

**EIGHTY-SIXTH GENERAL ASSEMBLY
2016 REGULAR SESSION
DAILY
SENATE CLIP SHEET**

APRIL 20, 2016

SENATE FILE 2320

S-5143

1 Amend Senate File 2320 as follows:

2 1. Page 8, after line 4 by inserting:

3 <DIVISION ____
4 COMBAT SPECIAL LICENSE PLATES

5 Sec. ____ Section 321.34, subsection 20C, paragraph
6 a, Code 2016, is amended to read as follows:

7 a. The department, in consultation with the
8 adjutant general, shall design combat infantryman
9 badge, combat action badge, combat action ribbon, air
10 force combat action medal, and combat medical badge
11 distinguishing processed emblems. ~~Upon receipt of two
12 hundred fifty orders for combat infantryman badge,
13 combat action badge, combat action ribbon, air force
14 combat action medal, or combat medical badge special
15 registration plates, accompanied by a start up fee of
16 twenty dollars per order, the~~ The department shall
17 ~~begin issuing~~ issue special registration plates with
18 the applicable distinguishing processed emblem as
19 provided in paragraphs "b", "c", and "d". ~~The minimum
20 order requirement shall apply separately to each of
21 the special registration plates created under this
22 subsection.~~

23 Sec. ____ Section 321.145, subsection 2, paragraph
24 b, subparagraph (3), Code 2016, is amended to read as
25 follows:

26 (3) The amounts required to be transferred pursuant
27 to section 321.34 from revenues available under
28 this subsection shall be transferred and credited as
29 provided in section 321.34, ~~subsections 7, 10, 10A,
30 11, 11A, 11B, 13, 16, 17, 18, 19, 20, 20A, 20B, 20C,
31 21, 22, 23, 24, 25, and 26~~ for the various purposes
32 specified in ~~those subsections~~ that section.

33 2. Title page, line 6, by ~~striking~~ <program> and
34 inserting <program, and providing for other properly
35 related matters>

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1 3. By renumbering as necessary.

By MARK SEGEBART

S-5143 FILED APRIL 19, 2016

WITHDRAWN

SENATE FILE 2321

S-5142

1 Amend Senate File 2321 as follows:

2 1. Page 2, by striking lines 15 through 18 and
3 inserting:

4 <5. ~~It is the intent of the general assembly that~~
5 ~~the offices of the clerks of the district court operate~~
6 ~~in all 99 counties and be accessible to the public as~~
7 ~~much as is reasonably possible in order to address the~~
8 ~~relative needs of the citizens~~ The judicial branch
9 shall operate and maintain the offices of the clerks
10 of the district court in all 99 counties during normal
11 business hours, and such offices shall be accessible
12 to the public in order to address the relative needs
13 of the citizens>

By JULIAN GARRETT

S-5142 FILED APRIL 19, 2016

SENATE FILE 2323

S-5137

1 Amend Senate File 2323 as follows:

2 1. Page 4, line 4, by striking <48,689,681> and
3 inserting <48,939,681>

4 2. Page 4, line 9, by striking <2,011,938> and
5 inserting <1,725,000>

By AMY SINCLAIR

S-5137 FILED APRIL 19, 2016

WITHDRAWN

SENATE FILE 2323

S-5138

1 Amend Senate File 2323 as follows:

2 1. Page 4, line 9, by striking <2,011,938> and
3 inserting <1,975,000>

4 2. Page 27, lines 7 and 8, by striking <and other
5 preschool programs provided under the auspices of or>
6 and inserting <programs>

By BRIAN SCHOENJAHN

S-5138 FILED APRIL 19, 2016

WITHDRAWN

SENATE FILE 2323

S-5139

- 1 Amend Senate File 2323 as follows:
- 2 1. Page 23, after line 19 by inserting:
- 3 <Sec. ____ . Section 256.11, subsection 16, paragraph
- 4 d, Code 2016, is amended by striking the paragraph.>
- 5 2. By renumbering as necessary.

By KEN ROZENBOOM

S-5139 FILED APRIL 19, 2016

LOST

SENATE FILE 2323

S-5140

- 1 Amend the amendment, S-5137, to Senate File 2323 as
- 2 follows:
- 3 1. Page 1, after line 5 by inserting:
- 4 <____. Page 27, lines 7 and 8, by striking <and
- 5 other preschool programs provided under the auspices of
- 6 or> and inserting <programs>>

By AMY SINCLAIR

S-5140 FILED APRIL 19, 2016

RULED OUT OF ORDER

SENATE FILE 2323

S-5144

1 Amend Senate File 2323 as follows:

2 1. Page 23, after line 19 by inserting:

3 <Sec. _____. Section 256.7, subsection 21, paragraph
4 b, subparagraph (2), Code 2016, is amended to read as
5 follows:

6 (2) Notwithstanding subparagraph (1), for the
7 school year beginning July 1, ~~2016~~ 2017, and each
8 succeeding school year, the rules shall provide
9 that all students enrolled in school districts in
10 grades three through eleven shall be administered an
11 assessment during the last quarter of the school year
12 that at a minimum assesses the core academic indicators
13 identified in this paragraph "b"; is aligned with the
14 Iowa common core standards in both content and rigor;
15 accurately describes student achievement and growth for
16 purposes of the school, the school district, and state
17 accountability systems; and provides valid, reliable,
18 and fair measures of student progress toward college
19 or career readiness.>

20 2. Page 30, after line 13 by inserting:

21 <Sec. _____. STATE BOARD OF EDUCATION – RULE
22 NULLIFICATION. 281 Iowa administrative code, rule
23 12.8, subrule 1, paragraph h, is nullified.>

24 3. Page 30, after line 23 by inserting:

25 <2A. The section of this Act nullifying an
26 administrative rule adopted by the state board of
27 education.>

28 4. By renumbering as necessary.

By TOD R. BOWMAN	AMY SINCLAIR
ROBERT M. HOGG	JAKE CHAPMAN
ROBERT E. DVORSKY	JERRY BEHN
TONY BISIGNANO	JASON SCHULTZ
KEVIN KINNEY	KEN ROZENBOOM
JOE BOLKCOM	DENNIS GUTH

S-5144 FILED APRIL 19, 2016

WITHDRAWN

SENATE FILE 2323

S-5145

1 Amend Senate File 2323 as follows:

2 1. Page 4, line 9, by striking <2,011,938> and
3 inserting <1,975,000>

4 2. Page 23, after line 19 by inserting:

5 <Sec. ____ . Section 256.7, subsection 21, paragraph
6 b, subparagraph (2), Code 2016, is amended to read as
7 follows:

8 (2) Notwithstanding subparagraph (1), for the
9 school year beginning July 1, ~~2016~~ 2017, and each
10 succeeding school year, the rules shall provide
11 that all students enrolled in school districts in
12 grades three through eleven shall be administered an
13 assessment during the last quarter of the school year
14 that at a minimum assesses the core academic indicators
15 identified in this paragraph "b"; is aligned with the
16 Iowa common core standards in both content and rigor;
17 accurately describes student achievement and growth for
18 purposes of the school, the school district, and state
19 accountability systems; and provides valid, reliable,
20 and fair measures of student progress toward college
21 or career readiness.>

22 3. Page 27, lines 7 and 8, by striking <and other
23 preschool programs provided under the auspices of or>
24 and inserting <programs>

25 4. By renumbering as necessary.

By BRIAN SCHOENJAHN

S-5145 FILED APRIL 19, 2016

ADOPTED

S-5146

1 Amend House File 2443, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking page 12, line 31, through page 13,
4 line 29, and inserting:

5 <(2) If an eligible taxpayer obtains a tax credit
6 certificate from the ~~department~~ authority by way of
7 a prohibited activity, the eligible taxpayer and any
8 transferee shall be jointly and severally liable to
9 the state for the amount of the tax credits so issued,
10 interest and penalties allowed under chapter 422,
11 and reasonable attorney fees and litigation costs,
12 except that the liability of the transferee shall not
13 exceed an amount equal to the amount of the tax credits
14 acquired by the transferee. The department of revenue,
15 upon notification or discovery that a tax credit
16 certificate was issued to an eligible taxpayer by way
17 of a prohibited activity, shall revoke any outstanding
18 tax credit and seek repayment of the value of any tax
19 credit already claimed, and the failure to make such a
20 repayment may be treated by the department of revenue
21 in the same manner as a failure to pay the tax shown
22 due or required to be shown due with the filing of a
23 return or deposit form. A qualifying transferee is not
24 subject to the liability, revocation, and repayment
25 imposed under this subparagraph.

26 Sec. _____. Section 404A.3, subsection 4, paragraph
27 c, subparagraph (3), Code 2016, is amended by adding
28 the following new subparagraph division:

29 NEW SUBPARAGRAPH DIVISION. (0a) "Control" means
30 when a person, directly or indirectly or acting through
31 or together with one or more persons, satisfies any of
32 the following:

33 (i) Owns, controls, or has the power to vote fifty
34 percent or more of any class of voting securities or
35 voting membership interests of another person.

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1 (ii) Controls, in any manner, the election of a
2 majority of the directors, managers, trustees, or other
3 persons exercising similar functions of another person.

4 (iii) Has the power to exercise a controlling
5 influence over the management or policies of another
6 person.

7 Sec. _____. Section 404A.3, subsection 4, paragraph
8 c, subparagraph (3), subparagraph division (b),
9 unnumbered paragraph 1, Code 2016, is amended to read
10 as follows:

11 "Qualifying transferee" means a transferee who
12 acquires a tax credit certificate issued under this
13 chapter for value, in good faith, without ~~actual~~
14 ~~express~~ or ~~constructive~~ implied notice of a prohibited
15 activity of the eligible taxpayer who was originally
16 issued the tax credit, and without ~~actual~~ express or
17 ~~constructive~~ implied notice of any other claim to or
18 defense against the tax credit, and which transferee is
19 not associated with the eligible taxpayer by being one
20 or more of the following:

21 Sec. _____. Section 404A.3, subsection 4, paragraph
22 c, subparagraph (3), subparagraph division (b),
23 subparagraph subdivision (i), Code 2016, is amended to
24 read as follows:

25 (i) An owner, member, shareholder, or partner of
26 the eligible taxpayer who directly or indirectly owns
27 ~~or~~ and controls, in whole or in part, the eligible
28 taxpayer.>

29 2. By striking page 15, line 22, through page 16,
30 line 8.

31 3. Page 17, after line 12 by inserting:

32 <Sec. _____. TRANSITION PROVISIONS. The department
33 of cultural affairs shall cooperate with the economic
34 development authority to ensure the effective
35 transition of powers, duties, and funds from the

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Page 3

1 department to the authority in implementing this
2 division of this Act.
3 Sec. ____ . EFFECTIVE DATE. This division of this
4 Act takes effect August 15, 2016.>

5 4. Page 17, line 16, by striking <July 1,> and
6 inserting <August 15,>

7 5. By renumbering as necessary.

COMMITTEE ON WAYS AND MEANS
JOE BOLKCOM, CHAIRPERSON

S-5146 FILED APRIL 19, 2016

HOUSE FILE 2445

S-5141

1 Amend House File 2445, as passed by the House, as
2 follows:

3 1. Page 1, line 5, after <received> by inserting
4 <by a licensee of a facility that, notwithstanding the
5 exemption specified in section 142D.4, subsection 10,
6 prohibits smoking in accordance with section 142D.3>

By JANET PETERSEN

S-5141 FILED APRIL 19, 2016

WITHDRAWN



HF 2439 – E911 Surcharge Fund (LSB6014HZ.1)

Analyst: Alice Wisner (Phone: 515-281-6764) (alice.wisner@legis.iowa.gov)

Fiscal Note Version – As amended by **S-5135**

Description

House File 2439 relates to the distribution and expenditures of the E911 Emergency Communications Service surcharge. The bill establishes a priority of funding, increases the amount of moneys allocated for funding to the public safety answering points (PSAPs), and limits the carryover amount to \$3.5 million annually. The bill also requires the Department of Homeland Security and Emergency Management (DHSEM) to conduct a study by January 15, 2017, to determine the most efficient method to consolidate the PSAPs.

Amendment **S-5135** limits the amount that can be spent for consolidation and other grants to the PSAPs, and the development of public awareness and educational programs to \$4.4 million in FY 2017. This will allow a carryover amount of \$8.7 million in FY 2017 and \$5.4 million in FY 2018. In FY 2019 and subsequent years, the carryover amount is limited to \$3.5 million for a catastrophic event.

Background

Currently, 46.0% of the total amount of E911 surcharge generated per calendar quarter is distributed to the PSAPs. There are 114 PSAPs in the state, including the Department of Public Safety. This bill changes the initial distribution to PSAPs to 60.0% of the total amount of E911 surcharge generated per calendar quarter. The allocation of revenue will continue in proportion to the PSAP square mileage and the number of wireless E911 calls received by each PSAP. The bill also eliminates the accumulation of a carryover operating surplus in the fund by directing the program manager to expend and distribute all of the funds except for \$3.5 million. This is the amount needed in reserve in case of a catastrophic occurrence within the system.

The priority order for distributing funds from the E911 Emergency Communications Fund upon enactment of **HF 2349** will be:

1. An amount appropriated by the General Assembly to implement, support, and maintain the functions of the director and program manager and employ the State Auditor to perform an annual audit of the E911 fund. This amount has previously been set at \$250,000 per fiscal year.
2. Sixty percent allocated to the individual PSAPs based on a formula. This formula allocates 65.0% in proportion to the square miles of the PSAP service area to the total square miles in the state, and 35.0% allocated in proportion to the wireless E911 calls received at the PSAP to the total calls received statewide. This amount is estimated to be \$16.8 million beginning in FY 2017. No PSAP will receive less than \$1,000 per quarter.
3. Ten percent of the total amount of surcharge revenue is available to the wireless carriers to recover their costs to deliver E911 Phase I services.
4. Reimbursement of communications service providers on a quarterly basis for their eligible transport costs.
5. Wire-line carriers and third-party E911 automatic location information costs.
6. Grants to any PSAP agreeing to consolidate. Grants will not exceed one-half of the projected cost of consolidation, or \$200,000, whichever is less.

7. An amount not to exceed \$100,000 for development of public awareness and educational programs for personnel responsible for the maintenance, operation, and upgrading of local E911 systems.
8. Any remaining funds will be distributed equally to the PSAPs to fund future network improvements and the receipt and disposition of 911 calls, for costs related to accessing the state's interoperable communications system; and costs related to the receipt and disposition of E911 calls, and wireless carriers' transport costs related to wireless E911 services, if those costs are not otherwise recovered.

Under amendment [S-5135](#), items 6, 7, and 8 listed above will be limited to a total expenditure of \$4.4 million for FY 2017. This is reflected in the table below.

Assumptions

- Revenues will continue to be generated as they have been in past years, and are estimated to be \$28.1 million annually.
- Beginning in FY 2017, annual projected expenses (other than direct payments to the PSAPs) are estimated to be \$6.7 million through FY 2019 and \$6.5 million through FY 2024.

Fiscal Impact

There is no impact to the General Fund, as all revenues are from the E911 wireless surcharge. The following table summarizes the revenues and expenses projected under this bill.

**Projected Revenue and Expenditures – E911 Emergency Communications Fund
HF 2439 as amended by S-5135**

	<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>
Projected Revenue	\$ 28,075,000	\$ 28,075,000	\$ 28,075,000	\$ 28,075,000	\$ 28,075,000
Carryover Fund Brought Forward	19,798,811	8,734,811	5,445,811	3,500,000	3,500,000
Total Revenue	<u>47,873,811</u>	<u>36,809,811</u>	<u>33,520,811</u>	<u>31,575,000</u>	<u>31,575,000</u>
Projected Expenses	13,149,000	6,664,000	6,664,000	6,664,000	6,464,000
PSAP 60% Pass Through	12,880,000	16,800,000	16,800,000	16,800,000	16,800,000
Total Expenses	<u>26,029,000</u>	<u>23,464,000</u>	<u>23,464,000</u>	<u>23,464,000</u>	<u>23,264,000</u>
Total Projected Operating Surplus	\$ 21,844,811	\$ 13,345,811	\$ 10,056,811	\$ 8,111,000	\$ 8,311,000
Catastrophic Reserve	\$ 3,500,000	\$ 3,500,000	\$ 3,500,000	\$ 3,500,000	\$ 3,500,000
Grant Amount Legislated or Available	\$ 9,610,000	\$ 4,400,000	\$ 6,556,811	\$ 4,611,000	\$ 4,811,000
Carryover Amount	\$ 8,734,811	\$ 5,445,811	\$ 3,500,000	\$ 3,500,000	\$ 3,500,000

The funding increase or decrease by individual PSAP will vary.

Source

Homeland Security and Emergency Management Department

/s/ Holly M. Lyons

April 19, 2016

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 LSA upon request.
