH is directed to use these fees to reimburse the Building Code Commissioner up to \$100,000 for costs associated with implementing and administering this bill in FY 2016 and FY 2017. The Bill also strikes references to radon progeny (the decay product of radon gas) in the Iowa Code.

Background

[Radon gas](#) is a cancer-causing natural radioactive gas that is invisible, has no smell, and has no taste. Radon gas comes from the natural (radioactive) breakdown of uranium in soil, rock, and water. It is found in every part of the U.S., and can get into any type of building and result in a high indoor radon level. Radon is the leading cause of lung cancer among nonsmokers, and the second leading cause of lung cancer in America. The [U.S. Environmental Protection Agency](#) has designated all [99 counties](#) as Zone 1 for the highest average indoor radon potential.

Assumptions

Fiscal Assumptions

- Prior to the effective date for new construction, the Building Code Commissioner will need to hire 1.0 FTE position for a Construction Design Engineer to facilitate research, write administrative rules, and provide training and support for all stockholding groups involved in the implementation of this mandate. Ongoing needs will involve building code updates, ongoing training, and dispute resolution.
- Fee revenue for certification of radon measurement and mitigation will remain consistent with the FY 2014 level.

Summary of Impacts

Fiscal Impact

The net fiscal impact to the State General Fund will be a decrease of \$100,000. The total fiscal changes are summarized in **Table 1**.

Table 1 Summary of Changes

	<u>Current Law</u>	<u>SF 399</u>	<u>Net Impact</u>
General Fund			
Fee Revenue	\$ 243,000	\$ 0	\$ -243,000
Total	\$ 243,000	\$ 0	\$ -243,000
Department of Public Health			
General Fund Appropriation	\$ 160,000	\$ 160,000	\$ 0
Federal Funds	183,000	183,000	0
Retained Fees	0	243,000	243,000
Reimbursing Public Safety	0	-100,000	-100,000
Total	\$ 343,000	\$ 486,000	\$ 143,000
Department of Public Safety			
Salary Design Engineer (1.0 FTE)	\$ 0	\$ -70,000	\$ 70,000
Support	0	-30,000	30,000
Reimbursement from Public Health	0	100,000	-100,000
Total	\$ 0	\$ 0	\$ 0
Net Impact			\$ -100,000

The impact on county and local governments is unknown. It is anticipated that authorities having jurisdiction will likely perform inspections as part of the enforcement regiment of other aspects of the State Building Code.

Correctional Impact

The correctional impact of this legislation is anticipated to be minimal. A simple misdemeanor is punishable by confinement for no more than 30 days, a fine of at least \$65 but not more than \$625, or both. The Legislative Services Agency (LSA) [Correctional Impact Statements Memo](#) dated January 30, 2015, estimates the cost of one simple misdemeanor conviction ranging from \$30 to \$330.

Sources

- Iowa Department of Public Health
- Iowa Department of Public Safety
- Criminal and Juvenile Justice Planning Commission
- Iowa State Association of Counties
- Iowa League of Cities

/s/ Holly M. Lyons

March 10, 2015

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