

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

H8157	2
H8158	3
H8159	4
H8160	5
H8161	6
H8162	7
H8163	8
H8164	9
H8165	10
H8166	13
H8167	18
H8168	20
H8169	21
H8170	22
H8171	24
H8172	39
H8173	40
H8174	54
H8175	55
H8176	56
H8177	57
H8178	59
HR105	60
S5085	62
S5086	68
S5087	70
S5088	71
S5089	72
S5090	73
S5091	74
S5092	83
S5093	87
S5094	88
S5095	89
S5096	90
SSB3200	95

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

House File 2431

H-8157

1 Amend House File 2431 as follows:

2 1. Page 1, line 8, by striking <theft> and inserting  
3 <property offense>

4 2. Page 1, line 19, by striking <theft> and inserting  
5 <property offense>

6 3. Page 1, line 21, by striking <theft> and inserting  
7 <property offense>

8 4. Page 1, by striking lines 24 and 25 and inserting <has  
9 been entered for a criminal offense for committing any of the  
10 following:

11 a. Theft of agricultural property under section 714.2,  
12 subsection 1, 2, or 3.

13 b. Criminal mischief under section 716.3, 716.4, or 716.5,  
14 by damaging, defacing, altering, or destroying agricultural  
15 property.

16 2. As used in this section, agricultural property is limited  
17 to any of the following:>

18 5. Title page, line 1, by striking <theft> and inserting  
19 <property offense>

20 6. Title page, line 2, by striking <the theft of>

21 7. By renumbering, redesignating, and correcting internal  
22 references as necessary.

---

KACENA of Woodbury

HF2431.4258 (3) 87

-1-

da/rj

1/1

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

House File 2284

H-8158

1 Amend House File 2284 as follows:

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

4 <Section 1. Section 615.1A, Code 2018, is amended to read  
5 as follows:

6 **615.1A Execution on judgment — claim for rent.**

7 After the expiration of a period of ~~five~~ ten years from the  
8 date of entry of judgment of a court not of record, or twenty  
9 years from the date of entry of judgment of a court of record,  
10 in an action on a claim for rent, exclusive of any time during  
11 which execution on the judgment was stayed pending a bankruptcy  
12 action or order of court, such judgment shall be null and void,  
13 all liens shall be extinguished, and no execution shall be  
14 issued. However, in the event that the judgment or the right  
15 to collect thereon is sold or otherwise assigned for value to  
16 a third party other than a state or federally chartered bank  
17 or credit union, such judgment shall be null and void, all  
18 liens shall be extinguished, and no execution shall be issued  
19 after the expiration of two years from the date of entry of  
20 the judgment, exclusive of any time during which execution on  
21 the judgment was stayed pending a bankruptcy action or order  
22 of court.>

---

McKEAN of Jones

HF2284.4214 (2) 87

-1-

js/jh

1/1

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

House File 2443

H-8159

1 Amend House File 2443 as follows:

2 1. Page 1, line 3, by striking <section> and inserting  
3 <sections 716.7 and>

4 2. Page 1, by striking lines 8 and 9 and inserting <an  
5 organized effort to coordinate services for a child who is  
6 alleged to have committed a delinquent act that results in a  
7 dismissal of the complaint>

8 3. Page 8, lines 12 and 13, by striking <not be provided  
9 by the department.> and inserting <only be disseminated by the  
10 department to criminal or juvenile justice agencies for the  
11 purpose of administering chapter 692A, to the person who is the  
12 subject of the adjudication and custody data or the person's  
13 attorney, or to another person with a signed release from the  
14 person who is the subject of the adjudication and custody data  
15 authorizing the requesting person access to the adjudication  
16 and custody data.>

---

BALTIMORE of Boone

HF2443.4253 (1) 87

-1-

hb/rj

1/1

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

House File 2439

H-8160

1 Amend House File 2439 as follows:

2 1. By striking page 2, line 1, through page 3, line 4.

---

HIGHFILL of Polk

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

Senate File 2333

H-8161

1 Amend Senate File 2333, as passed by the Senate, as follows:  
2 1. Page 1, by striking lines 1 through 11 and inserting:  
3 <Section 1. Section 99B.31, subsection 1, paragraph h, Code  
4 2018, is amended to read as follows:  
5 h. The actual retail value of any prize does not exceed  
6 ~~one~~ nine hundred fifty dollars. If a prize consists of more  
7 than one item, unit, or part, the aggregate retail value of all  
8 items, units, or parts shall not exceed ~~one~~ nine hundred fifty  
9 dollars.>

---

MOORE of Cass

SF2333.4291 (1) 87

-1-

ec/rn

1/1

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

House File 2282

H-8162

1 Amend House File 2282 as follows:

2 1. Page 1, by striking lines 1 through 7 and inserting:

3 <Section 1. Section 99B.31, subsection 1, paragraph h, Code  
4 2018, is amended to read as follows:

5 *h.* The actual retail value of any prize does not exceed ~~one~~  
6 ~~hundred dollars~~ the designated prize value limit. If a prize  
7 consists of more than one item, unit, or part, the aggregate  
8 retail value of all items, units, or parts shall not exceed ~~one~~  
9 ~~hundred dollars~~ the designated prize value limit. For purposes  
10 of this paragraph, the “designated prize value limit” is nine  
11 hundred fifty dollars for an amusement concession conducted at  
12 a facility that is at least fifteen thousand square feet and is  
13 one hundred dollars for all other amusement concessions.>

---

MOORE of Cass

HF2282.3567 (2) 87

-1-

ec/rn

1/1

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

House File 2277

H-8163

1 Amend House File 2277 as follows:

2 1. Page 1, by striking lines 16 through 19 and inserting:

3 <Sec. \_\_\_\_\_. Section 144.43, subsection 3, Code 2018, is  
4 amended to read as follows:

5 3. However, the following vital statistics records may be  
6 inspected and copied as of right under **chapter 22** when they are  
7 in the custody of a county registrar or when they are in the  
8 custody of the state archivist ~~and are at least seventy-five~~  
9 ~~years old:~~

10 a. A record of birth that is at least seventy-five years  
11 old.

12 b. A record of marriage that is at least seventy-five years  
13 old.

14 c. A record of divorce, dissolution of marriage, or  
15 annulment of marriage that is at least seventy-five years old.

16 d. A record of death if that death was not a fetal death  
17 that is at least fifty years old.

18 e. A record of death that was a fetal death in the custody  
19 of the state archivist that is at least fifty years old.>

20 2. Title page, line 2, after <archivist> by inserting <or a  
21 county registrar>

22 3. By renumbering as necessary.

---

ZUMBACH of Linn



**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

Senate File 2316

H-8164

1 Amend Senate File 2316, as passed by the Senate, as follows:

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

3 <Sec. \_\_\_\_\_. Section 508.25, Code 2018, is amended to read as  
4 follows:

5 **508.25 Policy forms — approval.**

6 It shall be unlawful for any insurance company transacting  
7 business within this state, under the provisions of this  
8 chapter, to ~~write~~ do any of the following:

9 1. Write or use any form of policy or contract of insurance,  
10 on the life of any individual in this state, until a copy  
11 of such form of policy or contract has been filed with and  
12 approved by the commissioner of insurance.

13 2. Fail to provide at least thirty calendar days' advance  
14 written notice, by certified mail to a policyholder's last  
15 known address, prior to termination of the policyholder's  
16 universal life policy or contract.>

17 2. Title page, by striking lines 1 and 2 and inserting <An  
18 Act relating to transactions and notifications by domestic  
19 stock insurers and life insurance companies.>

20 3. By renumbering as necessary.

---

STAED of Linn

SF2316.4292 (2) 87

-1-

ko/rj

1/1

Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
March 05, 2018

House File 2416

H-8165

1 Amend House File 2416 as follows:

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

4 <Section 1. Section 321.477, Code 2018, is amended to read  
5 as follows:

6 **321.477 Employees as peace officers — maximum age.**

7 1. The department may designate by resolution certain of its  
8 employees upon each of whom there is conferred the authority of  
9 a peace officer to enforce all laws of the this state including  
10 but not limited to the rules and regulations of the department.  
11 Employees designated as peace officers pursuant to this section  
12 shall have the same powers, duties, privileges, and immunities  
13 conferred by law on peace officers ~~for relating to~~ the  
14 enforcement of all laws of this state and the apprehension of  
15 violators. The department and the department of public safety  
16 shall coordinate to provide effective and efficient enforcement  
17 of all laws of this state, including any related regulatory  
18 actions.

19 ~~2. Employees designated as peace officers pursuant to this~~  
20 ~~section who are assigned to the supervision of the highways~~  
21 ~~of this state shall spend the preponderance of their time~~  
22 ~~conducting enforcement activities that assure the safe and~~  
23 ~~lawful movement and operation of commercial motor vehicles and~~  
24 ~~vehicles transporting loads, including but not limited to the~~  
25 ~~enforcement of motor vehicle laws relating to the operating~~  
26 ~~authority, registration, size, weight, and load of motor~~  
27 ~~vehicles and trailers, and registration of a motor carrier's~~  
28 ~~interstate transportation service with the department.~~

29 ~~3.~~ 2. Employees designated as peace officers pursuant to  
30 this section shall not exercise the general powers of a peace  
31 officer within the limits of any city, except as follows:

32 a. When so ordered by the direction of the governor.

33 b. When request is made by the mayor of any city, with the  
34 approval of the director.

35 c. When request is made by the sheriff or county attorney of

HF2416.4271 (1) 87

-1-

ns/rh

1/3

Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
March 05, 2018

1 any county, with the approval of the director.

2     ~~d.~~ While in the pursuit of law violators or in investigating  
3 law violations.

4     ~~e.~~ While making any inspection provided by ~~this chapter~~, or  
5 any additional inspection ordered by the director.

6     ~~f.~~ When engaged in the investigation and enforcement of laws  
7 relating to narcotic, counterfeit, stimulant, and depressant  
8 drugs.

9     ~~4.~~ 3. The limitations specified in ~~subsection 3 2~~ shall in  
10 no way be construed as a limitation on the power of employees  
11 designated as peace officers pursuant to ~~this section~~ when a  
12 public offense is being committed in their presence.

13     ~~5.~~ 4. a. The department shall establish operational  
14 requirements to assure that at least ninety percent of all  
15 collective enforcement activities performed by employees  
16 designated as peace officers pursuant to this section who  
17 are assigned to the supervision of the highways of this  
18 state shall be devoted to the protection of highway assets  
19 and to activities that assure the safe and lawful movement  
20 and operation of commercial motor vehicles and vehicles  
21 transporting loads, including but not limited to all of the  
22 following:

23         (1) The enforcement of motor vehicle laws relating to  
24 the operating authority, registration, size, weight, and  
25 load of motor vehicles and trailers, and registration of a  
26 motor carrier's interstate transportation service with the  
27 department.

28         (2) The enforcement of federal motor carrier safety  
29 regulations and federal motor carrier hazardous materials  
30 regulations as adopted in this chapter and in rules adopted by  
31 the department under this chapter.

32         (3) The performance of activities required for  
33 participation in the motor carrier safety assistance program  
34 and the high priority program administered under 49 C.F.R. pt.  
35 350.

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

1     (4) The control and direction of traffic.

2     (5) The enforcement of motor vehicle laws in road work  
3 zones.

4     b. The department shall submit a report to the general  
5 assembly on or before December 1 of each year that details the  
6 nature and scope of enforcement activities conducted in the  
7 previous fiscal year by employees designated as peace officers  
8 pursuant to this section who are assigned to the supervision  
9 of the highways of this state. The report shall include a  
10 comparison of commercial and noncommercial motor vehicle  
11 enforcement activities conducted by such employees and any  
12 other information necessary to demonstrate the department's  
13 compliance with the operational requirements established  
14 pursuant to this section.

15     c. The operational requirements established pursuant to  
16 this section are intended to assure the effective use of the  
17 department's resources. The failure of the department or  
18 employees designated as peace officers pursuant to this section  
19 to meet the operational requirements shall not be a defense to  
20 any charge in the prosecution of a person arrested or issued  
21 a citation in lieu of arrest by an employee designated as a  
22 peace officer pursuant to this section, and shall not create a  
23 private cause of action.

24     ~~6-~~ 5. The maximum age for a person employed as a peace  
25 officer pursuant to this section is sixty-five years of age.>

26     2. By renumbering as necessary.

---

WORTHAN of Buena Vista

Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
March 05, 2018

House File 2342

H-8166

1 Amend House File 2342 as follows:

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

3 <Section 1. Section 481A.11, Code 2018, is amended to read  
4 as follows:

5 **481A.11 Confiscated or accidentally killed game.**

6 Except as provided in [section 481A.13](#) or [481A.13A](#), any game  
7 or fish seized by the commission under [section 481A.12](#) or any  
8 game accidentally killed by a motor vehicle on a public highway  
9 shall, when salvageable, be disposed of as determined by the  
10 commission or its designee.

11 Sec. \_\_\_\_\_. Section 481A.12, Code 2018, is amended to read as  
12 follows:

13 **481A.12 Seizure of wildlife taken or handled illegally.**

14 The director or any peace officer shall seize with or  
15 without warrant and take possession of, ~~or direct the disposal~~  
16 ~~of,~~ any fish, furs, birds, or animals, or mussels, clams, or  
17 frogs, which have been caught, taken, or killed at a time,  
18 in a manner, or for a purpose, or had in possession or under  
19 control, or offered for shipment, or illegally transported in  
20 the state or to a point beyond its borders, contrary to the  
21 Code. All fish, furs, birds, or animals, or mussels, clams,  
22 or frogs seized under [this section](#) ~~may~~ shall be relinquished  
23 to a representative of the commission ~~or disposed of~~ and kept  
24 as provided in section 481A.13.

25 Sec. \_\_\_\_\_. Section 481A.13, Code 2018, is amended to read as  
26 follows:

27 **481A.13 Search warrants.**

28 Any court having jurisdiction of the offense, upon receiving  
29 proof of probable cause for believing that any fish, mussels,  
30 clams, frogs, birds, furs, or animals caught, taken, killed,  
31 had in possession, under control, or shipped, contrary to the  
32 Code, or hidden or concealed in any place, shall issue a search  
33 warrant and cause a search to be made in any place therefor.  
34 The property so seized under warrant shall be safely kept under  
35 the direction of the court so long as necessary for the purpose

HF2342.4236 (2) 87

-1-

js/jh

1/5

Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
March 05, 2018

1 of being used as evidence in any trial, and if a trial results  
2 in a conviction the property seized shall be confiscated by the  
3 director or the director's officers. If the trial does not  
4 result in a conviction, the property shall be returned to the  
5 person pursuant to section 481A.13A.

6 Sec. \_\_\_\_\_. NEW SECTION. **481A.13A Conviction required for**  
7 **property confiscation — return of property.**

8 1. The state shall not confiscate property seized under  
9 section 481A.12 or 481A.13 unless the person from whom the  
10 property was seized is convicted of the violation for which the  
11 property was seized.

12 2. If the person from whom the property was seized is not  
13 convicted of the violation for which the property was seized,  
14 the department, law enforcement agency, or other governmental  
15 agency in possession of the seized property shall return the  
16 seized property to the person within thirty days of any of the  
17 following:

18 a. The date the person is found not guilty of the violation.

19 b. The date the action involving the violation is dismissed.

20 c. The date the statute of limitations expires for the  
21 alleged violation for which the property was seized.

22 3. For purposes of this section, "*convicted*" includes  
23 a finding of guilt, payment of a scheduled fine, a plea of  
24 guilty, deferred judgment, deferred or suspended sentence,  
25 adjudication of delinquency, or circumstance where a person is  
26 not charged with a criminal offense related to the violation  
27 based in whole or in part on the person's agreement to provide  
28 information regarding the criminal activity of another person.

29 Sec. \_\_\_\_\_. Section 483A.32, Code 2018, is amended to read as  
30 follows:

31 **483A.32 Public nuisance.**

32 1. Any Subject to subsection 2, any device, contrivance,  
33 or material used to violate a rule adopted by the commission,  
34 or any other provision of this chapter or chapter 481A, 481B,  
35 482, 484A, or 484B, is a public nuisance and may be condemned

Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
March 05, 2018

1 by the state. The director, the director's officers, or  
2 any peace officer, shall seize the devices, contrivances,  
3 or materials used as a public nuisance, without warrant or  
4 process, and deliver them to a magistrate having jurisdiction.  
5 An automobile shall not be construed to be a public nuisance  
6 under this section.

7 2. The state may only condemn property seized as a public  
8 nuisance if the person from whom the property was seized is  
9 convicted of the violation for which the property was seized as  
10 a public nuisance.

11 3. If the person from whom the property was seized is not  
12 convicted of the violation for which the property was seized,  
13 the department, law enforcement agency, or other governmental  
14 agency in possession of the seized property shall return the  
15 seized property to the person within thirty days of any of the  
16 following:

17 a. The date the person is found not guilty of the violation.

18 b. The date the action involving the violation is dismissed.

19 c. The date the statute of limitations expires for the  
20 alleged violation for which the property was seized.

21 4. For purposes of this section, "convicted" means the same  
22 as in section 481A.13A, subsection 3.

23 Sec. \_\_\_\_. Section 483A.33, subsection 3, paragraph a, Code  
24 2018, is amended to read as follows:

25 a. The person from whom the property was seized may make  
26 application for its return in the office of the clerk of the  
27 district court for the county in which the property was seized.  
28 The application shall be filed within thirty days after  
29 the receipt of the notice of condemnation or the person is  
30 convicted of the violation for which the property was seized,  
31 whichever occurs later. Failure to file the application within  
32 this time period terminates the interest of the person and the  
33 ownership of the property shall be transferred to the state,  
34 except that a person who is not convicted of the violation  
35 for which the property was seized is not required to file an

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

1 application and is entitled to the return of the property in  
2 accordance with section 483A.32.

3     Sec. \_\_\_\_\_. Section 483A.33, subsection 4, Code 2018, is  
4 amended to read as follows:

5     4. If an application for return of condemnable property  
6 is timely and of sufficient grounds, the claim shall be set  
7 for hearing. The hearing shall be held not less than ten nor  
8 more than thirty days after the ~~filing of the claim~~ claim is  
9 filed or the person is convicted for the violation for which  
10 the property was seized as a public nuisance, whichever occurs  
11 later. The proceeding shall be conducted by a magistrate or  
12 a district associate judge. All claims to the same property  
13 shall be heard in one proceeding, unless it is shown that the  
14 proceeding would result in prejudice to one or more of the  
15 parties.

16     Sec. \_\_\_\_\_. Section 483A.33, subsection 5, Code 2018, is  
17 amended by adding the following new paragraphs:

18     NEW PARAGRAPH. c. On or before December 31, 2018, and  
19 on or before December 1 each year thereafter, the department  
20 shall report to the general assembly's standing committees  
21 on government oversight regarding the amount of the proceeds  
22 deposited to the state fish and game protection fund pursuant  
23 to this subsection. The report shall also contain all  
24 information recorded pursuant to paragraph "d".

25     NEW PARAGRAPH. d. A seizing public agency that has custody  
26 of any property that is seized pursuant to a provision of this  
27 subchapter shall adopt and comply with a written internal  
28 control policy that does all of the following:

29     (1) Provides for keeping detailed records as to the amount  
30 of property acquired by the agency and the date property was  
31 acquired.

32     (2) Provides for keeping detailed records of the  
33 disposition of the property, which shall include the manner  
34 in which the property was disposed, the date of disposition,  
35 and detailed financial records concerning any property sold.



**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

1 The records shall not identify or enable identification of the  
2 individual officer who seized any item of property or the name  
3 of any person or entity who received any item of property.

4 NEW PARAGRAPH. *e.* The records kept under the internal  
5 control policy shall be open to public inspection during the  
6 agency's regular business hours. The policy adopted under this  
7 section is a public record open for inspection under chapter  
8 22.>

9 2. Page 1, line 2, by striking <subsection> and inserting  
10 <subsections>

11 3. Page 1, line 5, after <purchase> by inserting <a fish,  
12 fur, bird, animal, mussel, clam, or frog seized pursuant to  
13 section 481A.12, a device, contrivance, or material condemned  
14 pursuant to section 483A.32, or>

15 4. Page 1, line 10, after <seizing> by inserting <public>

16 5. Page 1, after line 12 by inserting:

17 <NEW SUBSECTION. 7. For purposes of this section,  
18 "*convicted*" means the same as in section 481A.13A, subsection  
19 3.>

20 6. Title page, by striking lines 1 and 2 and inserting <An  
21 Act relating to the seizure and disposition of property by the  
22 department of natural resources and requiring a report.>

23 7. By renumbering as necessary.

---

HEARTSILL of Marion

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

House File 2441

H-8167

1 Amend House File 2441 as follows:

2 1. Page 7, after line 2 by inserting:

3 <Sec. \_\_\_\_\_. Section 298A.12, Code 2018, is amended to read  
4 as follows:

5 **298A.12 Child care fund.**

6 1. A child care fund is an enterprise fund. A child care  
7 fund must be established in any school corporation receiving  
8 moneys from the child care program authorized under section  
9 279.49.

10 2. If the sum of the fees collected under section 279.49 for  
11 participation in a before and after school program and other  
12 moneys deposited in the fund as the result of the before and  
13 after school program exceeds the amount necessary to operate  
14 the before and after school program, the excess amount may,  
15 following a public hearing, be transferred by resolution of  
16 the board of directors of the school corporation for deposit  
17 in the general fund of the school corporation to be used for  
18 school district general fund purposes. The board shall publish  
19 notice of the time and the place of the public hearing in  
20 the same manner as required in section 24.9. The resolution  
21 transferring the excess amount shall state the original source  
22 and purpose of the funds, the method used to establish fee  
23 amounts for the before and after school program under section  
24 279.49, subsection 4, the proposed use of such funds, and the  
25 amount of the transfer. The department of education shall  
26 prescribe the form for public hearing notices. The board shall  
27 provide a copy of the resolution to the department of education  
28 and shall make the resolution available for any audit performed  
29 under chapter 11. A transfer under this subsection does not  
30 increase a school district's authorized expenditures as defined  
31 in section 257.7.>

32 2. Page 7, after line 11 by inserting:

33 <5. The section of this Act amending section 298A.12.>

34 3. Page 7, after line 20 by inserting:

35 <5. The section of this Act amending section 298A.12.>

HF2441.4287 (2) 87

-1-

md/jh

1/2

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

1      4. By renumbering as necessary.

---

KOESTER of Polk

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

House File 2441

H-8168

1 Amend House File 2441 as follows:

2 1. Page 7, after line 2 by inserting:

3 <Sec. \_\_\_\_\_. Section 299A.12, Code 2018, is amended by adding  
4 the following new subsection:

5 NEW SUBSECTION. 3A. The purposes for and limitations on  
6 the expenditure of funds under subsections 2 and 3 shall not  
7 be construed to prohibit a school corporation from authorizing  
8 the use of items and materials purchased for the home school  
9 assistance program for school district purposes other than the  
10 home school assistance program so long as the authorized use  
11 does not prevent or interfere with the item or material's use  
12 by parents or students utilizing the program.>

13 2. Page 7, after line 11 by inserting:

14 <5. The section of this Act amending section 299A.12.>

15 3. Page 7, after line 20 by inserting:

16 <5. The section of this Act amending section 299A.12.>

17 4. By renumbering as necessary.

---

KOESTER of Polk

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

House File 2280

H-8169

1 Amend House File 2280 as follows:

2 1. Page 1, after line 18 by inserting:

3 <Sec. \_\_\_\_\_. EFFECTIVE DATE. This Act, being deemed of  
4 immediate importance, takes effect upon enactment.

5 Sec. \_\_\_\_\_. RETROACTIVE APPLICABILITY. This Act applies  
6 retroactively to July 1, 2012, for individuals who completed  
7 the course requirements for an approved practitioner  
8 preparation program but attained an assessment score below that  
9 required for successful completion of the program under section  
10 256.16, subsection 1, paragraph "a", subparagraph (2), Code  
11 2018. Such an individual shall be deemed to have successfully  
12 completed the practitioner preparation program for purposes  
13 of section 256.16 and is eligible to submit an application  
14 for an initial license to the board of educational examiners,  
15 which may issue the initial license for a period of time at its  
16 discretion.>

17 2. Title page, line 3, after <program> by inserting <,  
18 and including effective date and retroactive applicability  
19 provisions>

---

MOORE of Cass

HF2280.4296 (2) 87

-1-

kh/rj

1/1

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

House File 2467

H-8170

1 Amend House File 2467 as follows:

2 1. Page 1, line 7, by striking <five> and inserting <one>

3 2. Page 1, line 33, by striking <shall> and inserting <is  
4 encouraged to>

5 3. Page 2, after line 20 by inserting:

6 <(4) Providing an alternative meal that is only offered to  
7 a student who has accrued meal debt. A school that offers the  
8 option of an alternative meal shall present the meal in the  
9 same manner to any student requesting an alternative meal so as  
10 not to identify a student as having accrued meal debt.>

11 4. Page 2, line 22, by striking <and not to the student>  
12 and inserting <and may discreetly provide information about  
13 the student's meal account to the student as long as the  
14 communication with the student does not violate paragraph "a">

---

KOESTER of Polk

---

RUNNING-MARQUARDT of Linn

---

PRICHARD of Floyd

---

GAINES of Polk

---

HAGER of Allamakee

HF2467.4299 (3) 87

-1-

kh/jh

1/2

**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
March 05, 2018**

---

HINSON of Linn

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

House File 2401

H-8171

1 Amend House File 2401 as follows:

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

4 <DIVISION I

5 SEXUALLY VIOLENT PREDATORS ACCUMULATION OF EARNED TIME

6 Section 1. Section 229A.2, subsection 4, Code 2018, is  
7 amended to read as follows:

8 4. "*Discharge*" means an unconditional discharge from the  
9 sexually violent predator program. A person released from a  
10 secure facility into a transitional release program or released  
11 with ~~or without~~ supervision is not considered to be discharged.

12 Sec. 2. Section 229A.5B, subsection 1, unnumbered paragraph  
13 1, Code 2018, is amended to read as follows:

14 A person who is detained pursuant to [section 229A.5](#) or is  
15 subject to an order of civil commitment under [this chapter](#)  
16 shall remain in custody unless released by court order or  
17 discharged under [section 229A.8](#) or [229A.10](#). A person who has  
18 been placed in a transitional release program or who is under  
19 release with ~~or without~~ supervision is considered to be in  
20 custody. A person in custody under [this chapter](#) shall not do  
21 any of the following:

22 Sec. 3. Section 229A.5C, subsection 4, Code 2018, is amended  
23 to read as follows:

24 4. A person who committed a public offense while in a  
25 transitional release program or on release with ~~or without~~  
26 supervision may be returned to a secure facility operated by  
27 the department of human services upon completion of any term  
28 of confinement that resulted from the commission of the public  
29 offense.

30 Sec. 4. Section 229A.6A, subsection 1, paragraph d, Code  
31 2018, is amended to read as follows:

32 d. To a facility for placement or treatment in a  
33 transitional release program or for release with ~~or without~~  
34 supervision. A transport order is not required under this  
35 paragraph.

HF2401.4333 (3) 87

-1-

hb/rh

1/15



**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

1     Sec. 5. Section 229A.7, subsection 7, Code 2018, is amended  
2 to read as follows:

3     7. The control, care, and treatment of a person determined  
4 to be a sexually violent predator shall be provided at a  
5 facility operated by the department of human services. At all  
6 times prior to placement in a transitional release program  
7 or release with ~~or without~~ supervision, persons committed  
8 for control, care, and treatment by the department of human  
9 services pursuant to [this chapter](#) shall be kept in a secure  
10 facility and those patients shall be segregated at all times  
11 from any other patient under the supervision of the department  
12 of human services. A person committed pursuant to [this chapter](#)  
13 to the custody of the department of human services may be kept  
14 in a facility or building separate from any other patient  
15 under the supervision of the department of human services.  
16 The department of human services may enter into a chapter  
17 28E agreement with the department of corrections or other  
18 appropriate agency in this state or another state for the  
19 confinement of patients who have been determined to be sexually  
20 violent predators. Patients who are in the custody of the  
21 director of the department of corrections pursuant to a chapter  
22 28E agreement and who have not been placed in a transitional  
23 release program or released with ~~or without~~ supervision shall  
24 be housed and managed separately from criminal offenders in  
25 the custody of the director of the department of corrections,  
26 and except for occasional instances of supervised incidental  
27 contact, shall be segregated from those offenders.

28     Sec. 6. Section 229A.8, subsection 5, paragraph e,  
29 subparagraph (2), Code 2018, is amended to read as follows:

30     (2) (a) If the committed person shows by a preponderance  
31 of the evidence that a final hearing should be held on either  
32 determination under subparagraph (1), subparagraph division (a)  
33 or (b), or both, the court shall set a final hearing within  
34 sixty days of the determination that a final hearing be held.

35     (b) The committed person may waive the sixty-day final

Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
March 05, 2018

1 hearing requirement under subparagraph subdivision (a);  
2 however, the committed person or the attorney for the committed  
3 person may reassert a demand that the final hearing be held  
4 within sixty days from the date of filing the demand with the  
5 clerk of court.

6 (c) The final hearing may be continued upon request of  
7 either party and a showing of good cause, or by the court  
8 on its own motion in the due administration of justice, and  
9 if the committed person is not substantially prejudiced. In  
10 determining what constitutes good cause, the court shall  
11 consider the length of the pretrial detention of the committed  
12 person.

13 Sec. 7. Section 229A.8B, subsection 3, Code 2018, is amended  
14 to read as follows:

15 3. Upon the return of the committed person to a secure  
16 facility, the director of human services or the director's  
17 designee shall notify the court that issued the ex parte order  
18 that the absconder has been returned to a secure facility, and  
19 the court shall set a hearing ~~within five days~~ to determine if  
20 a violation occurred. If a court order was not issued, the  
21 director or the director's designee shall contact the nearest  
22 district court with jurisdiction to set a hearing to determine  
23 whether a violation of the rules or directives occurred. The  
24 court shall schedule a hearing ~~within five days of~~ after  
25 receiving notice that the committed person has been returned  
26 from the transitional release program to a secure facility.

27 Sec. 8. Section 229A.9A, Code 2018, is amended to read as  
28 follows:

29 **229A.9A Release with ~~or without~~ supervision.**

30 1. In any proceeding under **section 229A.8**, the court may  
31 order the committed person released with ~~or without~~ supervision  
32 if any of the following apply:

33 a. The attorney general stipulates to the release with ~~or~~  
34 ~~without~~ supervision.

35 b. The court or jury has determined that the person should

Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
March 05, 2018

1 ~~be discharged~~ released from the ~~program~~ a secure facility or  
2 a transitional release program, but the court has determined  
3 the person suffers from a mental abnormality and it is in the  
4 best interest of the community to order release with ~~or without~~  
5 supervision before the committed person is discharged.

6 2. If release with ~~or without~~ supervision is ordered, the  
7 department of human services shall prepare within sixty days of  
8 the order of the court a release plan addressing the person's  
9 needs for counseling, medication, community support services,  
10 residential services, vocational services, alcohol or other  
11 drug abuse treatment, sex offender treatment, or any other  
12 treatment or supervision necessary.

13 3. The court shall set a hearing on the release plan  
14 prepared by the department of human services before the  
15 committed person is released from a secure facility or a  
16 transitional release program.

17 4. If the court orders release with supervision, the court  
18 shall order supervision by an agency with jurisdiction that  
19 is familiar with the placement of criminal offenders in the  
20 community. The agency with jurisdiction shall be responsible  
21 for initiating proceedings for violations of the release plan  
22 as provided in section 229A.9B. ~~If the court orders release~~  
23 ~~without supervision, the agency with jurisdiction shall also be~~  
24 ~~responsible for initiating proceedings for any violations of~~  
25 ~~the release plan as provided in section 229A.9B.~~

26 5. A committed person may not petition the court for release  
27 with ~~or without~~ supervision.

28 6. A committed person released with ~~or without~~ supervision  
29 is not considered discharged from civil commitment under this  
30 chapter.

31 7. After being released with ~~or without~~ supervision, the  
32 person may petition the court for discharge as provided in  
33 section 229A.8.

34 8. The court shall retain jurisdiction over the committed  
35 person who has been released with ~~or without~~ supervision until

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

1 the person is discharged from the program. The department  
2 of human services or a judicial district department of  
3 correctional services shall not be held liable for any acts  
4 committed by a committed person who has been ordered released  
5 with ~~or without~~ supervision.

6 Sec. 9. Section 229A.9B, Code 2018, is amended to read as  
7 follows:

8 **229A.9B Violations of release with ~~or without~~ supervision.**

9 1. If a committed person violates the release plan, the  
10 agency with jurisdiction over the person may request the  
11 district court to issue an emergency ex parte order directing  
12 any law enforcement officer to take the person into custody  
13 so that the person can be returned to a secure facility.  
14 The request for an ex parte order may be made orally or by  
15 telephone, but the original written request or a facsimile copy  
16 of the request shall be filed with the clerk of court no later  
17 than 4:30 p.m. on the next business day the office of the clerk  
18 of court is open.

19 2. If a committed person has absconded in violation of the  
20 conditions of the person's release plan, a presumption arises  
21 that the person poses a risk to public safety. The department  
22 of human services or contracting agency, in cooperation with  
23 local law enforcement agencies, may make a public announcement  
24 about the absconder. The public announcement may include a  
25 description of the committed person, that the committed person  
26 is on release with ~~or without~~ supervision from the sexually  
27 violent predator program, and any other information pertinent  
28 to public safety.

29 3. Upon the return of the committed person to a secure  
30 facility, the director of human services or the director's  
31 designee shall notify the court that issued the ex parte  
32 order that the committed person has been returned to a secure  
33 facility, and the court shall set hearing ~~within five days~~ to  
34 determine if a violation occurred. If a court order was not  
35 issued, the director or the director's designee shall contact

HF2401.4333 (3) 87

-5-

hb/rh

5/15

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

1 the nearest district court with jurisdiction to set a hearing  
2 to determine whether a violation of the conditions of the  
3 release plan occurred. The court shall schedule a hearing  
4 ~~within five days of~~ after receiving notice that the committed  
5 person has been returned to a secure facility.

6 4. At the hearing, the burden shall be upon the attorney  
7 general to show by a preponderance of the evidence that a  
8 violation of the release plan occurred.

9 5. If the court determines a violation occurred, the court  
10 shall receive release recommendations from the department of  
11 human services and either order that the committed person be  
12 returned to release with ~~or without~~ supervision or placed  
13 in a transitional release program, or be confined in a  
14 secure facility. The court may impose further conditions  
15 upon the committed person if returned to release with ~~or~~  
16 ~~without~~ supervision or placed in the transitional release  
17 program. If the court determines no violation occurred, the  
18 committed person shall be returned to release with ~~or without~~  
19 supervision.

20 Sec. 10. Section 229A.15, Code 2018, is amended to read as  
21 follows:

22 **229A.15 Court records — sealed and opened by court order.**

23 1. Any Except as otherwise provided in this section, any  
24 psychological reports, drug and alcohol reports, treatment  
25 records, reports of any diagnostic center, medical records, or  
26 victim impact statements which have been submitted to the court  
27 or admitted into evidence under this chapter shall be part of  
28 the record but shall be sealed and opened only on order of the  
29 court.

30 2. The documents described in subsection 1 shall be  
31 available to the prosecuting attorney or attorney general, the  
32 committed person, and the attorney for the committed person  
33 without an order of the court.

34 Sec. 11. Section 901A.2, subsection 6, Code 2018, is amended  
35 to read as follows:

Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
March 05, 2018

1     6. A person who has been placed in a transitional release  
2 program, released with ~~or without~~ supervision, or discharged  
3 pursuant to [chapter 229A](#), and who is subsequently convicted of  
4 a sexually predatory offense or a sexually violent offense,  
5 shall be sentenced to life in prison on the same terms as  
6 a class "A" felon under [section 902.1](#), notwithstanding any  
7 other provision of the Code to the contrary. The terms and  
8 conditions applicable to sentences for class "A" felons under  
9 chapters 901 through 909 shall apply to persons sentenced under  
10 this subsection. However, if the person commits a sexually  
11 violent offense which is a misdemeanor offense under chapter  
12 709, the person shall be sentenced to life in prison, with  
13 eligibility for parole as provided in [chapter 906](#).

14     Sec. 12. Section 903A.2, subsection 1, paragraph a,  
15 subparagraph (2), Code 2018, is amended to read as follows:

16     (2) However, an inmate required to participate in a sex  
17 offender treatment program shall not be eligible for a any  
18 reduction of sentence ~~unless~~ until the inmate participates in  
19 and completes a sex offender treatment program established by  
20 the director.

21     Sec. 13. Section 903A.2, subsection 1, paragraph b,  
22 subparagraph (2), Code 2018, is amended to read as follows:

23     (2) An inmate required to participate in a domestic abuse  
24 treatment program shall not be eligible for a any reduction of  
25 sentence ~~unless~~ until the inmate participates in and completes  
26 a domestic abuse treatment program established by the director.

27     Sec. 14. Section 903A.3, subsection 1, Code 2018, is amended  
28 to read as follows:

29     1. Upon finding that an inmate has violated an institutional  
30 rule, has failed to complete a sex offender or domestic abuse  
31 treatment program as specified in section 903A.2, or has  
32 had an action or appeal dismissed under [section 610A.2](#), the  
33 independent administrative law judge may order forfeiture of  
34 any or all earned time accrued and not forfeited up to the  
35 date of the violation by the inmate and may order forfeiture

Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
March 05, 2018

1 of any or all earned time accrued and not forfeited up to  
2 the date the action or appeal is dismissed, unless the court  
3 entered such an order under [section 610A.3](#). The independent  
4 administrative law judge has discretion within the guidelines  
5 established pursuant to [section 903A.4](#), to determine the amount  
6 of time that should be forfeited based upon the severity of the  
7 violation. Prior violations by the inmate may be considered by  
8 the administrative law judge in the decision.

9 DIVISION II

10 CHILD ABUSE — SEXUAL OFFENSES AND SEX OFFENDERS

11 Sec. 15. Section 232.68, subsection 2, paragraph a,  
12 subparagraph (3), Code 2018, is amended to read as follows:

13 (3) The commission of a sexual offense with or to a child  
14 pursuant to [chapter 709](#), [section 726.2](#), or section 728.12,  
15 subsection 1, as a result of the acts or omissions of the  
16 person responsible for the care of the child or of a person who  
17 is fourteen years of age or older and resides in a home with  
18 the child. Notwithstanding [section 702.5](#), the commission of  
19 a sexual offense under this subparagraph includes any sexual  
20 offense referred to in this subparagraph with or to a person  
21 under the age of eighteen years.

22 Sec. 16. Section 232.68, subsection 2, paragraph a,  
23 subparagraph (9), Code 2018, is amended to read as follows:

24 (9) (a) Knowingly A person who is responsible for the  
25 care of a child knowingly allowing a person another person  
26 custody or of, control of over, or unsupervised access to a  
27 child or minor child under the age of fourteen or a child with  
28 a physical or mental disability, after knowing the person  
29 other person is required to register or is on the sex offender  
30 registry under [chapter 692A](#) for a violation of [section 726.6](#).

31 (b) This subparagraph does not apply in any of the following  
32 circumstances:

33 (i) A child living with a parent or guardian who is a sex  
34 offender required to register or on the sex offender registry  
35 under [chapter 692A](#).

Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
March 05, 2018

1     (ii) A child living with a parent or guardian who is married  
2 to and living with a sex offender required to register or on  
3 the sex offender registry under chapter 692A.

4     (iii) A child who is a sex offender required to register or  
5 on the sex offender registry under chapter 692A who is living  
6 with the child's parent, guardian, or foster parent and is also  
7 living with the child to whom access was allowed.

8     (c) For purposes of this subparagraph, "control over" means  
9 any of the following:

10     (i) A person who has accepted, undertaken, or assumed  
11 supervision of a child from the parent or guardian of the  
12 child.

13     (ii) A person who has undertaken or assumed temporary  
14 supervision of a child without explicit consent from the parent  
15 or guardian of the child.

16                                   DIVISION III

17           SEX OFFENDERS AND PREDATORS — REGISTRATION AND CHILD  
18                                   ENDANGERMENT

19     Sec. 17. Section 692A.101, subsection 14, Code 2018, is  
20 amended to read as follows:

21     14. "Incarcerated" means to be imprisoned by placing a  
22 person in a jail, prison, penitentiary, juvenile facility,  
23 or other correctional institution or facility or a place or  
24 condition of confinement or forcible restraint regardless  
25 of the nature of the institution in which the person serves  
26 a sentence for a conviction. "Incarcerated" does not mean  
27 placement in an adult residential correctional or treatment  
28 facility that allows a resident to leave the facility for a  
29 portion of a day or days.

30     Sec. 18. Section 692A.101, subsection 31, Code 2018, is  
31 amended by striking the subsection and inserting in lieu  
32 thereof the following:

33     31. "Sexually violent predator" means a person who has  
34 been determined to be a sexually violent predator pursuant to  
35 section 229A.7.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
March 05, 2018

1     Sec. 19. Section 692A.128, Code 2018, is amended to read as  
2 follows:

3     **692A.128 Modification.**

4     1. A sex offender who is ~~on probation, parole, work release,~~  
5 ~~special sentence, or any other type of conditional release on~~  
6 the registry may file an application in district court seeking  
7 to modify the registration requirements under this chapter.

8     2. An application shall not be granted unless all of the  
9 following apply:

10    a. The date of the commencement of the requirement to  
11 register occurred at least ~~two~~ ten years prior to the filing  
12 of the application for a tier I offender and ~~five~~ twenty-five  
13 years prior to the filing of the application for a tier ~~II or~~  
14 III offender.

15    b. The ~~sex offender~~ applicant has successfully completed all  
16 sex offender treatment programs that have been required.

17    c. ~~A risk assessment has been completed and the sex offender~~  
18 ~~was classified as a low risk to reoffend. The risk assessment~~  
19 ~~used to assess an offender as a low risk to reoffend shall~~  
20 ~~be a validated risk assessment approved by the department~~  
21 ~~of corrections. The applicant has successfully completed~~  
22 any period of probation, parole, or other supervised release  
23 for the offense requiring registration, without incurring a  
24 revocation of probation, parole, or other supervised release  
25 for such offense.

26    d. The ~~sex offender~~ applicant is not incarcerated when the  
27 application is filed.

28    e. (1) ~~The director of the judicial district department~~  
29 ~~of correctional services supervising the sex offender, or~~  
30 ~~the director's designee, stipulates to the modification,~~  
31 ~~and a certified copy of the stipulation is attached to the~~  
32 application. For a tier I offender, the applicant has had  
33 no other criminal convictions other than simple misdemeanor  
34 violations of chapter 321 or similar local violations for the  
35 ten-year period preceding the filing of the application.

Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
March 05, 2018

1     (2) For a tier III offender, the applicant has had no  
2 other criminal convictions other than simple misdemeanor  
3 violations of chapter 321 or similar local violations for  
4 the twenty-five-year period preceding the filing of the  
5 application, and the requirement to register is based upon an  
6 adjudication in juvenile court.

7     3. The application shall be filed in the sex offender's  
8 county of principal residence.

9     4. Notice of any application shall be provided to the  
10 county attorney of the county of the ~~sex-offender's~~ applicant's  
11 principal residence, the county attorney of any county in  
12 this state where a conviction requiring the ~~sex-offender's~~  
13 applicant's registration occurred, and the department. The  
14 county attorney where the conviction occurred shall notify the  
15 victim of an application if the victim's address is known.

16     5. The court may, but is not required to, conduct a hearing  
17 on the application to hear any evidence deemed appropriate by  
18 the court. ~~The court may modify the registration requirements~~  
19 ~~under this chapter.~~

20     6. ~~a. A sex offender may be granted a modification if the~~  
21 ~~offender is required to be on the sex-offender registry as a~~  
22 ~~result of an adjudication for a sex offense, the offender is~~  
23 ~~not under the supervision of the juvenile court or a judicial~~  
24 ~~district judicial department of correctional services, and the~~  
25 ~~department of corrections agrees to perform a risk assessment~~  
26 ~~on the sex offender. However, all other provisions of this~~  
27 ~~section not in conflict with this subsection shall apply to the~~  
28 ~~application prior to an application being granted except that~~  
29 ~~the sex offender is not required to obtain a stipulation from~~  
30 ~~the director of a judicial district department of correctional~~  
31 ~~services, or the director's designee. If the court grants a~~  
32 modification for a tier I offender, the court may modify the  
33 registration period by reducing such period by up to five  
34 years.

35     b. If the court grants a modification for a tier III

Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
March 05, 2018

1 offender, the court may modify the registration period by  
2 reducing such period to a term of years.

3 7. If the court modifies the registration requirements  
4 under this chapter, the court shall send a copy of the order to  
5 the department, the sheriff of the county of the sex offender's  
6 principal residence, any county attorney notified in subsection  
7 4, and the victim, if the victim's address is known.

8 Sec. 20. Section 726.6, subsection 1, paragraph h, Code  
9 2018, is amended to read as follows:

10 h. Knowingly allows a person custody or control of, or  
11 unsupervised access to a child or a minor after knowing the  
12 person is required to register due to a conviction for a sex  
13 offense against a minor or is on the sex offender registry ~~as~~  
14 ~~a sex offender~~ due to a conviction for a sex offense against  
15 a minor under chapter 692A. However, this paragraph does  
16 not apply to a person who is a parent or guardian of a child  
17 or a minor, ~~who is~~ and the parent or guardian is required  
18 to register as a sex offender due to a conviction for a sex  
19 offense against a minor, or to a person who is married to and  
20 living with a person required to register as a sex offender due  
21 to a conviction for a sex offense against a minor.

22 Sec. 21. Section 726.6, Code 2018, is amended by adding the  
23 following new subsection:

24 NEW SUBSECTION. 1A. A person who knowingly takes custody or  
25 control of a child or minor, or who knowingly has unsupervised  
26 access to a child or minor while required to register as a sex  
27 offender for a sex offense against a minor under chapter 692A,  
28 commits child endangerment. However, this subsection does not  
29 apply to a person who is a parent or guardian of the child or  
30 minor, or to a person who is married to and living with a person  
31 who is the parent or guardian of the child or minor.

32 Sec. 22. Section 726.6, subsection 3, unnumbered paragraph  
33 1, Code 2018, is amended to read as follows:

34 For the purposes of subsection 1 or 1A, ~~“person having~~  
35 ~~control~~ “control over a child or a minor” means any of the

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

1 following:

2     Sec. 23. EFFECTIVE DATE. This division of this Act takes  
3 effect July 1, 2019.

4                                   DIVISION IV

5                   LASCIVIOUS CONDUCT WITH A MINOR

6     Sec. 24. Section 709.14, Code 2018, is amended by striking  
7 the section and inserting in lieu thereof the following:

8         **709.14 Lascivious conduct with a minor.**

9         1. *a.* It is unlawful for a person eighteen years of age  
10 or older who is in a position of authority over a minor to  
11 force, persuade, or coerce a minor, with or without consent,  
12 to disrobe or partially disrobe for the purpose of arousing or  
13 satisfying the sexual desires of either of them.

14         *b.* A violation of this subsection is a serious misdemeanor.

15         2. For purposes of subsections 3 and 4, "*minor*" means a  
16 person fourteen or fifteen years of age.

17         3. *a.* It is unlawful for a person eighteen years of age  
18 or older who is in a position of authority over a minor to  
19 perform any of the following acts with a minor, with or without  
20 consent, for the purpose of arousing or satisfying the sexual  
21 desires of either of them:

22             (1) Fondle or touch the inner thigh, groin, buttock, anus,  
23 or breast of the minor.

24             (2) Touch the clothing covering the immediate area of the  
25 inner thigh, groin, buttock, anus, or breast of the minor.

26             (3) Solicit or permit the minor to fondle or touch the inner  
27 thigh, groin, buttock, anus, or breast of the person.

28             (4) Solicit the minor to engage in any act prohibited under  
29 subsection 4, paragraph "*a*", subparagraph (1), (2), or (3).

30         *b.* A violation of this subsection is a serious misdemeanor.

31         4. *a.* It is unlawful for a person eighteen years of age  
32 or older who is in a position of authority over a minor to  
33 perform any of the following acts with a minor, with or without  
34 consent, for the purpose of arousing or satisfying the sexual  
35 desires of either of them:

HF2401.4333 (3) 87

-13-

hb/rh

13/15

1 (1) Fondle or touch the pubes or genitals of the minor.  
2 (2) Permit or cause the minor to fondle or touch the  
3 person's genitals or pubes.  
4 (3) Cause the touching of the person's genitals to any part  
5 of the body of the minor.  
6 (4) Solicit the minor to engage in a sex act or solicit a  
7 person to arrange a sex act with the minor.  
8 (5) Inflict pain or discomfort upon the minor or permit the  
9 minor to inflict pain or discomfort on the person.  
10 b. A violation of this subsection is an aggravated  
11 misdemeanor.

SEX OFFENDER HOUSING WORKGROUP

HF2401.4333 (3) 87  
hb/rh

**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
March 05, 2018**

---

KLEIN of Washington

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

House File 2441

H-8172

1 Amend House File 2441 as follows:

2 1. Page 5, line 35, by striking <paragraph> and inserting  
3 <paragraphs>

4 2. Page 6, after line 3 by inserting:

5 <NEW PARAGRAPH. g. School security personnel costs.>

6 3. Page 8, line 4, by striking <paragraph "f"> and inserting  
7 <paragraphs "f" and "g">

---

KOESTER of Polk

Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
March 05, 2018

House File 2455

H-8173

1 Amend House File 2455 as follows:

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

4 <Section 1. NEW SECTION. 521I.1 Definitions.

5 As used in this chapter, unless the context otherwise  
6 requires:

7 1. "*Assets*" means property whether real, personal, mixed,  
8 tangible, or intangible and any right or interest therein,  
9 including all rights under a contract or other agreement.

10 2. "*Capital*" means the capital stock component of a  
11 statutory surplus as defined in the latest edition of the  
12 national association of insurance commissioners' accounting  
13 practices and procedures manual.

14 3. "*Commissioner*" means the commissioner of insurance.

15 4. "*Divide*" or "*division*" means a transaction in which  
16 a domestic stock insurer splits into two or more resulting  
17 domestic stock insurers.

18 5. "*Dividing insurer*" means a domestic stock insurer that  
19 approves a plan of division.

20 6. "*Domestic stock insurer*" means a stock insurer domiciled  
21 and organized under the law of this state other than a company  
22 qualified and authorized by the commissioner to transact the  
23 business of insurance in this state by certificate issued  
24 pursuant to chapter 508, 512B, 514, 514B, 515, 515E, or 520.

25 7. "*Liability*" means a secured or contingent debt or  
26 obligation arising in any manner.

27 8. "*Resulting insurer*" means a dividing domestic stock  
28 insurer that survives a division or a new domestic stock  
29 insurer that is created by a division.

30 9. "*Shareholder*" means the person in whose name shares are  
31 registered in the records of a corporation or the beneficial  
32 owner of shares to the extent of the rights granted by a  
33 nominee certificate on file with a corporation.

34 10. "*Surplus*" means total statutory surplus less capital  
35 stock calculated in accordance with the current national

HF2455.4338 (3) 87

(amending this HF 2455 to CONFORM to SF 2316)

-1-

ko/rj

1/14



**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

1 association of insurance commissioners' accounting practices  
2 and procedures manual.

3 11. *Transfer* includes an assignment, assumption,  
4 conveyance, sale, lease, encumbrance, security interest, gift,  
5 or transfer by operation of law.

6 Sec. 2. NEW SECTION. 521I.2 Plan of division — general  
7 requirements.

8 A domestic stock insurer's plan of division shall include  
9 all of the following:

10 1. The name of the domestic stock insurer seeking to divide.

11 2. The name of each resulting insurer created by the  
12 proposed division and for each resulting insurer a copy of all  
13 of the following:

14 a. Proposed articles of incorporation.

15 b. Proposed bylaws.

16 3. The manner of allocating assets and liabilities,  
17 including policy liabilities, between or among all resulting  
18 insurers.

19 4. The manner of distributing shares in the resulting  
20 insurers to the dividing insurer or the dividing insurer's  
21 shareholders.

22 5. A reasonable description of all liabilities and all  
23 assets that the dividing insurer proposes to allocate to each  
24 resulting insurer, including the manner by which the dividing  
25 insurer proposes to allocate all reinsurance contracts.

26 6. All terms and conditions required by the laws of this  
27 state and the articles and bylaws of the dividing insurer.

28 7. All other terms and conditions of the division. Terms of  
29 a plan of division may be made dependent on facts objectively  
30 ascertainable outside of the plan of division.

31 Sec. 3. NEW SECTION. 521I.3 Plan of division — dividing  
32 insurer to survive division.

33 If a dividing insurer will survive a division, the plan  
34 of division shall include, in addition to the requirements  
35 pursuant to section 521I.2, all of the following:

HF2455.4338 (3) 87

(amending this HF 2455 to CONFORM to SF 2316)

-2-

ko/rj

2/14

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

1     1. All proposed amendments to the dividing insurer's  
2 articles of incorporation and bylaws.

3     2. If the dividing insurer intends to cancel some but not  
4 all shares in the dividing insurer, the manner in which the  
5 dividing insurer intends to cancel such shares.

6     3. If the dividing insurer intends to convert some but  
7 not all shares in the dividing insurer into securities,  
8 obligations, money, other property, rights to acquire shares or  
9 securities, or any combination thereof, a statement disclosing  
10 the manner in which the dividing insurer intends to convert  
11 such shares.

12     Sec. 4. NEW SECTION. 521I.4 Plan of division — dividing  
13 insurer not to survive division.

14     If a dividing insurer will not survive a division, the plan  
15 of division shall include, in addition to the requirements  
16 pursuant to section 521I.2, the manner in which the dividing  
17 insurer will cancel or convert shares in the dividing insurer's  
18 shares into shares, securities, obligations, money, other  
19 property, rights to acquire shares or securities, or any  
20 combination thereof.

21     Sec. 5. NEW SECTION. 521I.5 Amending plan of division.

22     1. A dividing insurer may amend the dividing insurer's  
23 plan of division in accordance with any procedures set forth  
24 in the plan of division, or if no such procedures are set  
25 forth in the plan of division, in a manner determined by the  
26 board of directors of the dividing insurer. A shareholder  
27 that is entitled to vote on or consent to approval of the plan  
28 of division shall be entitled to vote on or consent to an  
29 amendment of the plan of division that will affect any of the  
30 following:

31     a. The amount or kind of shares, securities, obligations,  
32 money, other property, rights to acquire shares or securities,  
33 or any combination thereof to be received by any of the  
34 shareholders of the dividing insurer under the plan of  
35 division.

HF2455.4338 (3) 87

(amending this HF 2455 to CONFORM to SF 2316)

-3-

ko/rj

3/14

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

1     *b.* The articles of incorporation or bylaws of any resulting  
2 insurer that become effective when the division becomes  
3 effective except for changes that do not require approval of  
4 the shareholders of the resulting insurer under such articles  
5 of incorporation or bylaws.

6     *c.* Any other terms or conditions of the plan of division  
7 if the change may adversely affect the shareholders in any  
8 material respect.

9     2. A dividing insurer shall not amend the dividing insurer's  
10 plan of division after the plan of division becomes effective.

11     Sec. 6. NEW SECTION. 521I.6 **Abandoning plan of division.**

12     1. A dividing insurer may abandon the dividing insurer's  
13 plan of division in any of the following circumstances:

14     *a.* After the dividing insurer has approved the plan  
15 of division without any action by the shareholders and in  
16 accordance with any procedures set forth in the plan of  
17 division, or if no such procedures are set forth in the plan of  
18 division, in a manner determined by the board of directors of  
19 the dividing insurer.

20     *b.* After the dividing insurer has filed a certificate  
21 of division with the secretary of state pursuant to section  
22 521I.10, the dividing insurer may file a signed certificate of  
23 abandonment with the secretary of state and file a copy with  
24 the commissioner. The certificate of abandonment shall be  
25 effective on the date the certificate of abandonment is filed  
26 with the secretary of state.

27     2. A dividing insurer shall not abandon the dividing  
28 insurer's plan of division after the plan of division becomes  
29 effective.

30     Sec. 7. NEW SECTION. 521I.7 **Approval of plan of division —**  
31 **articles of incorporation and bylaws.**

32     1. A dividing insurer shall not file a plan of division with  
33 the commissioner until such plan of division has been approved  
34 in accordance with all provisions of the dividing insurer's  
35 articles of incorporation and bylaws. If the dividing

HF2455.4338 (3) 87

(amending this HF 2455 to CONFORM to SF 2316)

-4-

ko/rj

4/14

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

1 insurer's articles of incorporation and bylaws do not provide  
2 for approval of a plan of division, the dividing insurer shall  
3 not file the plan of division with the commissioner unless  
4 such plan of division has been approved in accordance with all  
5 provisions of the dividing insurer's articles of incorporation  
6 and bylaws that provide for approval of a merger.

7     2. If a provision of a dividing insurer's articles of  
8 incorporation or bylaws adopted before the effective date of  
9 this Act requires that a specific number of or a percentage  
10 of the board of directors or shareholders propose or adopt a  
11 plan of merger or impose other procedures for the proposal or  
12 adoption of a plan of merger, the dividing insurer shall adhere  
13 to such provision in proposing or adopting a plan of division.  
14 If any such provision of the articles of incorporation or  
15 bylaws is amended on or after the effective date of this Act,  
16 such provision shall apply to a division thereafter only in  
17 accordance with its express terms.

18     Sec. 8. NEW SECTION. 521I.8 Commissioner approval of plan  
19 of division.

20     1. After a dividing insurer approves a plan of division  
21 pursuant to section 521I.7, the dividing insurer shall file the  
22 plan of division with the commissioner. Within ten business  
23 days of filing the plan of division with the commissioner, the  
24 dividing insurer shall provide notice of the filing to each  
25 reinsurer that is a party to a reinsurance contract allocated  
26 in the plan of division.

27     2. A division shall not become effective until approved by  
28 the commissioner after reasonable notice and a public hearing.  
29 Notice and public hearing required under this section shall be  
30 conducted as a contested case pursuant to chapter 17A.

31     3. The commissioner may approve a plan of division if the  
32 commissioner finds that all of the following apply:

33     a. The interest of the policyholders, creditors, or  
34 shareholders of the dividing insurer will be adequately  
35 protected and the plan of division is not unfair or

HF2455.4338 (3) 87

(amending this HF 2455 to CONFORM to SF 2316)

-5-

ko/rj

5/14

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

1 unreasonable to the policyholders of the dividing insurer and  
2 is not contrary to the public interest.

3     *b.* The financial condition of the resulting insurers will  
4 not jeopardize the financial stability of a dividing insurer  
5 or the resulting insurers or prejudice the interests of the  
6 policyholders of such insurers.

7     *c.* All resulting insurers created by the proposed division  
8 will be qualified and eligible to receive a certificate of  
9 authority to transact the business of insurance in this state.

10    *d.* The proposed division does not violate a provision of  
11 chapter 684. In a division in which the dividing insurer  
12 will survive, the commissioner shall apply chapter 684 to the  
13 dividing insurer in its capacity as a resulting insurer. In  
14 applying the provisions of chapter 684 to a resulting insurer,  
15 the commissioner shall do all of the following:

16       (1) Treat the resulting insurer as a debtor.

17       (2) Treat a liability allocated to the resulting insurer as  
18 a liability incurred by a debtor.

19       (3) Treat the resulting insurer as receiving unequal value  
20 in exchange for incurring allocated obligations.

21       (4) Treat assets allocated to the resulting insurer as  
22 remaining assets.

23     *e.* The proposed division is not being made for the purpose  
24 of hindering, delaying, or defrauding any policyholders or  
25 other creditors of the dividing insurer.

26     *f.* All resulting insurers will be solvent when the division  
27 becomes effective.

28     *g.* The remaining assets of a resulting insurer will not be  
29 unreasonably small in relation to the business and transactions  
30 such resulting insurer has been engaged in or will engage in  
31 after completion of the division.

32     4. In determining if the standards set forth in subsection  
33 3, paragraphs "`c`" through "`g`" are satisfied, the commissioner  
34 may consider all proposed assets of the resulting insurer  
35 including without limitation reinsurance agreements, parental

HF2455.4338 (3) 87

(amending this HF 2455 to CONFORM to SF 2316)

-6-

ko/rj

6/14

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

1 guarantees, support agreements, keepwell agreements, and  
2 capital maintenance of contingent capital agreements regardless  
3 of whether such qualify as an admitted asset under state law.

4     5. All expenses incurred by the commissioner in connection  
5 with proceedings under this section including expenses  
6 for attorneys, actuaries, accountants, and other experts  
7 not otherwise a part of the commissioner's staff as may be  
8 reasonably necessary to assist the commissioner in reviewing  
9 a proposed plan of division shall be paid by the dividing  
10 insurer filing such plan. A dividing insurer may allocate such  
11 expense in a plan of division in the same manner as any other  
12 liability.

13     6. If the commissioner approves a plan of division the  
14 commissioner shall issue an order which shall be accompanied  
15 by findings of fact and conclusions of law. The commissioner  
16 shall also issue a certificate of authority authorizing the  
17 resulting insurers to transact the business of insurance in  
18 this state.

19     7. The conditions in this section for freeing one or more  
20 of the resulting insurers from the liabilities of the dividing  
21 insurer and for allocating some or all of the liabilities of  
22 the dividing insurer shall be deemed to have been satisfied if  
23 the plan of division is approved by the commissioner in a final  
24 order.

25     Sec. 9. NEW SECTION. 521I.9 Confidentiality.

26     All information and documents submitted to, obtained by, or  
27 disclosed to the commissioner in connection with a dividing  
28 insurer's plan of division shall be confidential and shall not  
29 be available for public inspection until notice of a public  
30 hearing is provided pursuant to section 521I.8, subsection  
31 1. After issuance of a notice of such hearing, the dividing  
32 insurer may submit a written request to the commissioner  
33 requesting that confidentiality be maintained regarding  
34 all business, financial, and actuarial information. If the  
35 commissioner grants the dividing insurer's request, such

HF2455.4338 (3) 87

(amending this HF 2455 to CONFORM to SF 2316)

-7-

ko/rj

7/14

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

1 confidential information shall not be available for public  
2 inspection and shall not be subject to chapter 22. The plan  
3 of division and any materials incorporated by reference into  
4 or otherwise made a part of such plan of division shall not be  
5 confidential and shall be available for public inspection.

6     Sec. 10. NEW SECTION.   **521I.10 Certificate of division.**

7     1. If the commissioner approves a dividing insurer's plan  
8 of division pursuant to section 521I.8, an officer or duly  
9 authorized representative of the dividing insurer shall sign a  
10 certificate of division that sets forth all of the following:

11     *a.* The name of the dividing insurer.

12     *b.* A statement disclosing whether the dividing insurer  
13 survived the division. If the dividing insurer survived  
14 the division, the certificate of division shall include any  
15 amendments to the dividing insurer's articles of incorporation  
16 or bylaws as approved as part of the plan of division.

17     *c.* The name of each resulting insurer that is created by  
18 the division.

19     *d.* The date on which the division is effective.

20     *e.* A statement that the division was approved by the  
21 commissioner under section 521I.8.

22     *f.* A statement that the dividing insurer provided reasonable  
23 notice to each reinsurer that is a party to a reinsurance  
24 contract allocated in the plan of division.

25     *g.* The resulting insurer's articles of incorporation and  
26 bylaws for each resulting insurer created by the division. The  
27 articles of incorporation and bylaws of each resulting insurer  
28 must comply with the applicable requirements of the laws of  
29 this state. The articles of incorporation and bylaws may state  
30 the name or address of an incorporator, may be signed, and may  
31 include any provision that is not required in a restatement of  
32 the articles of incorporation or bylaws.

33     *h.* A reasonable description of the capital, surplus, other  
34 assets and liabilities, including policy liabilities, of the  
35 dividing insurer that are to be allocated to each resulting

HF2455.4338 (3) 87

(amending this HF 2455 to CONFORM to SF 2316)

-8-

ko/rj

8/14

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

1 insurer.

2     2. A dividing insurer's certificate of division is  
3 effective on the date the dividing insurer files the  
4 certificate with the secretary of state and provides a  
5 concurrent copy to the commissioner, or on another date  
6 as specified in the plan of division, whichever is later.  
7 However, the certificate of division shall become effective  
8 not later than ninety calendar days after it is filed with the  
9 secretary of state. A division shall be effective when the  
10 relevant certificate of division is effective.

11     Sec. 11. NEW SECTION. 521I.11 **Division effective.**

12     1. On the effective date of a division pursuant to section  
13 521I.10, the following apply:

14     a. If the dividing insurer survives, all of the following  
15 apply:

16         (1) The dividing insurer shall continue to exist.

17         (2) The articles of incorporation of the dividing insurer  
18 shall be amended, if at all, if provided for in the plan of  
19 division.

20         (3) The bylaws of the dividing insurer shall be amended, if  
21 at all, if provided for in the plan of division.

22     b. If the dividing insurer does not survive, the dividing  
23 insurer's separate existence shall cease to exist and any  
24 resulting insurer created by the plan of division shall come  
25 into existence.

26     c. Each resulting insurer shall hold any capital, surplus,  
27 and other assets allocated to such resulting insurer by the  
28 plan of division as a successor to the dividing insurer by  
29 operation of law, and not by transfer, whether directly or  
30 indirectly. The articles of incorporation and bylaws, if any,  
31 of each resulting insurer shall be effective when the resulting  
32 insurer comes into existence.

33     d. (1) All capital, surplus, and other assets of the  
34 dividing insurer that are allocated by the plan of division  
35 shall vest in the applicable resulting insurer as provided in

HF2455.4338 (3) 87

(amending this HF 2455 to CONFORM to SF 2316)

-9-

ko/rj

9/14



**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

1 the plan of division or shall remain vested in the dividing  
2 insurer as provided in the plan of division.

3 (2) All capital, surplus, and other assets of the dividing  
4 insurer that are not allocated by the plan of division shall  
5 remain vested in the dividing insurer if the dividing insurer  
6 survives the division and shall be allocated to and vest pro  
7 rata in the resulting insurers individually if the dividing  
8 insurer does not survive the division.

9 (3) All capital, surplus, and other assets of the dividing  
10 insurer otherwise vest as provided in this section without  
11 transfer, reversion, or impairment.

12 e. A resulting insurer to which a cause of action is  
13 allocated may be substituted or added in any pending action or  
14 proceeding to which the dividing insurer is a party when the  
15 division becomes effective.

16 f. All liabilities of a dividing insurer are allocated  
17 between or among any resulting insurers as provided in section  
18 521I.10 and each resulting insurer to which liabilities are  
19 allocated is liable only for those liabilities, including  
20 policy liabilities, allocated as a successor to the dividing  
21 insurer by operation of law.

22 g. Any shares in the dividing insurer that are to be  
23 converted or canceled in the division are converted or canceled  
24 and the shareholders of those shares are entitled only to  
25 the rights provided to such shareholders under the plan of  
26 division and any appraisal rights that such shareholders may  
27 have pursuant to section 521I.13.

28 2. Except as provided in the dividing insurer's articles  
29 of incorporation or bylaws, the division does not give rise  
30 to any rights that a shareholder, director of a domestic  
31 stock insurer, or third party would have upon a dissolution,  
32 liquidation, or winding up of the dividing insurer.

33 3. The allocation to a resulting insurer of capital,  
34 surplus, or other asset that is collateral covered by an  
35 effective financing statement shall not be effective until a

HF2455.4338 (3) 87

(amending this HF 2455 to CONFORM to SF 2316)

-10-

ko/rj

10/14

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

1 new effective financing statement naming the resulting insurer  
2 as a debtor is effective under the uniform commercial code.

3     4. Unless otherwise provided in the plan of division,  
4 the shares in and any securities of each resulting insurer  
5 shall be distributed to the dividing insurer if it survives  
6 the division, or pro rata to the shareholders of the dividing  
7 insurer that do not assert any appraisal rights pursuant to  
8 section 521I.13.

9     Sec. 12. NEW SECTION. 521I.12 **Resulting insurers liability**  
10 **for allocated assets, debts, and liabilities.**

11     1. Except as expressly provided in this section, when a  
12 division becomes effective, by operation of law all of the  
13 following apply:

14     a. A resulting insurer is individually liable for the  
15 liabilities, including policy liabilities, that the resulting  
16 insurer issues, undertakes, or incurs in its own name after the  
17 division.

18     b. A resulting insurer is individually liable for the  
19 liabilities, including policy liabilities, of the dividing  
20 insurer that are allocated to or remain the liability of the  
21 resulting insurer to the extent specified in the plan of  
22 division.

23     c. The dividing insurer remains responsible for the  
24 liabilities, including policy liabilities, of the dividing  
25 insurer that are not allocated by the plan of division if the  
26 dividing insurer survives the division.

27     d. A resulting insurer is liable pro rata individually for  
28 the liabilities, including policy liabilities, of the dividing  
29 insurer that are not allocated by the plan of division if the  
30 dividing insurer does not survive the division.

31     2. Except as otherwise expressly provided in this section,  
32 when a division becomes effective a resulting insurer is not  
33 responsible for and shall not have liability for any of the  
34 following:

35     a. Any liabilities, including policy liabilities, that

HF2455.4338 (3) 87

(amending this HF 2455 to CONFORM to SF 2316)

-11-

ko/rj

11/14

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

1 another resulting insurer issues, undertakes, or incurs in such  
2 resulting insurer's own name after the division.

3     **b.** Any liabilities, including policy liabilities, of the  
4 dividing insurer that are allocated to or remain the liability  
5 of another resulting insurer under the plan of division.

6     3. If a provision of any evidence of indebtedness, whether  
7 secured or unsecured, or a provision of any contract other than  
8 an insurance policy, annuity, or reinsurance agreement that was  
9 issued, incurred, or executed by the dividing insurer before  
10 the effective date of this Act, requires the consent of the  
11 obligee to a merger of the dividing insurer, or treats such a  
12 merger as a default, such provision shall apply to a division  
13 of the dividing insurer as if such division were a merger.

14     4. If a division breaches a contractual obligation of  
15 the dividing insurer, all resulting insurers are jointly  
16 and severally liable for the breach. The validity and  
17 effectiveness of the division shall not be affected by the  
18 breach.

19     5. A direct or indirect allocation of capital, surplus,  
20 assets, or liabilities, including policy liabilities, shall  
21 occur automatically, by operation of law, and shall not be  
22 treated as a distribution or transfer for any purpose with  
23 respect to either the dividing insurer or any resulting  
24 insurer.

25     6. Liens, security interests, and other charges on the  
26 capital, surplus, or other assets of the dividing insurer  
27 shall not be impaired by the division, notwithstanding any  
28 otherwise enforceable allocation of liabilities, including  
29 policy liabilities, of the dividing insurer.

30     7. If the dividing insurer is bound by a security agreement  
31 governed by chapter 554 or article 9 of the uniform commercial  
32 code as enacted in any other jurisdiction, and the security  
33 agreement provides that the security interest attaches to  
34 after-acquired collateral, a resulting insurer shall be bound  
35 by the security agreement.

HF2455.4338 (3) 87

(amending this HF 2455 to CONFORM to SF 2316)

-12-

ko/rj

12/14

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

1     8. Unless provided in the plan of division and specifically  
2 approved by the commissioner, an allocation of a policy or  
3 other liability is prohibited from doing any of the following:

4     a. Affecting the rights that a policyholder or creditor  
5 has under any other law with respect to such policy or other  
6 liability, except that such rights shall be available only  
7 against a resulting insurer responsible for the policy or  
8 liability under this section.

9     b. Releasing or reducing the obligation of a reinsurer,  
10 surety, or guarantor of the policy or liability.

11     9. A resulting insurer shall only be liable for the  
12 liabilities allocated to the resulting insurer in accordance  
13 with the plan of division and this section and shall not be  
14 liable for any other liabilities under the common law doctrine  
15 of successor liability or any other theory of liability  
16 applicable to transferees or assignees of assets.

17     Sec. 13. NEW SECTION.   **521I.13 Shareholder appraisal rights.**

18     If a dividing insurer does not survive a division, an  
19 objecting shareholder of the dividing insurer is entitled to  
20 appraisal rights and to obtain payment of the fair value of  
21 such shareholder's shares in the same manner and to the extent  
22 provided for a corporation as a party to a merger pursuant to  
23 section 490.1302.

24     Sec. 14. NEW SECTION.   **521I.14 Rules.**

25     The commissioner shall adopt rules pursuant to chapter 17A  
26 to administer this chapter.

27     Sec. 15. NEW SECTION.   **521I.15 Enforcement.**

28     The commissioner may take any action under the  
29 commissioner's authority to enforce compliance with this  
30 chapter.

31     Sec. 16. Section 490.120, subsection 12, paragraph c,  
32 subparagraph (2), Code 2018, is amended to read as follows:

33     (2) "Plan" means a plan of merger ~~or~~, a plan of share  
34 exchange, or a plan of division pursuant to chapter 521I.

35     Sec. 17. Section 490.1302, subsection 1, Code 2018, is

HF2455.4338 (3) 87

(amending this HF 2455 to CONFORM to SF 2316)

-13-

ko/rj

13/14

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

1 amended by adding the following new paragraph:

2     NEW PARAGRAPH.   *g.*   Consummation of a division pursuant  
3 to chapter 521I to which the corporation is a party if the  
4 corporation does not survive such division.

5     Sec. 18.   Section 521.1, Code 2018, is amended by adding the  
6 following new subsections:

7     NEW SUBSECTION.   5.   "*Dividing insurer*" means the same as  
8 defined in section 521I.1.

9     NEW SUBSECTION.   6.   "*Resulting insurer*" means the same as  
10 defined in section 521I.1.

11    Sec. 19.   NEW SECTION.   **521.19   Merger or consolidation**  
12 **effective with division.**

13     A dividing insurer and the dividing insurer's officers,  
14 directors, and shareholders shall have the authority to adopt  
15 and execute a plan of merger or consolidation on behalf of a  
16 resulting insurer, to execute and deliver documents, plans,  
17 certificates, and resolutions, and to make any filings on  
18 behalf of such resulting insurer.  If provided in a plan of  
19 merger or consolidation, the merger or consolidation shall be  
20 effective simultaneously with the effectiveness of a division  
21 pursuant to 521I.10.>

---

PETTENGILL of Benton

HF2455.4338 (3) 87

(amending this HF 2455 to CONFORM to SF 2316)

-14-

ko/rj

14/14

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

House File 2253

H-8174

1 Amend House File 2253 as follows:

2 1. Page 1, by striking lines 21 and 22 and inserting  
3 <private agency, but excluding urban renewal ~~demolition and~~  
4 ~~low-rent housing~~ projects funded under chapter 403, industrial  
5 aid projects authorized>

---

LONDON of Polk

HF2253.4346 (1) 87

-1-

js/jh

1/1

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

Senate File 2169

H-8175

1 Amend Senate File 2169, as passed by the Senate, as follows:

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

4 <Sec. \_\_\_\_\_. STUDY ON DRAM SHOP LIABILITY INSURANCE  
5 CLAIMS. The commissioner of insurance shall conduct a study to  
6 determine whether the insurance premiums paid by Iowa alcoholic  
7 beverage licensees for dram shop liability coverage are  
8 appropriate. In doing so, the commissioner of insurance shall  
9 develop a report that includes the total premiums collected by  
10 dram shop liability carriers in the state and the history of  
11 claims, including whether a claim was settled, a lawsuit was  
12 filed, or a jury verdict was rendered.>

13 2. Title page, by striking lines 1 and 2 and inserting <An  
14 Act providing for a study on dram shop liability insurance.>

---

KRESSIG of Black Hawk

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

Senate File 2169

H-8176

1 Amend Senate File 2169, as passed by the Senate, as follows:

2 1. Page 1, line 7, by striking <up to the amount specified  
3 in paragraph `c` or `d`,>

4 2. Page 1, by striking lines 22 through 30 and inserting:

5 <Sec. \_\_\_\_ . STUDY ON DRAM SHOP LIABILITY INSURANCE

6 CLAIMS. The commissioner of insurance shall conduct a study to  
7 determine whether the insurance premiums paid by Iowa alcoholic  
8 beverage licensees for dram shop liability coverage are  
9 appropriate. In doing so, the commissioner of insurance shall  
10 develop a report that includes the total premiums collected by  
11 dram shop liability carriers in the state and the history of  
12 claims, including whether a claim was settled, a lawsuit was  
13 filed, or a jury verdict was rendered.>

---

McCONKEY of Pottawattamie

SF2169.4347 (1) 87

-1-

asf/jh

1/1



**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

House File 2350

H-8177

1 Amend House File 2350 as follows:

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

4 <Section 1. Section 256.7, Code 2018, is amended by adding  
5 the following new subsection:

6 NEW SUBSECTION. 33. *a.* For purposes of this subsection:

7 (1) "*Adverse childhood experience*" means the same as defined  
8 in section 279.70.

9 (2) "*Postvention*" means the same as defined in section  
10 279.70.

11 *b.* Adopt rules to require school districts to adopt  
12 protocols for suicide prevention and postvention and the  
13 identification of adverse childhood experiences and strategies  
14 to mitigate toxic stress response. The protocols shall be  
15 based on nationally recognized best practices.

16 Sec. 2. NEW SECTION. 279.70 **Training on suicide prevention**  
17 **and identification of adverse childhood experiences and**  
18 **strategies to mitigate toxic stress response.**

19 1. For purposes of this section, unless the context  
20 otherwise requires:

21 *a.* "*Adverse childhood experience*" means a potentially  
22 traumatic event occurring in childhood that can have negative,  
23 lasting effects on an individual's health and well-being.

24 *b.* "*Postvention*" means the provision of crisis intervention,  
25 support, and assistance for those affected by a suicide or  
26 suicide attempt to prevent further risk of suicide.

27 2. By July 1, 2019, the board of directors of a school  
28 district shall require annual, evidence-based training at  
29 least one hour in length on suicide prevention and postvention  
30 for all school personnel who hold a license, certificate,  
31 authorization, or statement of recognition issued by the board  
32 of educational examiners and who have regular contact with  
33 students in kindergarten through grade twelve. The content  
34 of the training shall be based on nationally recognized best  
35 practices.

HF2350.4327 (2) 87

-1-

je/jh

1/2

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

1     3. By July 1, 2019, the board of directors of a  
2 school district shall require annual, evidence-based,  
3 evidence-supported training on the identification of adverse  
4 childhood experiences and strategies to mitigate toxic  
5 stress response for all school personnel who hold a license,  
6 certificate, authorization, or statement of recognition issued  
7 by the board of educational examiners and who have regular  
8 contact with students in kindergarten through grade twelve.  
9 The content of the training shall be based on nationally  
10 recognized best practices.

11     Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection 3,  
12 shall not apply to this Act.>

13     2. Title page, line 2, by striking <trauma-informed  
14 care> and inserting <the identification of adverse childhood  
15 experiences and strategies to mitigate toxic stress response>

---

MOORE of Cass

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

House File 2399

H-8178

1 Amend House File 2399 as follows:

2 1. Page 1, line 9, after <observation,> by inserting  
3 <treatment,>

4 2. Page 1, line 13, after <shall> by inserting <treat and>

5 3. Page 1, line 23, after <resources> by inserting <that  
6 address the safety of students and staff and includes a regular  
7 independent review of the program>

---

BERGAN of Winneshiek

HF2399.4335 (2) 87

-1-

hb/rh

1/1

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

**House Resolution 105 - Introduced**

HOUSE RESOLUTION NO. 105

BY HANUSA

1 A Resolution to recognize the Iowa Small Business  
2 Development Centers and honor 2018 award winners.

3 WHEREAS, since 1981, the Iowa Small Business  
4 Development Centers have provided expert and  
5 confidential business counseling services and training  
6 workshops to entrepreneurs in all 99 Iowa counties; and

7 WHEREAS, the Iowa Small Business Development Centers  
8 provide a wide variety of services to foster the growth  
9 of Iowa business, including one-to-one professional  
10 business counseling, learning opportunities,  
11 workshops, courses and classes, and a variety of other  
12 services; and

13 WHEREAS, the Iowa Small Business Development Centers  
14 have announced the 2018 award winners for the centers'  
15 two special entrepreneur awards; and

16 WHEREAS, Doreen Roy of Burlington, the owner of  
17 The Wholesome Basket, Gypsi, and Red Screen Door, is  
18 the 2018 Deb Dalziel Woman Entrepreneur Achievement  
19 Award winner, an award which honors an Iowa woman  
20 entrepreneur who has significantly changed or improved  
21 her life and the lives of others; and

22 WHEREAS, Brad and Angie Barber of Clear Lake, the  
23 owners of Cabin Coffee, have received the 2018 Neal  
24 Smith Entrepreneur of the Year Award, an award named in  
25 honor of the long-serving Iowa congressman, given to an  
26 Iowa entrepreneur who has been in business a minimum of  
27 three years and has been significantly assisted by an  
28 Iowa Small Business Development Center; NOW THEREFORE,

LSB 6212HH (2) 87

-1-

hb/rj

1/2

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

H.R. 105

1     BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,  
2     That the House of Representatives honors award winners  
3     Doreen Roy and Brad and Angie Barber, congratulates  
4     them on their success, and recognizes and expresses its  
5     thanks to the Iowa Small Business Development Centers  
6     for their ongoing work in making Iowa a better place  
7     to live and work.

Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
March 05, 2018

Senate File 2314

S-5085

1 Amend Senate File 2314 as follows:

2 1. Page 2, after line 34 by inserting:

3 <DIVISION \_\_\_\_

4 UNIFORM LIMITED PARTNERSHIP ACT

5 Sec. \_\_\_\_\_. Section 488.102, subsection 19, Code 2018, is  
6 amended to read as follows:

7 19. *"Registered office" means:*

8 ~~a. With respect to a limited partnership, means~~ the office  
9 that ~~the a~~ a limited partnership or foreign limited partnership  
10 is required to designate and maintain under section 488.114.

11 ~~b. With respect to a foreign limited partnership, its~~  
12 ~~principal office.~~

13 Sec. \_\_\_\_\_. Section 488.114, Code 2018, is amended to read as  
14 follows:

15 **488.114 Registered office and registered agent for service**  
16 **of process.**

17 1. A limited partnership or foreign limited partnership  
18 shall designate and continuously maintain in this state ~~both~~  
19 all of the following:

20 a. A registered office, which need not be a place of its  
21 activity in this state.

22 b. A registered agent for service of process.

23 ~~2. A foreign limited partnership shall designate and~~  
24 ~~continuously maintain in this state a registered agent for~~  
25 ~~service of process.~~

26 ~~3.~~ 2. A registered agent for service of process of a  
27 limited partnership or foreign limited partnership must be ~~an~~  
28 one of the following:

29 a. An individual who is a resident of Iowa ~~or other~~ and  
30 whose business office is identical with the registered office.

31 b. A person ~~other than an individual~~ authorized to do  
32 business in this state whose business office is identical with  
33 the registered office.

34 Sec. \_\_\_\_\_. Section 488.116, subsections 2 and 3, Code 2018,  
35 are amended to read as follows:

SF2314.4279 (1) 87

-1-

da/rn

1/6

Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
March 05, 2018

1     2. After receiving a statement of resignation, the  
2 secretary of state shall file it and mail a copy to the  
3 registered office of the limited partnership or foreign limited  
4 partnership ~~and another copy to the principal office if the~~  
5 ~~address of the office appears in the records of the secretary~~  
6 ~~of state and is different from the address of the registered~~  
7 ~~office.~~

8     3. A registered agency agent for service of process is  
9 terminated on the date on which the statement of resignation  
10 was filed with the secretary of state.

11     Sec. \_\_\_\_\_. Section 488.809, subsection 1, Code 2018, is  
12 amended to read as follows:

13     1. The secretary of state may dissolve a limited partnership  
14 administratively if the limited partnership does not, ~~within~~  
15 ~~sixty days after the due date,~~ do any of the following:

16     a. Pay, within sixty days after the due date, any fee, tax,  
17 or penalty under this chapter or other law due the secretary of  
18 state.

19     b. Deliver, within sixty days after the due date, its  
20 biennial report ~~to the secretary of state~~ required under  
21 section 488.210.

22     c. Designate and continuously maintain a registered office  
23 and appoint and maintain a registered agent for service of  
24 process as required by section 488.114.

25     d. Deliver for filing a statement of a change under section  
26 488.115 within sixty days after the change has occurred.

27     Sec. \_\_\_\_\_. Section 488.902, subsection 2, Code 2018, is  
28 amended to read as follows:

29     2. A foreign limited partnership shall deliver with the  
30 completed application a certificate of existence or a record  
31 of similar import signed by the secretary of state or other  
32 official having custody of the foreign limited partnership's  
33 publicly filed records in the state or other jurisdiction under  
34 whose law the foreign limited partnership is organized. The  
35 certificate of existence or other record described in this

Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
March 05, 2018

1 subsection must be dated not earlier than ninety days prior to  
2 the date the application is filed with the secretary of state.

3 Sec. \_\_\_\_\_. Section 488.906, subsections 1 and 2, Code 2018,  
4 are amended to read as follows:

5 1. A certificate of authority of a foreign limited  
6 partnership to transact business in this state may be revoked  
7 by the secretary of state in the manner provided in subsections  
8 2 and 3 if the foreign limited partnership does not do any of  
9 the following:

10 a. Pay, within sixty days after the due date, any fee, tax  
11 or penalty under [this chapter](#) or other law due the secretary of  
12 state.

13 b. Deliver, within sixty days after the due date, its  
14 biennial report required under [section 488.210](#).

15 c. ~~Appoint~~ Designate and continuously maintain a registered  
16 office and appoint and maintain a registered agent for service  
17 of process as required by section 488.114, ~~subsection 2~~.

18 d. Deliver for filing a statement of a change under section  
19 488.115 within ~~thirty~~ sixty days after a the change has  
20 occurred ~~in the name or address of the registered agent for~~  
21 ~~service of process~~.

22 2. In order to revoke a certificate of authority, the  
23 secretary of state must prepare, sign, and file a notice of  
24 revocation and send a copy to the foreign limited partnership's  
25 registered agent for service of process in this state, or  
26 if the foreign limited partnership does not appoint and  
27 maintain a proper agent in this state, to the foreign limited  
28 partnership's ~~registered~~ principal office. The notice must  
29 state all of the following:

30 a. The revocation's effective date, which must be at least  
31 sixty days after the date the secretary of state sends the  
32 copy.

33 b. The foreign limited partnership's ~~failures~~ failure  
34 to comply with [subsection 1](#) which ~~are~~ is the reason for the  
35 revocation.



**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

1     Sec. \_\_\_\_\_. Section 488.1206, subsection 1, Code 2018, is

2 amended by adding the following new paragraph:

3     NEW PARAGRAPH. *Op.* Articles of merger.....\$50

4                                     DIVISION \_\_\_\_

5                                     IOWA BUSINESS CORPORATION ACT

6     Sec. \_\_\_\_\_. Section 490.122, subsection 1, paragraph b, Code  
7 2018, is amended by striking the paragraph.

8                                     DIVISION \_\_\_\_

9                                     IOWA BANKING ACT

10    Sec. \_\_\_\_\_. Section 524.1404, Code 2018, is amended to read  
11 as follows:

12    **524.1404 Procedure after approval by the superintendent —**  
13 **issuance of certificate of merger.**

14    If applicable state or federal laws require the approval of  
15 the merger by a federal or state agency, the superintendent may  
16 withhold delivery of the approved articles of merger until the  
17 superintendent receives notice of the decision of such agency.  
18 If the final approval of the agency is not given within six  
19 months of the superintendent's approval, the superintendent  
20 shall notify the parties to the plan that the approval of the  
21 superintendent has been rescinded for that reason. If such  
22 agency gives its approval, the superintendent shall deliver  
23 the articles of merger, with the superintendent's approval  
24 indicated on the articles, to the secretary of state, and shall  
25 notify the parties to the plan. The receipt of the approved  
26 articles of merger by the secretary of state constitutes filing  
27 of the articles of merger with that office. The secretary of  
28 state shall record the articles of merger, and forward a copy  
29 of the articles ~~shall be filed and recorded in to~~ the office of  
30 the county recorder in each county in which the parties to the  
31 plan had previously maintained a principal place of business  
32 for filing. On the date upon which the merger is effective  
33 the secretary of state shall issue a certificate of merger and  
34 send the same to the resulting state bank and a copy of the  
35 certificate of merger to the superintendent.

SF2314.4279 (1) 87

-4-

da/rn

4/6

Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
March 05, 2018

1     Sec. \_\_\_\_\_. Section 524.1506, subsection 1, Code 2018, is  
2 amended to read as follows:

3     1. The secretary of state shall record the articles of  
4 amendment, and forward a copy of the articles of amendment  
5 ~~shall be filed in~~ to the office of the county recorder in the  
6 county in which the state bank has its principal place of  
7 business for filing. The secretary of state upon the filing  
8 of the articles of amendment shall issue a certificate of  
9 amendment and send the same to the state bank.

10                                   DIVISION \_\_\_\_

11                                   PROHIBITED UCC RECORD FILINGS

12     Sec. \_\_\_\_\_. Section 554.9516, subsection 2, Code 2018, is  
13 amended by adding the following new paragraph:

14     NEW PARAGRAPH. *Of.* in the case of an initial financing  
15 statement or an amendment, a secured party and a debtor appear  
16 to be the same party. The secretary of state may require the  
17 person filing the financing statement to furnish reasonable  
18 proof that the parties are not the same.

19     Sec. \_\_\_\_\_. NEW SECTION. **708.7A Persons unauthorized to file**  
20 **records.**

21     1. A person shall not cause to be communicated to the filing  
22 office, as defined in section 554.9102, for filing a record,  
23 also defined in that section, if all of the following apply:

24     a. The person is not authorized or otherwise entitled to  
25 file the record under section 554.9509.

26     b. The record is not related to an existing or anticipated  
27 transaction that is or will be governed by chapter 554, article  
28 9.

29     c. The record is presented for filing or filed with the  
30 intent to harass or defraud the person identified as a debtor  
31 in the record.

32     2. A person who commits a violation of this section is  
33 guilty of the following:

34     a. A simple misdemeanor for a first offense.

35     b. A serious misdemeanor for a second or subsequent

SF2314.4279 (1) 87

-5-

da/rn

5/6

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

1 offense.>

2     2. Title page, by striking lines 4 and 5 and inserting  
3 <farming, the powers and duties of the office of secretary of  
4 state, the liability of corporate directors, and commercial  
5 transactions involving creditors, providing for fees, and  
6 providing for penalties.>

7     3. By renumbering as necessary.

---

JEFF EDLER

Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
March 05, 2018

Senate File 2322

S-5086

1 Amend Senate File 2322 as follows:

2 1. Page 1, lines 3 and 4, by striking <physician, dentist,  
3 podiatric physician, or prescribing psychologist> and inserting  
4 ~~<physician, dentist, podiatric physician, or prescribing~~  
5 ~~psychologist~~ prescriber

6 2. Page 1, lines 32 and 33, by striking <dentist, physician,  
7 podiatric physician, or prescribing psychologist> and inserting  
8 ~~<dentist, physician, podiatric physician, or prescribing~~  
9 ~~psychologist~~ prescriber

10 3. Page 2, lines 2 and 3, by striking <physician, dentist,  
11 podiatric physician, or prescribing psychologist> and inserting  
12 ~~<physician, dentist, podiatric physician, or prescribing~~  
13 ~~psychologist~~ prescriber

14 4. Page 2, line 4, by striking <offer to> and inserting  
15 ~~<offer to>~~

16 5. Page 2, line 5, by striking <written prescription> and  
17 inserting ~~<written prescription, if requested,>~~

18 6. Page 2, lines 12 and 13, by striking <to a certified  
19 pharmacy technician>

20 7. Page 3, line 4, by striking <dispense> and inserting  
21 <order and administer>

22 8. Page 4, line 13, by striking <shall> and inserting <may>

23 9. Page 4, before line 27 by inserting:

24 <Sec. \_\_\_\_\_. Section 155A.34, Code 2018, is amended by  
25 striking the section and inserting in lieu thereof the  
26 following:

27 **155A.34 Transfer of prescriptions.**

28 Any prescription transfer shall be from a licensed pharmacy  
29 to another licensed pharmacy and be performed in accordance  
30 with rules adopted by the board.>

31 10. Page 5, line 32, after <pharmacist> by inserting  
32 <ordering or>

33 11. Page 6, line 12, by striking <annual>

34 12. Page 6, line 13, by striking <administration> and  
35 inserting <statewide>

SF2322.4278 (1) 87

-1-

ss/rh

1/2

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

1     13. Page 6, by striking lines 14 and 15 and inserting:  
2     <Sec. \_\_\_\_\_. FUTURE REPEAL. Section 155A.44, Code 2018, is  
3 repealed effective July 1, 2019.>  
4     14. By renumbering as necessary.

---

JASON SCHULTZ

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

Senate File 192

S-5087

1 Amend Senate File 192 as follows:

- 2 1. Page 1, line 2, by striking <2017> and inserting <2018>
- 3 2. Page 1, line 23, by striking <2017> and inserting <2018>
- 4 3. Page 2, line 20, by striking <2017> and inserting <2018>
- 5 4. Page 3, line 2, by striking <2017> and inserting <2018>
- 6 5. Page 3, line 8, by striking <2017> and inserting <2018>
- 7 6. Page 3, line 20, by striking <2017> and inserting <2018>
- 8 7. Page 3, line 26, by striking <2017> and inserting <2018>
- 9 8. Page 4, line 30, by striking <2017> and inserting <2018>
- 10 9. Page 5, by striking line 2 and inserting <that the person
- 11 is a licensed behavior analyst or licensed assistant behavior>
- 12 10. Page 6, line 26, by striking <school board> and
- 13 inserting <school, school district, or area education agency>
- 14 11. Page 6, line 35, by striking <2017> and inserting <2018>
- 15 12. Page 7, line 9, by striking <2017> and inserting <2018>
- 16 13. Page 7, line 28, by striking <2017> and inserting <2018>
- 17 14. Page 8, line 3, by striking <2018> and inserting <2019>
- 18 15. Page 8, line 7, by striking <2018> and inserting <2019>

---

DAN DAWSON

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

Senate File 2361

S-5088

1 Amend Senate File 2361 as follows:

2 1. Page 1, line 6, by striking <one-credit-hour>

---

AMY SINCLAIR

SF2361.4322 (1) 87

-1-

je/jh

1/1

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

Senate File 2131

S-5089

1 Amend the House amendment, S-5068, to Senate File 2131, as  
2 amended, passed, and reprinted by the Senate, as follows:

3 1. Page 1, after line 2 by inserting:

4 <\_\_\_. Page 1, line 1, after <1,> by inserting <3,>

5 \_\_\_. Page 1, after line 14 by inserting:

6 <3. Coursework offered under the initiative shall be taught  
7 by a teacher licensed under [chapter 272](#) who has completed an  
8 online-learning-for-Iowa-educators-professional-  
9 development project offered by area education agencies, a  
10 teacher preservice program, or comparable coursework. The  
11 teacher providing the initiative coursework shall conduct  
12 two parent-teacher conferences with the parent or guardian  
13 of each student who is receiving initiative coursework from  
14 the teacher unless the parent or guardian is participating  
15 in parent-teacher conferences held by the school district  
16 or accredited nonpublic school in which the student is  
17 enrolled. The first parent-teacher conference shall take place  
18 mid-semester and the last parent-teacher conference shall  
19 take place as soon as reasonably possible after the course is  
20 completed. Parent-teacher conferences may take place in person  
21 or by video conference.>>

22 2. Page 1, after line 21 by inserting:

23 <\_\_\_. Title page, line 3, after <or private instruction>  
24 by inserting <, requiring initiative teachers to conduct  
25 parent-teacher conferences,>>

26 3. By renumbering as necessary.

---

MATT McCOY

S5068.4309 (3) 87

-1-

kh/rj

1/1



**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

Senate File 2131

S-5090

1 Amend the House amendment, S-5068, to Senate File 2131, as  
2 amended, passed, and reprinted by the Senate, as follows:

3 1. Page 1, after line 2 by inserting:

4 <\_\_\_. Page 1, line 1, after <5,> by inserting <6,>

5 \_\_\_. Page 1, after line 32 by inserting:

6 <6. a. Coursework offered under the initiative shall be  
7 rigorous and high quality, and the department shall annually  
8 evaluate the quality of the courses and ensure that coursework  
9 is aligned with the state's core curriculum and core content  
10 requirements and standards, as well as national standards  
11 of quality for online courses issued by an internationally  
12 recognized association for kindergarten through grade twelve  
13 online learning.

14 b. The initiative shall provide annually to the department  
15 the scores for each student taking coursework through the  
16 initiative who is receiving private instruction under chapter  
17 299A as described in subsection 1 and the department shall  
18 compile the data in an aggregate form that does not identify  
19 individual students and shall provide a detailed analysis of  
20 course completion rates. The department shall submit the  
21 analysis and the department's findings and recommendations in  
22 a report to the general assembly by January 15 annually. For  
23 each report beyond the initial report, the department shall  
24 include in its analysis a comparison of the most current year's  
25 data with the data collected and analyzed in prior years.>>

26 2. Page 1, after line 21 by inserting:

27 <\_\_\_. Title page, line 3, after <or private instruction> by  
28 inserting <, providing for an annual report,>>

29 3. By renumbering as necessary.

---

MATT McCOY

S5068.4311 (1) 87

-1-

kh/rj

1/1

Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
March 05, 2018

Senate File 2131

S-5091

1 Amend the House amendment, S-5068, to Senate File 2131, as  
2 amended, passed, and reprinted by the Senate, as follows:

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

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

6 <Section 1. Section 261E.8, subsection 2, Code 2018, is  
7 amended to read as follows:

8 2. Students from accredited nonpublic schools and students  
9 receiving competent private instruction ~~or independent private~~  
10 ~~instruction~~ under **chapter 299A** may access the program through  
11 the school district in which the accredited nonpublic school or  
12 private institution is located.

13 Sec. 2. Section 299.1, subsection 1, Code 2018, is amended  
14 to read as follows:

15 1. Except as provided in **section 299.2**, the parent,  
16 guardian, or legal or actual custodian of a child who is of  
17 compulsory attendance age shall cause the child to attend some  
18 public school or an accredited nonpublic school, or place  
19 the child under competent private instruction ~~or independent~~  
20 ~~private instruction~~ in accordance with the provisions of  
21 chapter 299A, during a school year, as defined under section  
22 279.10.

23 Sec. 3. Section 299.1B, Code 2018, is amended to read as  
24 follows:

25 **299.1B Failure to attend — driver's license.**

26 A person who ~~is of compulsory attendance age who does~~  
27 ~~not meet the requirements for an exception under section~~  
28 ~~299.2, who~~ does not attend a public school or an accredited  
29 nonpublic school, who is not receiving competent private  
30 instruction ~~or independent private instruction~~ in accordance  
31 with the provisions of **chapter 299A**, and who does not attend  
32 an alternative school or adult education classes, shall not  
33 receive an intermediate or full driver's license until age  
34 eighteen.

35 Sec. 4. Section 299.4, subsection 1, Code 2018, is amended

S5068.4307 (2) 87

-1-

kh/rj

1/9

Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
March 05, 2018

1 to read as follows:

2 1. The parent, guardian, or legal custodian of a child who  
3 is of compulsory attendance age, who places the child under  
4 competent private instruction under either [section 299A.2](#) or  
5 [299A.3](#), not in an accredited school or a home school assistance  
6 program operated by a school district or accredited nonpublic  
7 school, shall furnish a report in duplicate on forms provided  
8 by the public school district, to the district by September 1  
9 of the school year in which the child will be under competent  
10 private instruction. The secretary shall retain and file  
11 one copy and forward the other copy to the district's area  
12 education agency. The report shall state the name and age of  
13 the child, the period of time during which the child has been  
14 or will be under competent private instruction for the year,  
15 an outline of the course of study, texts used, and the name  
16 and address of the instructor. The parent, guardian, or legal  
17 custodian of a child, who is placing the child under competent  
18 private instruction for the first time, shall also provide the  
19 district with evidence that the child has had the immunizations  
20 required under [section 139A.8](#), and, if the child is elementary  
21 school age, a blood lead test in accordance with section  
22 135.105D. The term "*outline of course of study*" shall include  
23 subjects covered, lesson plans, and time spent on the areas of  
24 study.

25 Sec. 5. Section 299.6A, subsection 1, Code 2018, is amended  
26 to read as follows:

27 1. In lieu of a criminal proceeding under [section 299.6](#),  
28 a county attorney may bring a civil action against a parent,  
29 guardian, or legal or actual custodian of a child who is of  
30 compulsory attendance age, has not completed educational  
31 requirements, and is truant, if the parent, guardian, or legal  
32 or actual custodian has failed to cause the child to attend a  
33 public school or an accredited nonpublic school, or to place  
34 the child under competent private instruction ~~or independent~~  
35 ~~private instruction~~ in the manner provided in [this chapter](#). If

S5068.4307 (2) 87

-2-

kh/rj

2/9

Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
March 05, 2018

1 the court finds that the parent, guardian, or legal or actual  
2 custodian has failed to cause the child to attend as required  
3 in [this section](#), the court shall assess a civil penalty of not  
4 less than one hundred but not more than one thousand dollars  
5 for each violation established.

6 Sec. 6. Section 299.8, Code 2018, is amended to read as  
7 follows:

8 **299.8 "Truant" defined.**

9 Any child of compulsory attendance age who fails to attend  
10 school as provided in [this chapter](#), or as required by the  
11 school board's or school governing body's attendance policy,  
12 or who fails to attend competent private instruction ~~or~~  
13 ~~independent private instruction~~ under [chapter 299A](#), without  
14 reasonable excuse for the absence, shall be deemed to be a  
15 truant. A finding that a child is truant, however, shall not  
16 by itself mean that the child is a child in need of assistance  
17 within the meaning of [chapter 232](#) and shall not be the sole  
18 basis for a child in need of assistance petition.

19 Sec. 7. Section 299.11, subsection 1, Code 2018, is amended  
20 to read as follows:

21 1. The truancy officer may take into custody without  
22 warrant any apparently truant child and place the child  
23 in the charge of the school principal, or the principal's  
24 designee, designated by the board of directors of the school  
25 district in which the child resides, or in the charge of any  
26 nonpublic school or any authority providing competent private  
27 instruction ~~or independent private instruction~~ as defined in  
28 section 299A.1, designated by the parent, guardian, or legal  
29 or actual custodian; but if it is other than a public school,  
30 the instruction and maintenance of the child shall be without  
31 expense to the school district. If a child is taken into  
32 custody under [this section](#), the truancy officer shall make  
33 every reasonable attempt to immediately notify the parent,  
34 guardian, or legal or actual custodian of the child's location.

35 Sec. 8. Section 299.12, subsection 2, Code 2018, is amended

Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
March 05, 2018

1 to read as follows:

2     2. **This section** is not applicable to a child who is  
3 receiving competent private instruction ~~or independent private~~  
4 ~~instruction~~ in accordance with the requirements of chapter  
5 299A. If a child is not in compliance with the attendance  
6 requirements established under **section 299.1**, and has not  
7 completed educational requirements through the sixth grade,  
8 and the school has used every means available to assure the  
9 child does attend, the school truancy officer shall contact  
10 the child's parent, guardian, or legal or actual custodian to  
11 participate in an attendance cooperation meeting. The parties  
12 to the attendance cooperation meeting may include the child  
13 and shall include the child's parent, guardian, or legal or  
14 actual custodian and the school truancy officer. The school  
15 truancy officer contacting the participants in the attendance  
16 cooperation meeting may invite other school officials, a  
17 designee of the juvenile court, the county attorney or the  
18 county attorney's designee, or other persons deemed appropriate  
19 to participate in the attendance cooperation meeting.

20     Sec. 9. Section 299A.1, Code 2018, is amended to read as  
21 follows:

22     **299A.1 ~~Competent private~~ Private instruction and independent**  
23 **~~private instruction.~~**

24     1. The parent, guardian, or legal custodian of a child of  
25 compulsory attendance age who places the child under private  
26 instruction shall provide, unless otherwise exempted, competent  
27 private instruction ~~or independent private instruction~~ in  
28 accordance with **this chapter**. A parent, guardian, or legal  
29 custodian of a child of compulsory attendance age who places  
30 the child under private instruction which is not competent  
31 private instruction ~~or independent private instruction~~,  
32 or otherwise fails to comply with the requirements of this  
33 chapter, is subject to the provisions of sections 299.1 through  
34 299.4 and the penalties provided in **section 299.6**.

35     2. For purposes of **this chapter** and **chapter 299**:

S5068.4307 (2) 87

-4-

kh/rj

4/9

Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
March 05, 2018

1     a. *"Competent private instruction"* means private instruction  
2 provided on a daily basis for at least one hundred forty-eight  
3 days during a school year, to be met by attendance for at  
4 least thirty-seven days each school quarter, by or under the  
5 supervision of a licensed practitioner in the manner provided  
6 under [section 299A.2](#), or a parent, guardian, or legal custodian  
7 under [section 299A.3](#), which results in the student making  
8 adequate progress.

9     ~~b. *"Independent private instruction"* means instruction that~~  
10 ~~meets the following criteria:~~

11     ~~(1) Is not accredited.~~

12     ~~(2) Enrolls not more than four unrelated students.~~

13     ~~(3) Does not charge tuition, fees, or other remuneration for~~  
14 ~~instruction.~~

15     ~~(4) Provides private or religious-based instruction as its~~  
16 ~~primary purpose.~~

17     ~~(5) Provides enrolled students with instruction in~~  
18 ~~mathematics, reading and language arts, science, and social~~  
19 ~~studies.~~

20     ~~(6) Provides, upon written request from the superintendent~~  
21 ~~of the school district in which the independent private~~  
22 ~~instruction is provided, or from the director of the department~~  
23 ~~of education, a report identifying the primary instructor,~~  
24 ~~location, name of the authority responsible for the independent~~  
25 ~~private instruction, and the names of the students enrolled.~~

26     ~~(7) Is not a nonpublic school and does not provide competent~~  
27 ~~private instruction as defined in [this subsection](#).~~

28     ~~(8) Is exempt from all state statutes and administrative~~  
29 ~~rules applicable to a school, a school board, or a school~~  
30 ~~district, except as otherwise provided in [chapter 299](#) and this~~  
31 ~~chapter.~~

32     ~~c. *b. "Private instruction"* means instruction using a~~  
33 ~~plan and a course of study in a setting other than a public or~~  
34 ~~organized accredited nonpublic school.~~

35     Sec. 10. Section 299A.3, unnumbered paragraph 1, Code 2018,

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

1 is amended to read as follows:

2 A parent, guardian, or legal custodian of a child of  
3 compulsory attendance age providing competent private  
4 instruction to the child ~~may~~ shall meet all of the following  
5 requirements:

6 Sec. 11. Section 299A.11, Code 2018, is amended to read as  
7 follows:

8 **299A.11 Student records confidential.**

9 Notwithstanding any provision of law or rule to the  
10 contrary, personal information in records regarding a child  
11 receiving competent private instruction ~~or independent private~~  
12 ~~instruction~~ pursuant to this chapter, which are maintained,  
13 created, collected, or assembled by or for a state agency,  
14 shall be kept confidential in the same manner as personal  
15 information in student records maintained, created, collected,  
16 or assembled by or for a school corporation or educational  
17 institution in accordance with section 22.7, subsection 1.

18 Sec. 12. Section 321.178, subsection 1, paragraph c, Code  
19 2018, is amended to read as follows:

20 c. Every public school district in Iowa shall offer  
21 or make available to all students residing in the school  
22 district, or Iowa students attending a nonpublic school or  
23 receiving competent private instruction ~~or independent private~~  
24 ~~instruction as defined in section 299A.1~~, in the district, an  
25 approved course in driver education. The receiving district  
26 shall be the school district responsible for making driver  
27 education available to a student participating in open  
28 enrollment under section 282.18. The courses may be offered  
29 at sites other than at the public school, including nonpublic  
30 school facilities within the public school districts. An  
31 approved course offered during the summer months, on Saturdays,  
32 after regular school hours during the regular terms or partly  
33 in one term or summer vacation period and partly in the  
34 succeeding term or summer vacation period, as the case may  
35 be, shall satisfy the requirements of this section to the

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

1 same extent as an approved course offered during the regular  
2 school hours of the school term. A student who successfully  
3 completes and obtains certification in an approved course in  
4 driver education or an approved course in motorcycle education  
5 may, upon proof of such fact, be excused from any field test  
6 which the student would otherwise be required to take in  
7 demonstrating the student's ability to operate a motor vehicle.  
8 A student shall not be excused from any field test if a parent,  
9 guardian, or instructor requests that a test be administered.  
10 A final field test prior to a student's completion of an  
11 approved course shall be administered by a person qualified  
12 as a classroom driver education instructor and certified to  
13 provide street and highway driving instruction. A person  
14 qualified as a classroom driver education instructor but not  
15 certified to provide street and highway driving instruction  
16 may administer the final field test if accompanied by another  
17 person qualified to provide street and highway driving  
18 instruction.

19 Sec. 13. Section 321.180B, subsection 2, paragraph a, Code  
20 2018, is amended to read as follows:

21 a. The department may issue an intermediate driver's  
22 license to a person sixteen or seventeen years of age who  
23 possesses an instruction permit issued under [subsection 1](#) or  
24 a comparable instruction permit issued by another state for a  
25 minimum of twelve months immediately preceding application,  
26 and who presents an affidavit signed by a parent, guardian, or  
27 custodian on a form to be provided by the department that the  
28 permittee has accumulated a total of twenty hours of street  
29 or highway driving of which two hours were conducted after  
30 sunset and before sunrise and the street or highway driving was  
31 with the permittee's parent, guardian, custodian, instructor,  
32 a person certified by the department, or a person at least  
33 twenty-five years of age who had written permission from a  
34 parent, guardian, or custodian to accompany the permittee, and  
35 whose driving privileges have not been suspended, revoked,

S5068.4307 (2) 87

-7-

kh/rj

7/9



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
March 05, 2018

1 or barred under [this chapter](#) or [chapter 321J](#) during, and who  
2 has been accident and violation free continuously for, the  
3 six-month period immediately preceding the application for an  
4 intermediate license. An applicant for an intermediate license  
5 must meet the requirements of [section 321.186](#), including  
6 satisfactory completion of driver education as required in  
7 section 321.178 ~~or 321.178A~~, and payment of the required  
8 license fee before an intermediate license will be issued. A  
9 person issued an intermediate license must limit the number of  
10 passengers in the motor vehicle when the intermediate licensee  
11 is operating the motor vehicle to the number of passenger  
12 safety belts. In addition, unless waived by the person's  
13 parent or guardian at the time the intermediate license is  
14 issued, for the first six months following issuance of the  
15 license, a person issued an intermediate license must limit the  
16 number of unrelated minor passengers in the motor vehicle when  
17 the intermediate licensee is operating the motor vehicle to  
18 one, except when the intermediate licensee is accompanied in  
19 accordance with [subsection 1](#). For purposes of [this subsection](#),  
20 "*unrelated minor passenger*" means a passenger who is under  
21 eighteen years of age and who is not a sibling of the driver, a  
22 stepsibling of the driver, or a child who resides in the same  
23 household as the driver. The department shall prescribe the  
24 form for waiver of the six-month restriction on unrelated minor  
25 passengers, which may be in an electronic format, and shall  
26 designate characteristics for the intermediate license that  
27 shall distinguish between an intermediate license that includes  
28 the six-month restriction on unrelated minor passengers and  
29 an intermediate license that does not include the six-month  
30 restriction on unrelated minor passengers.

31     Sec. 14. REPEAL. Section 321.178A, Code 2018, is repealed.>  
32     2. Title page, by striking lines 1 through 4 and inserting  
33 <An Act relating to private instruction.>>

**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
March 05, 2018**

---

MATT McCOY

Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
March 05, 2018

Senate File 2131

S-5092

1 Amend the House amendment, S-5068, to Senate File 2131, as  
2 amended, passed, and reprinted by the Senate, as follows:

3 1. Page 1, after line 8 by inserting:

4 <Sec. \_\_\_\_\_. Section 299.4, subsection 1, Code 2018, is  
5 amended to read as follows:

6 1. The parent, guardian, or legal custodian of a child who  
7 is of compulsory attendance age, who places the child under  
8 competent private instruction ~~under section 299A.2, independent~~  
9 private instruction, or private instruction under chapter  
10 299A, not in an accredited school or a home school assistance  
11 program operated by a school district or accredited nonpublic  
12 school, shall furnish to the school district of residence a  
13 report in duplicate on forms provided in the form and manner  
14 prescribed by the public school district, to the district by  
15 September 1 of the school year in which the child will be under  
16 competent private instruction, independent private instruction,  
17 or private instruction. The secretary shall retain and file  
18 one copy and forward the other copy to the district's area  
19 education agency. The report shall state the name and age of  
20 the child, the period of time during which the child has been  
21 or will be under competent private instruction, independent  
22 private instruction, or private instruction for the year, an  
23 outline of the course of study, texts used, and the name and  
24 address of the instructor. The parent, guardian, or legal  
25 custodian of a child, who is placing the child under competent  
26 private instruction, independent private instruction, or  
27 private instruction for the first time, shall also provide the  
28 district with evidence that the child has had the immunizations  
29 required under section 139A.8, and, if the child is elementary  
30 school age, a blood lead test in accordance with section  
31 135.105D. The term "outline of course of study" shall include  
32 subjects covered, lesson plans, and time spent on the areas of  
33 study.

34 Sec. \_\_\_\_\_. Section 299A.1, subsection 2, paragraph b,  
35 subparagraph (6), Code 2018, is amended to read as follows:

S5068.4308 (1) 87

-1-

kh/rj

1/4

Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
March 05, 2018

1     (6) ~~Provides, upon written request from the superintendent~~  
2 ~~of to the superintendent of the school district in which the~~  
3 ~~independent private instruction is provided, or from the~~  
4 ~~director of the department of education of residence of each~~  
5 ~~student enrolled,~~ a report identifying the primary instructor,  
6 location, name of the authority responsible for the independent  
7 private instruction, and the names of the students enrolled.

8     Sec. \_\_\_\_\_. Section 299A.3, Code 2018, is amended to read as  
9 follows:

10     **299A.3 Private instruction by nonlicensed person.**

11     1. A parent, guardian, or legal custodian of a child of  
12 compulsory attendance age providing private instruction to  
13 the child shall complete and send, in a timely manner, the  
14 report required under section 299.4 to the school district of  
15 residence of the child.

16     2. A parent, guardian, or legal custodian of a child of  
17 compulsory attendance age providing private instruction to the  
18 child may meet all either of the following requirements:

19     ~~1. Complete and send, in a timely manner, the report~~  
20 ~~required under section 299.4 to the school district of~~  
21 ~~residence of the child.~~

22     ~~2. a. Ensure that the child under the parent's, guardian's,~~  
23 ~~or legal custodian's instruction is evaluated annually to~~  
24 ~~determine whether the child is making adequate progress, as~~  
25 ~~defined in section 299A.6.~~

26     ~~3. b. Ensure that the results of the child's annual~~  
27 ~~evaluation are reported to the school district of residence~~  
28 ~~of the child and to the department of education by a date not~~  
29 ~~later than June 30 of each year in which the child is under~~  
30 ~~private instruction.~~

31     Sec. \_\_\_\_\_. NEW SECTION. 299A.13 Health and safety visits.

32     1. The board of directors of a school district shall  
33 conduct quarterly home visits to check on the health and safety  
34 of children located within the district who are receiving  
35 competent private instruction, independent private instruction,

S5068.4308 (1) 87

-2-

kh/rj

2/4

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

1 or private instruction.

2     2. Home visits shall take place in the child's residence  
3 with the consent of the parent, guardian, or legal custodian  
4 and an interview or observation of the child may be conducted.  
5 If permission to enter the home to interview or observe the  
6 child is refused, the juvenile court or district court upon  
7 a showing of probable cause may authorize the person making  
8 the home visit to enter the home and interview or observe the  
9 child.

10     3. The superintendent of the school district shall  
11 designate a person to carry out the duties assigned to the  
12 school district under this section. The person designated  
13 shall be a mandatory reporter, as defined in section 232.69,  
14 subsection 1. The school district may collaborate with the  
15 department of human services, including the local, county, and  
16 service area officers of the department, in conducting the home  
17 visits required under this section.

18     4. The department of education, in collaboration with the  
19 department of human services, shall provide guidelines to  
20 school districts for implementation of this section.>

21     2. Page 1, after line 18 by inserting:

22     <Sec. \_\_\_\_\_. STATE MANDATE FUNDING SPECIFIED. In accordance  
23 with section 25B.2, subsection 3, the state cost of requiring  
24 compliance with any state mandate included in this Act shall  
25 be paid by a school district from state school foundation aid  
26 received by the school district under section 257.16. This  
27 specification of the payment of the state cost shall be deemed  
28 to meet all of the state funding-related requirements of  
29 section 25B.2, subsection 3, and no additional state funding  
30 shall be necessary for the full implementation of this Act  
31 by and enforcement of this Act against all affected school  
32 districts.>

33     3. By striking lines 22 through 25 and inserting:

34     <\_\_\_\_\_. Title page, by striking lines 1 through 4 and  
35 inserting <An Act relating to private instruction by expanding

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

1 the Iowa learning online initiative to include students  
2 receiving private instruction and by adding reporting  
3 requirements and health and safety visits for children placed  
4 under private instruction, by providing for an online working  
5 group, providing for fees, and including effective date  
6 provisions.>>  
7 4. By renumbering as necessary.

---

MATT McCOY

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

Senate File 2345

S-5093

1 Amend Senate File 2345 as follows:

2 1. Page 1, line 7, by striking <individual> and inserting  
3 <eligible service member, as defined in section 16.54,>

---

ROBERT M. HOGG

SF2345.4116 (1) 87

-1-

ec/rj

1/1

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

Senate File 2345

S-5094

1 Amend Senate File 2345 as follows:

2 1. Page 1, line 12, after <land.> by inserting <The program  
3 shall provide that an individual financing a manufactured  
4 home pursuant to this section shall not be evicted from a  
5 manufactured home sited on leased land without just cause and a  
6 violation of this provision shall authorize the individual to  
7 seek damages pursuant to chapter 562B.>

---

ROBERT M. HOGG

SF2345.4103 (1) 87

-1-

ec/rj

1/1



**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

Senate File 2345

S-5095

1 Amend Senate File 2345 as follows:

2 1. Page 3, line 2, after <Iowa.> by inserting <An eligible  
3 member of the armed forces of the United States financing a  
4 manufactured home on leased land pursuant to this section  
5 shall not be evicted from the manufactured home without just  
6 cause and a violation of this provision shall authorize the  
7 individual to seek damages pursuant to chapter 562B.>

---

ROBERT M. HOGG

SF2345.4105 (1) 87

-1-

ec/rj

1/1

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

Senate File 2311

S-5096

1 Amend Senate File 2311 as follows:

2 1. Page 6, lines 9 and 10, by striking <as provided>

3 2. By striking page 6, line 24, through page 8, line 18, and  
4 inserting:

5 <(b) A rate-regulated gas or electric utility customer  
6 may request an exemption from participation in any energy  
7 efficiency plan or demand response plan offered by a gas or  
8 electric utility. Upon receipt of a request for exemption  
9 submitted by a customer, the gas or electric utility shall  
10 grant the exemption and, beginning January 1 of the following  
11 year, the customer shall no longer be assessed the costs of the  
12 plan and shall be prohibited from participating in any program  
13 included in such plan. An exemption shall be permanent and  
14 shall exempt the customer from any subsequent five-year plan  
15 offered by the gas or electric utility, provided, however,  
16 that a customer granted an exemption may request to enroll  
17 in a subsequent five-year energy efficiency plan or demand  
18 response plan at any time prior to the commencement of such  
19 plan. The gas or electric utility shall grant the enrollment  
20 and, beginning at the commencement of the subsequent plan, the  
21 customer shall be assessed the costs of the plan and shall be  
22 allowed to participate in any program included in such plan.

23 (2) Gas and electric utilities required to be  
24 rate-regulated under this chapter may request an energy  
25 efficiency plan or demand response plan modification during the  
26 course of a five-year plan. A modification may be requested  
27 due to changes in funding as a result of public utility  
28 customers requesting exemptions from the plan or for any other  
29 reason identified by the gas or electric utility. The board  
30 shall take action on a modification request made by a gas or  
31 electric utility within ninety days after the modification  
32 request is filed. If the board fails to take action within  
33 ninety days after a modification request is filed, the  
34 modification request shall be deemed approved.

35 (3) Before any energy efficiency plan or demand response

SF2311.4268 (2) 87

-1-

gh/rn

1/5

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

1 plan is filed with the board pursuant to this subsection, the  
2 board shall adopt rules pursuant to chapter 17A establishing  
3 reasonable processes and procedures for utility customers to  
4 request exemptions from energy efficiency plans or demand  
5 response plans pursuant to this subsection. The rules adopted  
6 by the board shall only apply to rate-regulated gas or electric  
7 utilities and shall, at a minimum, do all of the following:

8     (a) Prohibit a customer from obtaining an exemption from  
9 an energy efficiency plan or demand response plan if the  
10 customer has participated in any energy efficiency program or  
11 demand response program included in a plan during the course  
12 of the plan, or has redeemed any rebate pursuant to an energy  
13 efficiency program or demand response program included in a  
14 plan during the course of the plan.

15     (b) Require utilities to provide notification to customers  
16 regarding the ability to request an exemption from an energy  
17 efficiency plan or demand response plan, or the ability to  
18 enroll in a subsequent five-year plan if the customer received  
19 an exemption, and establish requirements regarding the content  
20 and form of such notification provided to customers. The  
21 notification provided to customers shall inform the customer  
22 that participation in any energy efficiency program or demand  
23 response program included in a plan during the course of  
24 the plan, or redemption of any rebate pursuant to an energy  
25 efficiency program or demand response program included  
26 in a plan during the course of a plan, shall preclude the  
27 customer from receiving an exemption from the plan until the  
28 commencement of the next five-year plan. Such information  
29 included in the notification shall also be included in any  
30 rebate provided to customers relating to an energy efficiency  
31 program or demand response program included in a plan.

32     (c) Provide reasonable time for utilities to develop any  
33 billing or administrative systems required to implement the  
34 rules adopted by the board pursuant to this subparagraph.

35     (d) Provide that if more than ninety percent of the total

SF2311.4268 (2) 87

-2-

gh/rn

2/5

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

1 number of customers in a particular customer class request an  
2 exemption from an energy efficiency plan or demand response  
3 plan pursuant to this subsection, the utility may discontinue  
4 such plan for that particular customer class.

5 (e) Specify how costs that have not been fully recovered  
6 from customers during a plan period, including costs of  
7 discontinued plans, are to be recovered from customers.

8 (f) Allow a customer to request an exemption during the  
9 first plan year of a five-year energy efficiency plan or demand  
10 response plan that takes effect on or after January 1, 2019,  
11 within a time period of sixty days or more after the date such  
12 plan takes effect, which exemption shall become effective at  
13 the end of the time period allowed for customers to request an  
14 exemption.

15 (g) Allow a customer that moves into the service area of a  
16 gas or electric utility during the course of a five-year energy  
17 efficiency plan or demand response plan to request an exemption  
18 from such plan within sixty days after the commencement of gas  
19 or electric service, which exemption shall become effective at  
20 the end of the sixty-day time period from which gas or electric  
21 service commenced.>

22 3. Page 8, lines 29 and 30, by striking <energy efficiency  
23 and demand response programs> and inserting <plans>

24 4. Page 9, line 2, by striking <a program> and inserting <a  
25 plan>

26 5. Page 9, line 7, by striking <program>

27 6. Page 9, line 22, after <groupings.> by inserting  
28 <Gas and electric utilities that are not required to be  
29 rate-regulated shall allow customers to request exemptions  
30 from participation in any energy efficiency programs or demand  
31 response programs offered by the utility, and shall establish  
32 reasonable processes and procedures for customers to request  
33 such exemptions. Such processes and procedures established  
34 by non-rate-regulated gas and electric utilities shall not be  
35 subject to the regulatory authority of the board.>

SF2311.4268 (2) 87

-3-

gh/rn

3/5

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

1       7. Page 10, by striking lines 14 through 25 and inserting  
2 <response plan that results in projected cumulative average  
3 annual costs that exceed one and one-half percent of the  
4 gas utility's expected annual rate revenue from customers  
5 participating in such plans, and shall not require an electric  
6 utility to adopt an energy efficiency plan or demand response  
7 plan that results in projected cumulative average annual costs  
8 that exceed two percent of the electric utility's expected  
9 annual rate revenue from customers participating in such  
10 plans. For purposes of determining the one and one-half or  
11 two percent threshold amount, the board shall exclude from a  
12 gas or electric utility's expected annual rate revenue the  
13 revenues expected from customers that have received exemptions  
14 from energy efficiency plans or demand response plans pursuant  
15 to paragraph `a`, subparagraph (1), subparagraph division  
16 (b). A gas or electric utility may voluntarily propose an  
17 energy efficiency plan or demand response plan that results in  
18 projected average annual costs that exceed one and one-half  
19 percent, on a cumulative basis, of a gas utility's expected  
20 annual rate revenue from customers participating in such plans,  
21 or two percent, on a cumulative basis, of an electric utility's  
22 expected annual rate revenue from customers participating in  
23 such plans. The board may approve, reject, or modify the>  
24       8. By striking page 10, line 33, through page 11, line 7,  
25 and inserting <currently approved energy efficiency plan or  
26 demand response plan includes projected average annual costs  
27 that exceed one and one-half percent, on a cumulative basis,  
28 of the gas utility's expected annual rate revenue received  
29 from customers participating in such plan for service within  
30 the previous calendar year, exclusive of recovery of energy  
31 efficiency costs, or two percent, on a cumulative basis, of  
32 the electric utility's expected annual rate revenue received  
33 from customers participating in such plan for service within  
34 the previous calendar year, exclusive of recovery of energy  
35 efficiency costs, the gas or electric utility may file a

SF2311.4268 (2) 87  
gh/rn

4/5

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

1 request to modify its approved energy efficiency plan or  
2 demand response plan to achieve projected average annual costs  
3 at one and one-half or less, on a cumulative basis, of the  
4 gas utility's expected annual rate revenue from customers  
5 participating in such plan, or two percent or less, on a  
6 cumulative basis, of the electric utility's expected annual  
7 rate revenue from customers participating in such plan. In  
8 such case, or whenever a request>

9     9. By striking page 11, line 31, through page 12, line 1,  
10 and inserting <defined in section 476.42. Customers that have  
11 been granted exemptions from energy efficiency plans or demand  
12 response plans pursuant to paragraph "a", subparagraph (1),  
13 subparagraph division (b), shall not be charged for recovery of  
14 energy efficiency or demand response costs beginning January  
15 1 of the year following the year in which the customer was  
16 granted the exemption.>

---

MICHAEL BREITBACH

Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
March 05, 2018

Senate Study Bill 3200 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED ECONOMIC  
DEVELOPMENT AUTHORITY BILL)

A BILL FOR

1 An Act relating to the workforce housing tax incentives  
2 program.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5427XD (6) 87  
mm/rn

Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
March 05, 2018

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1     Section 1. Section 15.352, subsection 10, Code 2018, is  
2 amended to read as follows:

3     10. *"Small city"* means any city or township located in this  
4 state, except those located wholly within one or more of the  
5 eleven most populous counties in the state, as determined by  
6 the most recent federal decennial census population estimates  
7 issued by the United States bureau of census. For the purposes  
8 of this part, a small city that is located in more than one  
9 county shall be considered to be located in the county having  
10 the greatest taxable base within the small city.

11     Sec. 2. Section 15.354, subsection 1, paragraph a, Code  
12 2018, is amended to read as follows:

13     a. A housing business seeking workforce housing tax  
14 incentives provided in section 15.355 shall make application to  
15 the authority in the manner prescribed by the authority. The  
16 authority may accept applications on a continuous basis during  
17 one or more annual application periods to be determined by the  
18 authority by rule.

19     Sec. 3. Section 15.354, subsection 2, Code 2018, is amended  
20 to read as follows:

21     2. ~~Registration.~~ Application review — tax incentive award.

22     a. All completed applications shall be reviewed and scored  
23 on a competitive basis by the authority pursuant to rules  
24 adopted by the authority.

25     ~~a. b.~~ Upon review of the application, the authority  
26 may register the housing project under the program. If the  
27 authority registers the housing project, the authority shall  
28 make a preliminary determination as to the amount of tax  
29 incentives for which the housing project qualifies reviewing  
30 and scoring all applications received during an application  
31 period, the authority may make a tax incentive award to the  
32 housing project, which tax incentive award shall represent  
33 the maximum amount of tax incentives the housing project may  
34 qualify for under the program. In determining a tax incentive  
35 award, the authority shall not use an amount of project costs

LSB 5427XD (6) 87

-1-

mm/rn

1/12



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
March 05, 2018

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 that exceeds the amount included in the application of the  
2 housing business. Tax incentive awards shall be approved by  
3 the director of the authority.

4 ~~b. c.~~ After ~~registering the housing project~~ making a  
5 tax incentive award, the authority shall notify the housing  
6 business of ~~successful registration under the program~~ its tax  
7 incentive award. The notification shall include the amount  
8 of tax incentives under ~~section 15.355~~ for which the housing  
9 business has received ~~preliminary approval~~ an award and a  
10 statement that the amount is a ~~preliminary determination only~~  
11 housing business has no right to receive a tax incentive  
12 certificate or claim a tax incentive until all requirements  
13 of the program, including the agreement entered into pursuant  
14 to subsection 3, are satisfied. The amount of tax credits  
15 included on a tax credit certificate issued pursuant to this  
16 section, or a claim for refund of sales and use taxes, shall be  
17 contingent upon completion of the requirements in ~~subsection 3.~~

18 d. An applicant that is unsuccessful in receiving a  
19 tax incentive award during an application period may make  
20 additional applications during subsequent application periods.  
21 Such applicants shall be required to submit a new application  
22 and shall be competitively reviewed and scored in the same  
23 manner as other applicants in that application period.

24 Sec. 4. Section 15.354, subsection 3, paragraphs a, c, and  
25 e, Code 2018, are amended to read as follows:

26 a. Upon ~~successful registration of receipt of a tax~~  
27 incentive award by the housing project, the housing business  
28 shall enter into an agreement with the authority for the  
29 successful completion of all requirements of the program. The  
30 agreement shall identify the tax incentive award amount, the  
31 tax incentive award date, the project completion deadline, and  
32 the total costs of the housing project.

33 c. (1) A Except as provided in subparagraph (2), a housing  
34 business shall complete its housing project within three  
35 years from the date the housing project is registered by the

LSB 5427XD (6) 87

-2-

mm/rn

2/12

Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
March 05, 2018

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 authority in the case of a housing project registered prior to  
2 July 1, 2018, or within three years from the date the housing  
3 project receives its tax incentive award from the authority in  
4 the case of all other housing projects.

5 (2) Notwithstanding subparagraph (1), the authority  
6 may for good cause within the discretion of the authority  
7 extend a housing project's completion deadline once by up  
8 to twelve months upon application by the housing business,  
9 which application shall be made prior to the expiration of  
10 the three-year completion deadline in subparagraph (1) in the  
11 manner and form prescribed by the authority.

12 e. (1) Upon review of the examination and verification  
13 of the amount of the qualifying new investment, the authority  
14 may issue a tax ~~credit~~ incentive certificate to the housing  
15 business, which tax incentive certificate shall contain, as  
16 applicable, a certificate stating the amount of sales and use  
17 tax refunds under section 15.355, subsection 2, the housing  
18 business may apply for, and a tax credit certificate stating  
19 the amount of workforce housing investment tax credits under  
20 section 15.355, subsection 3, the eligible housing business  
21 may claim. The amount of tax incentives for a housing project  
22 issued on a tax incentive certificate shall not exceed the  
23 amount of the tax incentive award.

24 (2) If upon review of the examination in subparagraph  
25 (1) the authority determines that a housing project has  
26 incurred project costs in excess of the amount submitted in the  
27 application made pursuant to [subsection 1](#) and identified in the  
28 agreement, the authority shall do one of the following:

29 (a) If the project costs do not cause the housing project's  
30 average dwelling unit cost to exceed the applicable maximum  
31 amount authorized in [section 15.353, subsection 3](#), the  
32 authority may consider the agreement fulfilled and may issue a  
33 tax ~~credit~~ incentive certificate.

34 (b) If the project costs cause the housing project's  
35 average dwelling unit cost to exceed the applicable maximum

LSB 5427XD (6) 87

-3-

mm/rn

3/12

Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
March 05, 2018

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 amount authorized in section 15.353, subsection 3, but does not  
2 cause the average dwelling unit cost to exceed one hundred ten  
3 percent of such applicable maximum amount, the authority may  
4 consider the agreement fulfilled and may issue a tax ~~credit~~  
5 incentive certificate. In such case, the authority shall  
6 reduce the tax incentive award and the corresponding amount of  
7 tax incentives the eligible housing project may claim under  
8 section 15.355, subsections 2 and 3, by the same percentage  
9 that the housing project's average dwelling unit cost exceeds  
10 the applicable maximum amount under section 15.353, subsection  
11 3, and such tax incentive reduction shall be reflected on  
12 the tax ~~credit~~ incentive certificate. If the authority  
13 issues a certificate pursuant to this subparagraph division,  
14 the department of revenue shall accept the certificate  
15 notwithstanding that the housing project's average dwelling  
16 unit costs exceeds the maximum amount specified in section  
17 15.353, subsection 3.

18 (c) If the project costs cause the housing project's  
19 average dwelling unit cost to exceed one hundred ten percent  
20 of the applicable maximum amount authorized in section 15.353,  
21 subsection 3, the authority shall determine the eligible  
22 housing business to be in default under the agreement, shall  
23 revoke the tax incentive award, and shall not issue a tax  
24 ~~credit~~ incentive certificate.

25 Sec. 5. Section 15.354, subsection 4, Code 2018, is amended  
26 by striking the subsection and inserting in lieu thereof the  
27 following:

28 4. *Maximum tax incentives amount.*

29 a. (1) For fiscal years beginning on or after July 1, 2018,  
30 the authority shall not award in any fiscal year an amount of  
31 tax incentives for housing projects located in small cities, or  
32 for other housing projects, in excess of the amounts allocated  
33 for each category in section 15.119, subsection 2, paragraph  
34 "g". This paragraph applies to housing projects awarded tax  
35 incentives pursuant to subsection 2 on or after July 1, 2018,

LSB 5427XD (6) 87

-4-

mm/rn

4/12

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 and to housing projects registered prior to July 1, 2018, under  
2 section 15.354, subsection 2, Code 2018.

3     (2) Notwithstanding subparagraph (1), and section 15.119,  
4 subsection 2, paragraph "g", if the sum of the amount of tax  
5 incentives applied for in valid applications submitted in a  
6 given fiscal year beginning on or after July 1, 2018, for  
7 housing projects located in small cities, plus the amount  
8 of tax incentives eligible for issuance to housing projects  
9 located in small cities that were registered prior to July  
10 1, 2018, under section 15.254, subsection 2, Code 2018, does  
11 not exceed the amount reserved for housing projects located  
12 in small cities pursuant to section 15.119, subsection 2,  
13 paragraph "g", the authority may award the remaining amount of  
14 tax incentives reserved for housing projects located in small  
15 cities to other housing projects during that same fiscal year.

16     (3) Notwithstanding subparagraph (1), and section 15.119,  
17 subsection 2, paragraph "g", the authority may award during a  
18 fiscal year an aggregate amount of tax incentives to housing  
19 projects located in small cities that is less than the amount  
20 reserved for allocation to small cities under section 15.119,  
21 subsection 2, paragraph "g", provided the difference between  
22 the amount of the small city reservation and the aggregate  
23 amount actually awarded to small cities during that fiscal year  
24 is awarded during that same fiscal year to housing projects  
25 registered prior to July 1, 2017.

26     b. With regard to a housing project registered prior to  
27 July 1, 2018, a tax incentive shall be considered awarded for  
28 purposes of paragraph "a" when the authority enters into an  
29 agreement with the housing business for that housing project  
30 as provided under section 15.354, subsection 3, Code 2018.  
31 Notwithstanding any provision of law to the contrary, a housing  
32 business shall have no right to enter into an agreement with  
33 the authority for a housing project registered prior to July 1,  
34 2018, until the authority allocates an amount of tax incentives  
35 to the housing project and notifies the housing business

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 that the authority is prepared to execute the agreement  
2 and make a tax incentive award for the housing project. A  
3 housing business shall have no right to receive a tax credit  
4 certificate or claim a tax incentive for a housing project  
5 registered prior to July 1, 2018, until the housing business  
6 enters into an agreement with the authority.

7     *c.* In making tax incentive awards during any fiscal year  
8 in which there are housing projects registered prior to July  
9 1, 2018, which are eligible to receive tax incentives under  
10 the program, the authority shall give priority in making tax  
11 incentive awards to housing projects registered prior to July  
12 1, 2018. The authority shall create and maintain a wait list  
13 of housing projects registered prior to July 1, 2018, and such  
14 housing projects shall be placed on the wait list in the order  
15 the housing projects were registered.

16     *d.* The maximum aggregate amount of tax incentives that  
17 may be awarded and issued under section 15.355 to a housing  
18 business for a housing project shall not exceed one million  
19 dollars.

20     *e.* If a housing business qualifies for a higher amount  
21 of tax incentives under section 15.355 than is allowed by  
22 the limitation imposed in paragraph “*d*”, the authority and  
23 the housing business may negotiate an apportionment of the  
24 reduction in tax incentives between the sales tax refund  
25 provided in section 15.355, subsection 2, and the workforce  
26 housing investment tax credits provided in section 15.355,  
27 subsection 3, provided the total aggregate amount of tax  
28 incentives after the apportioned reduction does not exceed the  
29 amount in paragraph “*d*”.

30     Sec. 6. Section 15.354, subsection 5, Code 2018, is amended  
31 to read as follows:

32     5. *Termination and repayment.* The failure by a housing  
33 business in completing a housing project to comply with any  
34 requirement of this program or any of the terms and obligations  
35 of an agreement entered into pursuant to [this section](#) may

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 result in the revocation, reduction, termination, or rescission  
2 of the tax incentive award or the approved tax incentives and  
3 may subject the housing business to the repayment or recapture  
4 of tax incentives claimed under [section 15.355](#). The repayment  
5 or recapture of tax incentives pursuant to [this section](#) shall  
6 be accomplished in the same manner as provided in section  
7 15.330, subsection 2.

8     Sec. 7. Section 15.355, subsection 2, Code 2018, is amended  
9 to read as follows:

10     2. A housing business may claim a refund of the sales and  
11 use taxes paid under [chapter 423](#) that are directly related to  
12 a housing project and specified in the agreement. The refund  
13 available pursuant to [this subsection](#) shall be as provided in  
14 section 15.331A, excluding [subsection 2](#), paragraph “c”, of  
15 that section. For purposes of the program, the term “*project*  
16 *completion*”, as used in [section 15.331A](#), shall mean the date on  
17 which the authority notifies the department of revenue that all  
18 applicable requirements of an agreement entered into pursuant  
19 to [section 15.354](#) are satisfied.

20     Sec. 8. Section 15.355, subsection 3, paragraph a,  
21 subparagraphs (1) and (2), Code 2018, are amended to read as  
22 follows:

23     (1) For a housing project not located in a small city, ten  
24 percent of the qualifying new investment of a housing project  
25 specified in the agreement.

26     (2) For a housing project located in a small city, twenty  
27 percent of the qualifying new investment of a housing project  
28 specified in the agreement.

29     Sec. 9. APPLICABILITY.

30     1. Except as provided in subsection 2, this Act applies to  
31 housing projects awarded tax incentives by the authority under  
32 the program on or after July 1, 2018, and housing projects  
33 registered by the authority under the program prior to July 1,  
34 2018, shall be governed by sections 15.352, 15.354, and 15.355,  
35 Code 2018.

LSB 5427XD (6) 87

-7-

mm/rn

7/12

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1     2. The provisions of this Act amending section 15.354,  
2 subsection 3, paragraph "c", and section 15.354, subsection 4,  
3 apply to housing projects registered by the authority under the  
4 program prior to July 1, 2018, and to housing projects awarded  
5 tax incentives by the authority under the program on or after  
6 July 1, 2018.

7                                   EXPLANATION

8                   The inclusion of this explanation does not constitute agreement with  
9                   the explanation's substance by the members of the general assembly.

10    This bill modifies the workforce housing tax incentives  
11 program.

12    BACKGROUND. The workforce housing tax incentive program  
13 (program) administered by the economic development authority  
14 (authority) provides tax incentives in the form of investment  
15 tax credits and sales and use tax refunds to housing businesses  
16 that complete certain housing projects in Iowa. In order  
17 to receive tax incentives, a housing business must apply to  
18 the authority and have its housing project registered by  
19 the authority, and then must enter into an agreement with  
20 the authority (tax incentive agreement) for the successful  
21 completion of all requirements of the program. If the housing  
22 project is completed and properly examined by a certified  
23 public accountant, and all other requirements of the tax  
24 incentive agreement and the program are satisfied, the  
25 authority may issue a tax credit certificate and the housing  
26 business may claim the tax incentives for which it qualifies  
27 under the program. The total tax incentives issued under  
28 the program per fiscal year cannot exceed \$20 million. Of  
29 that \$20 million annual cap, \$5 million must be reserved for  
30 tax incentives issued to housing projects located in small  
31 cities, as defined under the program. The program also limits  
32 the maximum amount of tax incentives that may be issued per  
33 housing project to \$1 million. The authority is required  
34 to issue tax incentives under the program on a first-come,  
35 first-served basis, and in the event the total tax incentives

LSB 5427XD (6) 87

-8-

mm/rn

8/12

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 for all registered housing projects completed in a fiscal year  
2 exceeds an annual cap, the authority is required to maintain a  
3 wait list of completed housing projects and give those housing  
4 projects priority for being issued tax incentives in subsequent  
5 fiscal years.

6 BILL CHANGES. The bill amends language relating to the  
7 acceptance of housing project applications by the authority.  
8 Current law states that the authority may accept applications  
9 on a continuous basis. The bill states that the authority may  
10 accept applications during one or more application periods, and  
11 provides that housing project applications shall be reviewed  
12 and scored on a competitive basis by the authority pursuant to  
13 rules adopted by the authority.

14 The bill removes registration of housing projects from the  
15 program, and provides that the authority may make tax incentive  
16 awards to housing projects. Tax incentive awards shall be  
17 subject to the approval of the director of the authority.  
18 Applicants who are unsuccessful in receiving a tax incentive  
19 award are authorized under the bill to make additional  
20 applications for that housing project during subsequent  
21 application periods. In determining the tax incentive award  
22 of a particular housing project, the authority shall not use  
23 an amount of housing project costs that exceeds the amount  
24 included in the housing project application.

25 The bill requires the authority to notify the housing  
26 business of its tax incentive award. The notification must  
27 include a statement that the housing business has no right to  
28 receive a tax incentive certificate or claim a tax incentive  
29 until all requirements of the program and the tax incentive  
30 agreement are satisfied.

31 The bill amends the requirements related to the tax  
32 incentive agreement entered into by the authority and a  
33 housing business to provide that such agreement shall identify  
34 the tax incentive award, the tax incentive award date, the  
35 project completion deadline, and the total costs of the housing

LSB 5427XD (6) 87

-9-

mm/rn

9/12



**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 project.

2     The bill provides that, upon verification by the authority  
3 of the project costs and qualifying new investment as required  
4 by current law, the authority may issue a tax incentive  
5 certificate which contains the amount of sales and use tax  
6 refund the housing business may apply for and a tax credit  
7 certificate stating the amount of investment tax credits the  
8 housing business may claim. The amount of tax incentives  
9 issued on a tax incentive certificate shall not exceed the  
10 amount of the tax incentive award.

11     The bill also amends the definition of "small city" for  
12 purposes of the program. Under current law, the definition  
13 of "small city" includes any city or township not located  
14 within the 11 most populous counties in the state. When a  
15 city is located in more than one county, it is considered  
16 to be located in the county having the greatest taxable base  
17 within the city. The bill amends "small city" to include any  
18 city or township not located wholly within one or more of the  
19 11 most populous counties in the state. In other words, any  
20 city or township located in whole or in part in one of the 88  
21 least populated counties in Iowa will qualify as a small city  
22 under the program. The definition is also amended to provide  
23 that population is computed using the most recent population  
24 estimates issued by the United States census bureau, instead of  
25 the most recent federal decennial census.

26     The bill amends requirements relating to the termination  
27 and repayment of tax incentives for failure to comply with the  
28 requirements of the program to provide that such failures to  
29 comply with the program may also result in the revocation of  
30 the tax incentive award.

31     The bill amends language relating to the calculation of the  
32 amount of tax incentives for which a housing project qualifies.  
33 Under current law, the amount of the sales and use tax refunds  
34 is calculated using the taxes directly related to a housing  
35 project, and the amount of the investment tax credits is

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 calculated using a percentage of the qualifying new investment  
2 of the housing project. The bill provides that these amounts  
3 of taxes or qualifying new investment will only be used in the  
4 tax incentive calculation to the extent they were specified in  
5 the tax incentive agreement entered into by the authority and  
6 the housing business.

7 These program changes described above apply to housing  
8 projects that receive a tax incentive award on or after July 1,  
9 2018, and housing projects registered prior to July 1, 2018,  
10 shall be governed by current law.

11 The bill provides that the authority shall not award more  
12 than \$20 million in tax incentives each fiscal year beginning  
13 on or after July 1, 2018, and \$5 million of that total cap  
14 shall be reserved each fiscal year for tax incentive awards  
15 made to housing projects located in small cities. With regard  
16 to housing projects registered prior to July 1, 2018, the bill  
17 states that a tax incentive will be considered awarded when  
18 the authority enters into a tax incentive agreement for that  
19 housing project as provided under current law, and the bill  
20 states that a housing business has no right to enter into a  
21 tax incentive agreement for such a housing project until the  
22 authority allocates tax incentives to that housing project and  
23 notifies the housing business that the authority is prepared to  
24 execute a tax incentive agreement. The bill also provides that  
25 a housing business shall have no right to receive a tax credit  
26 certificate or claim a tax incentive for a housing project  
27 registered prior to July 1, 2018, until it enters into a tax  
28 incentive agreement with the authority.

29 The bill provides two exceptions to the \$5 million per year  
30 tax incentive reservation for housing projects in small cities.  
31 First, if the sum of the amount of tax incentive applications  
32 received for housing projects in small cities during a fiscal  
33 year, plus the amount of tax incentives eligible for issuance  
34 during that same fiscal year to housing projects in small  
35 cities registered prior to July 1, 2018, does not exceed \$5

LSB 5427XD (6) 87

-11-

mm/rn

11/12

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 05, 2018**

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 million, the authority may award the difference to other  
2 housing projects during that same fiscal year. Second, the  
3 authority may award less than \$5 million of tax incentives to  
4 housing projects in small cities during a fiscal year if the  
5 difference between the \$5 million cap and the amount actually  
6 awarded to housing projects in small cities is awarded during  
7 the same fiscal year to housing projects registered prior to  
8 July 1, 2017.

9     The bill provides that the authority shall give priority  
10 in making tax incentive awards to housing projects registered  
11 prior to July 1, 2018, and shall create a wait list of housing  
12 projects registered prior to July 1, 2018, and place those  
13 housing projects on the list in the order the projects were  
14 registered.

15     The bill modifies the three-year project completion deadline  
16 in current law to specify that the deadline is measured from  
17 the registration date for housing projects registered prior to  
18 July 1, 2018, and from the date the housing project receives  
19 its tax incentive award for all other projects. The bill  
20 further modifies the project completion deadline by providing  
21 that the authority may for good cause extend this three-year  
22 deadline once by up to 12 months. To be eligible for such  
23 an extension, a housing business must apply to the authority  
24 before the expiration of the three-year project completion  
25 deadline.

26     These changes described above to the awarding and issuance  
27 of tax incentives and to the project completion deadline under  
28 the program apply to housing projects registered prior to July  
29 1, 2018, and to housing projects that receive a tax incentive  
30 award on or after July 1, 2018.