



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 26, 2009

House Amendment 1002

PAG LIN

1 1 Amend House File 64 as follows:
1 2 #1. Page 6, line 34, by inserting after the word
1 3 <governor.> the following: <The executive director
1 4 shall do all of the following:
1 5 a. At least once each month, appear before the
1 6 standing committee on government oversight in the
1 7 senate and the house of representatives for purposes
1 8 of testifying regarding the activities of and
1 9 financial report for the rebuild Iowa office during
1 10 the previous calendar month. If a meeting of the
1 11 standing committee on government oversight in the
1 12 senate or the house of representatives is not
1 13 scheduled during a month, the testimony at the meeting
1 14 in the following month shall include activities of and
1 15 a financial report for the rebuild Iowa office for the
1 16 period of time since the last report. During a month
1 17 in which the standing committee on rebuild Iowa in the
1 18 senate or the standing committee on rebuild Iowa and
1 19 disaster recovery in the house of representatives
1 20 conducts a meeting, the executive director shall
1 21 testify before that committee in place of the
1 22 testimony required before the standing committee on
1 23 government oversight in the respective house.
1 24 b. At least once each week, provide an electronic
1 25 report to the members of the standing committee on
1 26 rebuild Iowa in the senate and the standing committee
1 27 on rebuild Iowa and disaster recovery in the house of
1 28 representatives. The report shall include activities
1 29 conducted by the rebuild Iowa office during the
1 30 previous week and an updated financial report for the
1 31 rebuild Iowa office.>

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1 35 THOMAS of Clayton
1 36 HF 64.703 83
1 37 tm/rj/21497

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Iowa General Assembly
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House File 75 - Introduced

HOUSE FILE
BY LUKAN

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

- 1 An Act relating to the practitioner license renewal requirements
- 2 adopted by the board of educational examiners.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1785YH 83
- 5 kh/nh/24



Iowa General Assembly
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House File 75 - Introduced continued

PAG LIN

1 1 Section 1. Section 272.2, subsection 1, paragraph a, Code
1 2 2009, is amended to read as follows:

1 3 a. License practitioners, which includes the authority to
1 4 establish criteria for the licenses; establish issuance and
1 5 renewal requirements; create application and renewal forms;
1 6 create licenses that authorize different instructional
1 7 functions or specialties; develop a code of professional
1 8 rights and responsibilities, practices, and ethics, which
1 9 shall, among other things, address the failure of a
1 10 practitioner to fulfill contractual obligations under section
1 11 279.13; and develop any other classifications, distinctions,
1 12 and procedures which may be necessary to exercise licensing
1 13 duties. In addressing the failure of a practitioner to
1 14 fulfill contractual obligations, the board shall consider
1 15 factors beyond the practitioner's control. Licensure renewal
1 16 requirements adopted by the board pursuant to this paragraph
1 17 shall provide that the successful completion of continuing
1 18 education coursework or activities offered by institutions
1 19 which include but are not limited to the following, count
1 20 toward renewal of a practitioner's license:

1 21 (1) National endowment for the humanities.

1 22 (2) National constitution center.

1 23 (3) Annenberg foundation.

1 24 (4) National science foundation.

1 25 (5) Institutions offering recertification credits that are
1 26 recognized and accepted by other state educational
1 27 practitioner licensing boards.

1 28 EXPLANATION

1 29 This bill directs the board of educational examiners to
1 30 adopt rules providing that the successful completion of
1 31 continuing education coursework or activities offered by
1 32 various institutions will count toward renewal of a
1 33 practitioner's license.

1 34 The institutions include but are not limited to the
1 35 national endowment for the humanities, the national



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House File 75 - Introduced continued

2 1 constitution center, the Annenberg foundation, the national
2 2 science foundation, and institutions offering recertification
2 3 credits that are recognized and accepted by other state
2 4 educational practitioner licensing boards.
2 5 LSB 1785YH 83
2 6 kh/nh/24



Iowa General Assembly
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House File 76

HOUSE FILE
BY RAECKER and HUSER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

- 1 An Act relating to political campaigns by limiting campaign
- 2 contributions for statewide and legislative elections and
- 3 making penalties applicable.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1768YH 83
- 6 jr/sc/5



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House File 76 continued

PAG LIN

1 1 Section 1. NEW SECTION. 68A.506 CONTRIBUTIONS ==
1 2 LIMITATIONS ON AMOUNTS.
1 3 1. As used in this section, "cash" includes but is not
1 4 limited to a check, money order, debit or credit card, or
1 5 other negotiable instrument.
1 6 2. The aggregate amount of a contribution made to a
1 7 candidate or a candidate's committee by a committee or person
1 8 other than the candidate shall not exceed the following
1 9 amounts:
1 10 a. For the office of member of the house of
1 11 representatives, five hundred dollars in cash and an
1 12 additional five hundred dollars of in-kind contributions for
1 13 each primary election, or in lieu thereof a convention of a
1 14 political party, and an equal amount for each general
1 15 election.
1 16 b. For the office of state senator, one thousand dollars
1 17 in cash and an additional one thousand dollars of in-kind
1 18 contributions for each primary election, or in lieu thereof a
1 19 convention of a political party, and an equal amount for each
1 20 general election.
1 21 c. For the office of statewide elected official, as
1 22 defined in section 68B.2, ten thousand dollars in cash and an
1 23 additional ten thousand dollars of in-kind contributions for
1 24 each primary election, or in lieu thereof a convention of a
1 25 political party, and an equal amount for each general
1 26 election. The limits set out in this paragraph apply to the
1 27 governor and lieutenant governor together, as if the two
1 28 offices were one and the same.
1 29 3. The aggregate amount of a contribution made to a
1 30 candidate or a candidate's committee by a political party or
1 31 political organization, as defined in section 43.2, shall not
1 32 exceed the following amounts:
1 33 a. For the office of member of the house of
1 34 representatives, one thousand five hundred dollars in cash and
1 35 an additional four thousand five hundred dollars of in-kind



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House File 76 continued

2 1 contributions for each primary election, or in lieu thereof a
2 2 convention of a political party, and an equal amount for each
2 3 general election.

2 4 b. For the office of state senator, three thousand dollars
2 5 in cash and an additional nine thousand dollars of in-kind
2 6 contributions for each primary election, or in lieu thereof a
2 7 convention of a political party, and an equal amount for each
2 8 general election.

2 9 c. For the office of statewide elected official, as
2 10 defined in section 68B.2, thirty thousand dollars in cash and
2 11 an additional ninety thousand dollars of in-kind contributions
2 12 for each primary election, or in lieu thereof a convention of
2 13 a political party, and an equal amount for each general
2 14 election. The limits set out in this paragraph apply to the
2 15 governor and lieutenant governor together, as if the two
2 16 offices were one and the same.

2 17 4. A political party or political organization may
2 18 establish no more than one fund to provide contributions to a
2 19 candidate or a candidate's committee for the office of member
2 20 of the house of representatives or state senate or office of
2 21 statewide elected official.

2 22 EXPLANATION

2 23 This bill relates to political campaigns and campaign
2 24 finance and disclosure, containing limitations on certain
2 25 contributions to candidates for statewide office or the
2 26 general assembly.

2 27 The bill limits contributions by a committee or any person
2 28 other than the candidate. The term "person" includes any
2 29 individual, corporation, government or governmental
2 30 subdivision or agency, business trust, estate, trust,
2 31 partnership or association, labor union, or any other legal
2 32 entity.

2 33 As provided in Code section 68A.701, willful violation of
2 34 these limitations is a serious misdemeanor punishable by
2 35 confinement for no more than one year and a fine of at least



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House File 76 continued

3 1 \$315 but not more than \$1,875. A variety of civil remedies
3 2 are also available in Code section 68B.32D, ranging from a
3 3 reprimand to a civil penalty of not more than \$2,000 for each
3 4 violation.
3 5 LSB 1768YH 83
3 6 jr/sc/5



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House File 77 - Introduced

HOUSE FILE
BY TJEPKES

Passed House, Date _____	Passed Senate, Date _____
Vote: Ayes _____ Nays _____	Vote: Ayes _____ Nays _____
Approved	

A BILL FOR

- 1 An Act providing an excess weight allowance for vehicles hauling
- 2 dried distillers grains.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1834YH 83
- 5 dea/nh/8



**Iowa General Assembly
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House File 77 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.466, subsection 5, Code 2009, is
 1 2 amended to read as follows:
 1 3 5. ~~It shall be unlawful for any person to~~ A person shall
 1 4 not operate a motor truck, trailer, truck tractor, road
 1 5 tractor, semitrailer, or combination thereof, or any such
 1 6 vehicle equipped with a transferable auxiliary axle or axles,
 1 7 on the public highways with a gross weight exceeding ~~that~~ the
 1 8 gross weight for which it is registered by more than five
 1 9 ~~percent of the gross weight for which it is registered;~~
 1 10 provided, however, that any vehicle or vehicle combination
 1 11 referred to ~~herein~~ in this subsection, while carrying a load
 1 12 of raw farm products, soil fertilizers, including ground
 1 13 limestone, raw dairy products, ~~or~~ livestock, live poultry,
 1 14 eggs, or dried distillers grains may be operated with a gross
 1 15 weight of twenty-five percent in excess of the gross weight
 1 16 for which it is registered.

EXPLANATION

1 17
 1 18 This bill allows a vehicle or combination of vehicles
 1 19 carrying a load of dried distillers grains to be operated with
 1 20 a gross weight of 25 percent in excess of the registered gross
 1 21 weight of the vehicle or combination of vehicles. Dried
 1 22 distillers grains, the product remaining after ethanol is
 1 23 extracted from corn mash, is used as an ingredient in
 1 24 livestock feed. Currently, the excess weight allowance
 1 25 applies to vehicles transporting raw farm products, soil
 1 26 fertilizers, livestock, or live poultry.

1 27 LSB 1834YH 83

1 28 dea/nh/8



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House File 78 - Introduced

HOUSE FILE
BY LUKAN

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

- 1 An Act relating to the removal of electric transmission or gas
- 2 pipeline equipment and facilities under specified
- 3 circumstances.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1769YH 83
- 6 rn/nh/8



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House File 78 - Introduced continued

PAG LIN

1 1 Section 1. Section 478.19, unnumbered paragraph 1, Code
1 2 2009, is amended to read as follows:
1 3 Such lines shall be built of strong and proper wires
1 4 attached to strong and sufficient supports properly insulated
1 5 at all points of attachment; all wires, poles, and other
1 6 devices which by ordinary wear or other causes are no longer
1 7 safe shall be removed and replaced by new wires, poles, or
1 8 other devices, as the case may be; and all abandoned wires,
1 9 poles, or other devices, or nonoperating or disconnected
1 10 wires, poles, or other devices not subject to replacement or
1 11 reconnection, shall be at once removed. Where wires carrying
1 12 current are carried across, either above or below wires used
1 13 for other service, the said transmission line shall be
1 14 constructed in such manner as to eliminate, so far as
1 15 practicable, damages to persons or property by reason of said
1 16 crossing. There shall also be installed sufficient devices to
1 17 automatically shut off electric current through said
1 18 transmission line whenever connection is made whereby current
1 19 is transmitted from the wires of said transmission line to the
1 20 ground, and there shall also be provided a safe and modern
1 21 improved device for the protection of said line against
1 22 lightning. The utilities board shall have power to make and
1 23 enforce such further and additional rules relating to
1 24 location, construction, operation and maintenance of said
1 25 transmission line as may be reasonable. The board shall by
1 26 rule establish requirements regarding the length of time
1 27 following abandonment, or nonoperation or disconnection of
1 28 service with no intention of replacement or reconnection,
1 29 after which wires, poles, or devices shall be removed.
1 30 Sec. 2. Section 479.48, subsection 4, Code 2009, is
1 31 amended to read as follows:
1 32 4. Upon reversion of the easement, the landowner may
1 33 require the pipeline company to remove any pipe or pipeline
1 34 facility remaining on the property. Provisions of this
1 35 chapter relating to damages shall apply when the pipeline is



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2 1 removed. The board shall by rule establish requirements
2 2 regarding the length of time following a request for removal
2 3 by the landowner after which the pipe or pipeline facility
2 4 shall be removed.

2 5

EXPLANATION

2 6 This bill modifies provisions requiring electric utilities
2 7 to remove abandoned electric transmission wires, poles, or
2 8 other devices, and requiring the owner of a right-of-way
2 9 easement regarding operation of a gas pipeline which has
2 10 reverted to remove the pipe or pipeline facility upon request
2 11 by a landowner. The bill provides that the Iowa utilities
2 12 board shall by rule establish requirements regarding the
2 13 length of time following abandonment of electric transmission
2 14 wires, poles, or other devices after which removal must take
2 15 place, and adds nonoperation and disconnection to the removal
2 16 provision requirements. Similarly, the bill provides that the
2 17 board shall establish requirements regarding the length of
2 18 time following a request for removal upon reversion of an
2 19 easement for gas pipeline operation after which removal must
2 20 take place.

2 21 LSB 1769YH 83

2 22 rn/nh/8



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House File 79 - Introduced

HOUSE FILE
BY SHOMSHOR

(COMPANION TO LSB 1469SS
BY JOCHUM)

Passed House, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the sales and use tax imposed on the operation
- 2 of bingo games.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1469HH 83
- 5 ec/sc:mg/8



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House File 79 - Introduced continued

PAG LIN

1 1 Section 1. Section 423.2, subsection 4, paragraph b, Code
1 2 2009, is amended to read as follows:
1 3 b. The tax imposed under this subsection covers the total
1 4 amount from the operation of games of skill, games of chance,
1 5 ~~and raffles, and bingo games~~ as defined in chapter 99B, card
1 6 game tournaments conducted under section 99B.7B, and musical
1 7 devices, weighing machines, shooting galleries, billiard and
1 8 pool tables, bowling alleys, pinball machines, slot-operated
1 9 devices selling merchandise not subject to the general sales
1 10 taxes, the total amount less amounts awarded as prizes from
1 11 the operation of bingo games as defined in chapter 99B, and on
1 12 the total amount from devices or systems where prizes are in
1 13 any manner awarded to patrons and upon the receipts from fees
1 14 charged for participation in any game or other form of
1 15 amusement, and generally upon the sales price from any source
1 16 of amusement operated for profit, not specified in this
1 17 section, and upon the sales price from which tax is not
1 18 collected for tickets or admission, but tax shall not be
1 19 imposed upon any activity exempt from sales tax under section
1 20 423.3, subsection 78. Every person receiving any sales price
1 21 from the sources described in this section is subject to all
1 22 provisions of this subchapter relating to retail sales tax and
1 23 other provisions of this chapter as applicable.

1 24 EXPLANATION
1 25 This bill provides that the sales and use tax imposed on
1 26 the operation of bingo games shall be on the gross amount less
1 27 the amounts awarded as prizes. Current law imposes the tax on
1 28 the gross amount derived from the bingo games.
1 29 LSB 1469HH 83
1 30 ec/sc:mg/8



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House File 80 - Introduced

HOUSE FILE
BY HUNTER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

- 1 An Act concerning civil service commissions, disciplinary
- 2 procedures, leaves of absence, providing a civil penalty, and
- 3 making a penalty applicable.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1634HH 83
- 6 md/rj/5



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House File 80 - Introduced continued

PAG LIN

1 1 Section 1. Section 400.1, subsection 1, Code 2009, is
 1 2 amended to read as follows:
 1 3 1. In cities having a population of eight thousand or over
 1 4 and having a paid fire department or a paid police department,
 1 5 the mayor, one year after a regular city election, with the
 1 6 approval of the council, shall appoint three civil service
 1 7 commissioners ~~who~~. The mayor shall publish notice of the
 1 8 names of persons selected for appointment no less than thirty
 1 9 days prior to a vote by the city council. Commissioners shall
 1 10 hold office, one until the first Monday in April of the second
 1 11 year, one until the first Monday in April of the third year,
 1 12 and one until the first Monday in April of the fourth year
 1 13 after such appointment, whose successors shall be appointed
 1 14 for a term of four years. In cities having a population of
 1 15 more than seventy thousand, the city council may establish, by
 1 16 ordinance, the number of civil service commissioners at not
 1 17 less than three.

1 18 Sec. 2. Section 400.2, Code 2009, is amended to read as
 1 19 follows:

1 20 400.2 QUALIFICATIONS == ~~CONFLICT OF INTEREST~~ PROHIBITED
 1 21 CONTRACTS.

1 22 1. The commissioners must be citizens of Iowa, eligible
 1 23 electors as defined in chapter 39, and residents of the city
 1 24 preceding their appointment, and shall serve without
 1 25 compensation. A person, while on the commission, shall not
 1 26 hold or be a candidate for any office of public trust.
 1 27 However, when a human rights commission has been established
 1 28 by a city, the director of the commission shall ex officio be
 1 29 a member, without vote, of the civil service commission.

1 30 2. Civil service commissioners, with respect to the city
 1 31 in which they are commissioners, shall not do any of the
 1 32 following:

1 33 a. ~~sell~~ Sell to, or in any manner become parties, directly
 1 34 or indirectly, to any contract to furnish supplies, material,
 1 35 or labor to the city ~~in which they are commissioners except as~~



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~~House File 80 — Introduced continued~~

~~2 1 provided in section 362.5.~~
2 2 b. Have an interest, direct or indirect, in any contract
2 3 or job of work or material or the profits thereof or services
2 4 to be furnished or performed for the city.
2 5 3. A contract entered into in violation of subsection 2 is
2 6 void.
2 7 4. A violation of ~~this conflict of interest provision the~~
2 8 provisions contained in subsection 2 is a simple misdemeanor.
2 9 Sec. 3. Section 400.9, subsections 2 and 4, Code 2009, are
2 10 amended to read as follows:
2 11 2. The commission shall establish guidelines for
2 12 conducting the examinations under subsection 1. It may prepare
2 13 and administer the examinations or may hire persons with
2 14 expertise to do so if the commission approves the examinations
2 15 and if the examinations apply to the position in the city for
2 16 which the applicant is taking the examination. It may also
2 17 hire persons with expertise to consult in the preparation of
2 18 such examinations if the persons so hired are employed to aid
2 19 personnel of the commission in assuring that a fair
2 20 examination is conducted. A fair examination shall explore the
2 21 competence of the applicant in the particular field of
2 22 examination. The names of persons approved to administer any
2 23 examination under this section shall be posted in the city
2 24 hall at least twenty-four hours prior to the examination.
2 25 4. If there is a certified list of qualified candidates
2 26 for a promotional appointment, the following procedures shall
2 27 be followed:
2 28 a. A publication stating that interviews are being
2 29 scheduled to make a new certified list to fill a vacancy in a
2 30 civil service promotional grade classification shall be posted
2 31 for at least five working days before the closing date for the
2 32 interviews in the same locations where examination notices are
2 33 posted.
2 34 b. An employee who wishes to voluntarily demote or to
2 35 laterally transfer into a vacancy and has previously been or



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House File 80 - Introduced continued

3 1 is currently in the classification where the vacancy exists,
3 2 shall notify the civil service commission of the employee's
3 3 interest in the vacant position. The employee shall be added
3 4 to the list of candidates to be interviewed and considered for
3 5 the vacancy.

3 6 c. Each candidate on a list of qualified candidates must
3 7 be considered by the commission before another list may be
3 8 created.

3 9 Sec. 4. Section 400.11, unnumbered paragraph 5, Code 2009,
3 10 is amended to read as follows:

3 11 When there is no such preferred list or certified eligible
3 12 list, or when the eligible list shall be exhausted, the person
3 13 or body having the appointing power may temporarily fill a
3 14 newly created office or other vacancy only until an
3 15 examination can be held and the names of qualified persons be
3 16 certified by the commission, and such temporary appointments
3 17 are hereby limited to ninety days for any one person in the
3 18 same vacancy, but such limitation shall not apply to persons
3 19 temporarily acting in positions regularly held by another. A
3 20 temporary appointment to a position regularly held by another
3 21 shall be made according to the certified eligible list. Any
3 22 person temporarily filling a vacancy in a position of higher
3 23 grade for twenty days or more, shall receive the salary paid
3 24 in such higher grade.

3 25 Sec. 5. Section 400.17, unnumbered paragraphs 3 and 4,
3 26 Code 2009, are amended to read as follows:

3 27 Employees shall not be required to be a resident of the
3 28 city or state in which they are employed, ~~but they shall~~
~~3 29 become a resident of the state at the time such appointment or~~
~~3 30 employment begins and shall remain a resident of the state~~
~~3 31 during employment.~~ Cities may set reasonable maximum
3 32 distances outside of the corporate limits of the city that
3 33 travel time limitations applicable to police officers, fire
3 34 fighters, and other critical municipal employees may who
3 35 choose to live outside the corporate limits of the city.



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House File 80 - Introduced continued

4 1 A person shall not be appointed, promoted, discharged, or
4 2 demoted to or from a civil service position or in any other
4 3 way favored or discriminated against in that position because
4 4 of political or religious opinions or affiliations, race,
4 5 national origin, sex, or age, or in retaliation for the
4 6 exercise of any right enumerated in this chapter. However,
4 7 the maximum age for a police officer or fire fighter covered
4 8 by this chapter and employed for police duty or the duty of
4 9 fighting fires is sixty-five years of age.

4 10 Sec. 6. Section 400.18, Code 2009, is amended to read as
4 11 follows:

4 12 400.18 REMOVAL, DEMOTION, OR SUSPENSION.

4 13 1. ~~No~~ A person holding civil service rights as provided in
4 14 this chapter shall not be removed, reprimanded, demoted, or
4 15 suspended arbitrarily, except as otherwise provided in this
4 16 chapter, but may be removed, reprimanded, demoted, or
4 17 suspended after a hearing by a majority vote of the civil
4 18 service commission, for neglect of duty, disobedience,
4 19 misconduct, or failure to properly perform the person's
4 20 duties.

4 21 2. The party alleging neglect of duty, disobedience,
4 22 misconduct, or failure to properly perform a duty shall have
4 23 the burden of proof.

4 24 3. A person subject to a hearing has the right to be
4 25 represented by counsel at the person's expense or by the
4 26 person's authorized collective bargaining representative.

4 27 Sec. 7. Section 400.20, Code 2009, is amended to read as
4 28 follows:

4 29 400.20 APPEAL.

4 30 The reprimand, suspension, demotion, or discharge of a
4 31 person holding civil service rights may be appealed to the
4 32 civil service commission within fourteen calendar days after
4 33 the reprimand, suspension, demotion, or discharge.

4 34 Sec. 8. Section 400.21, Code 2009, is amended to read as
4 35 follows:



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5 1 400.21 NOTICE OF APPEAL.

5 2 If the appeal be taken by the person reprimanded,
5 3 suspended, demoted, or discharged, notice thereof, signed by
5 4 the appellant and specifying the ruling appealed from, shall
5 5 be filed with the clerk of commission; if by the person making
5 6 such reprimand, suspension, demotion, or discharge, such
5 7 notice shall also be served upon the person reprimanded,
5 8 suspended, demoted, or discharged.

5 9 Sec. 9. Section 400.26, Code 2009, is amended to read as
5 10 follows:

5 11 400.26 PUBLIC TRIAL.

5 12 The trial of all appeals shall be public, and the parties
5 13 may be represented by counsel or by the parties' authorized
5 14 collective bargaining representative.

5 15 Sec. 10. Section 400.27, unnumbered paragraph 2, Code
5 16 2009, is amended to read as follows:

~~5 17 The city attorney or solicitor shall be the attorney for
5 18 the commission or when requested by the commission shall
5 19 present matters concerning civil service employees to the
5 20 commission, except the commission may hire a counselor or an
5 21 attorney on a per diem basis to represent it when in the
5 22 opinion of the commission there is a conflict of interest
5 23 between the commission and the city council. The commission
5 24 shall hire or retain an attorney to represent and advise the
5 25 commission in its official duties. The ~~counselor or~~ attorney
5 26 hired by the commission shall not be the city attorney or
5 27 solicitor. The city shall pay the costs incurred by the
5 28 commission in employing an attorney under this section.~~

5 29 Sec. 11. NEW SECTION. 400.30A CIVIL PENALTY.

5 30 The county attorney shall enforce the provisions of this
5 31 chapter. A person who willfully acts or fails to act in a
5 32 manner tending to avoid or defeat a provision of this chapter
5 33 is, in addition to any penalty imposed under section 400.30,
5 34 subject to a civil penalty imposed by the court not to exceed
5 35 five hundred dollars for each violation. The civil penalties



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House File 80 - Introduced continued

6 1 paid pursuant to this section shall be deposited in the
6 2 county's general fund.

6 3 Sec. 12. NEW SECTION. 400.32 LEAVE OF ABSENCE FOR
6 4 CERTAIN EMPLOYEES.

6 5 A civil service employee who is an elected or appointed
6 6 officer of an employee organization that is the representative
6 7 of a bargaining unit or who is an elected officer or appointed
6 8 representative of a statewide fire fighter organization may
6 9 make written request to the city for a leave of absence from
6 10 regular employment for such time as necessary to attend the
6 11 meetings required by that office or position and to otherwise
6 12 perform the duties of that office or position. The city shall
6 13 grant such leave, and such leave shall be granted without any
6 14 loss of pay, net credited service, and benefits earned and
6 15 without any requirement to work extra hours to compensate for
6 16 the amount of time missed. The written request for leave of
6 17 absence shall include the length of the appointed or elected
6 18 term to be served by the employee.

6 19 Sec. 13. IMPLEMENTATION OF ACT. Section 25B.2, subsection
6 20 3, shall not apply to this Act.

6 21 EXPLANATION

6 22 This bill makes several changes to the civil service law.
6 23 The bill specifies what contracting activities of
6 24 commissioners are prohibited. The bill also changes who may
6 25 provide counsel or legal services to the commission by
6 26 requiring the use of independent counsel rather than a city
6 27 attorney.

6 28 The bill requires the names of persons administering any
6 29 appointment or promotion examination to be posted in the city
6 30 hall prior to the examination. The bill also requires an
6 31 appointing authority to consider each candidate on a list of
6 32 qualified candidates before another list may be created and
6 33 requires the use of a list of qualified candidates for
6 34 temporary appointments.

6 35 Under current law, an employee under civil service is



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House File 80 - Introduced continued

7 1 required to be a resident of the state. The bill eliminates
7 2 the state residency requirement and the cities' authority to
7 3 set reasonable maximum distances that police officers, fire
7 4 fighters, and other critical municipal employees may live
7 5 outside the city. The bill instead allows cities to set
7 6 reasonable maximum travel time limitations applicable to those
7 7 employees who choose to live outside the city.

7 8 The bill prohibits retaliation against any individual based
7 9 upon the exercise of any right enumerated in Code chapter 400.
7 10 The bill specifies that the burden of proof is on the employer
7 11 to prove neglect of duty, disobedience, misconduct, or failure
7 12 to perform a duty. The bill also expands the appeal rights of
7 13 civil service employees to include reprimands and clarifies
7 14 who may represent an employee during a hearing or trial. The
7 15 bill also creates a civil penalty not to exceed \$500 for
7 16 violations of Code chapter 400.

7 17 The bill allows a civil service employee who is an elected
7 18 or appointed officer of an employee organization that is the
7 19 representative of a bargaining unit or who is an elected
7 20 officer or appointed representative of a statewide fire
7 21 fighter organization to be granted, upon written request, a
7 22 leave of absence from regular employment for such time as
7 23 necessary to attend the meetings required by that office or
7 24 position and to otherwise perform the duties of that office or
7 25 position. The leave shall be granted by the city without any
7 26 loss of pay, net credited service, and benefits earned and
7 27 without any requirement to work extra hours to compensate for
7 28 the amount of time missed.

7 29 The bill may include a state mandate as defined in Code
7 30 section 25B.3. The bill makes inapplicable Code section
7 31 25B.2, subsection 3, which would relieve a political
7 32 subdivision from complying with a state mandate if funding for
7 33 the cost of the state mandate is not provided or specified.
7 34 Therefore, political subdivisions are required to comply with
7 35 any state mandate included in the bill.



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House File 80 - Introduced continued

8 1 LSB 1634HH 83
8 2 md/rj/5



Iowa General Assembly
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House File 81

HOUSE FILE
BY ANDERSON

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved

A BILL FOR

- 1 An Act establishing an environmental design and construction
- 2 program for open animal feeding operations.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1835HH 83
- 5 da/nh/24



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House File 81 continued

PAG LIN

1 1 Section 1. NEW SECTION. 15.431 DEFINITIONS.
1 2 As used in this part, unless the context otherwise
1 3 requires:
1 4 1. "Animal" means the same as defined in section 459.102.
1 5 2. "Animal feeding operation" means the same as defined in
1 6 section 459.102.
1 7 3. "Open animal feeding operation" means an animal feeding
1 8 operation other than a confinement feeding operation as
1 9 defined in section 459.102.
1 10 4. "Open feedlot operation" means the same as defined in
1 11 section 459A.102.
1 12 5. "Open feedlot operation structure" means the same as
1 13 defined in section 459A.102.
1 14 6. "Program" means the environmental design and
1 15 construction program for open animal feeding operations as
1 16 provided in section 15.432.
1 17 Sec. 2. NEW SECTION. 15.432 ENVIRONMENTAL DESIGN AND
1 18 CONSTRUCTION PROGRAM FOR OPEN ANIMAL FEEDING OPERATIONS.
1 19 1. There is established an environmental design and
1 20 construction program for open animal feeding operations under
1 21 the administration of the department.
1 22 2. In administering the program, the department shall
1 23 cooperate with all of the following:
1 24 a. The department of natural resources.
1 25 b. The state soil conservation committee and the soil
1 26 conservation division of the department of agriculture and
1 27 land stewardship pursuant to chapters 161A and 161C.
1 28 c. The agricultural development authority as provided in
1 29 chapter 175.
1 30 d. The watershed improvement review board as provided in
1 31 chapter 466A.
1 32 3. The purpose of the program is to promote rural
1 33 development in this state and preserve or improve the quality
1 34 of water sources in this state. The department shall award
1 35 grants to be used exclusively for the design, installation,



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2 1 construction, expansion, or improvement of systems which
2 2 properly utilize animal manure as a nutrient source and to
2 3 protect the water resources of the state from animal manure or
2 4 a combination of manure and precipitation-induced runoff
2 5 originating from open animal feeding operations. The systems
2 6 may include any of the following:

2 7 a. An open feedlot operation structure which meets or
2 8 exceeds all applicable requirements as provided in chapter
2 9 459A.

2 10 b. Water protection practices, including but not limited
2 11 to the establishment of native grasses and forbs, structures
2 12 to prevent groundwater pollution from sinkholes, and buffer
2 13 strips or erosion control structures.

2 14 4. The department shall establish criteria for persons to
2 15 qualify for a grant under the program. In order to
2 16 participate in the program, all of the following must apply:

2 17 a. The person is an owner or operator of an existing open
2 18 animal feeding operation or is beginning the establishment of
2 19 an open animal feeding operation.

2 20 b. The person shall apply to the department in a manner
2 21 and according to procedures required by the department and
2 22 execute any agreement with the department according to the
2 23 terms and conditions required by the department or negotiated
2 24 by the parties.

2 25 EXPLANATION

2 26 This bill establishes an environmental design and
2 27 construction program for open animal feeding operations under
2 28 the administration of the department of economic development.
2 29 An open animal feeding operation is a lot, yard, corral,
2 30 building, or other area in which animals are confined and fed
2 31 and maintained for 45 days or more in any 12-month period, and
2 32 all structures used for the storage of manure from animals in
2 33 the operation (Code section 459.102). It includes an open
2 34 feedlot operation where crop, vegetation, or forage growth or
2 35 residue cover is not maintained in the enclosed area where the



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House File 81 continued

3 1 animals are kept (Code section 459A.102). However, it does
3 2 not include a confinement feeding operation in which animals
3 3 are confined to areas which are totally roofed (Code section
3 4 459.102). It does not include a manure storage structure such
3 5 as an anaerobic lagoon associated with confinement feeding
3 6 operations.

3 7 The bill provides that in administering the program, the
3 8 department must cooperate with a number of agencies including:
3 9 (1) the department of natural resources; (2) the state soil
3 10 conservation committee and the soil conservation division of
3 11 the department of agriculture and land stewardship; (3) the
3 12 agricultural development authority; and (4) the watershed
3 13 improvement review board.

3 14 According to the bill, the purpose of the program is to
3 15 promote rural development in this state and improve water
3 16 quality practices by providing grants to assist qualified
3 17 persons in the design, installation, construction, expansion,
3 18 or improvement of manure control systems. This includes an
3 19 open feedlot operation structure such as a settled open
3 20 feedlot effluent basin, a solids settling facility, or an
3 21 alternative technology system. It may also include water
3 22 protection practices, including but not limited to the
3 23 establishment of native grasses and forbs, sinkhole
3 24 management, and the establishment of buffer strips or erosion
3 25 control structures.

3 26 LSB 1835HH 83

3 27 da/nh/24



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House File 82 - Introduced

HOUSE FILE
BY SCHUELLER, BUKTA, SWAIM,
KRESSIG, WILLEMS, GASKILL,
GAYMAN, MERTZ, and
LUKAN

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

- 1 An Act providing volunteer emergency services providers
- 2 protection from employment termination.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1093HH 83
- 5 ak/rj/5



Iowa General Assembly
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House File 82 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 100B.14 VOLUNTEER JOB
1 2 PROTECTION.
1 3 1. This section shall be known as the "Volunteer Emergency
1 4 Services Providers Job Protection Act".
1 5 2. For the purposes of this section, "volunteer emergency
1 6 services provider" means a volunteer fire fighter as defined
1 7 in section 85.61, a reserve peace officer as defined in
1 8 section 80D.1A, an emergency medical care provider as defined
1 9 in section 147A.1, or other personnel having voluntary
1 10 emergency service duties and who are not paid full-time by the
1 11 entity for which the services are performed.
1 12 3. A public or private employer shall not terminate the
1 13 employment of an employee for joining a volunteer emergency
1 14 services unit or organization, including but not limited to
1 15 any municipal, rural, or subscription fire department.
1 16 4. A public or private employer shall not terminate the
1 17 employment of an employee who is a volunteer emergency
1 18 services provider who, because the employee was fulfilling the
1 19 employee's duties as a volunteer emergency services provider,
1 20 is absent from or late to work.
1 21 5. An employer may deduct from an employee's regular pay
1 22 an amount of regular pay for the time that an employee who is
1 23 a volunteer emergency services provider is absent from work
1 24 while performing duties as a volunteer emergency services
1 25 provider.
1 26 6. An employer may request that an employee who is a
1 27 volunteer emergency services provider and who is absent from
1 28 work while responding to an emergency provide the employer
1 29 with a written statement from the supervisor or acting
1 30 supervisor of the volunteer emergency services unit or
1 31 organization stating that the employee responded to an
1 32 emergency and stating the date and time of the emergency.
1 33 7. An employee who is a volunteer emergency services
1 34 provider and who may be absent from or late to work while
1 35 performing duties as a volunteer emergency services provider



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House File 82 - Introduced continued

2 1 shall make a reasonable effort to notify the employer that the
2 2 employee may be absent or late.
2 3 8. An employee whose employment is terminated in violation
2 4 of this section may bring a civil action against the employer.
2 5 The employee may seek reinstatement to the employee's former
2 6 position, payment of back wages, reinstatement of fringe
2 7 benefits, and, where seniority rights are granted,
2 8 reinstatement of seniority rights. If the employee prevails
2 9 in such an action, the employee shall be entitled to an award
2 10 of reasonable attorney fees and the costs of the action. An
2 11 employee must commence such an action within one year after
2 12 the date of termination of the employee's employment.

2 13 EXPLANATION

2 14 This bill establishes the volunteer emergency services
2 15 providers job protection Act. The bill prohibits public and
2 16 private employers from terminating the employment of employees
2 17 who become volunteer emergency services providers or who are
2 18 absent from or late to work due to the employee's service as a
2 19 volunteer emergency services provider. If the employee misses
2 20 work as a result of voluntary service, the employer may deduct
2 21 an amount of regular pay from the employee's wages for the
2 22 time away from work and the employer may require that the
2 23 employee provide written verification of the employee's
2 24 voluntary service.

2 25 The bill allows a volunteer emergency services provider
2 26 whose employment is terminated in violation of the bill to
2 27 bring a civil action against the employer within one year of
2 28 the violation. The employee may seek reinstatement of
2 29 employment, back wages, benefits, and reinstatement of
2 30 seniority. The bill also allows a successful employee to
2 31 recover reasonable attorney fees and court costs.

2 32 LSB 1093HH 83

2 33 ak/rj/5



Iowa General Assembly
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House File 83

HOUSE FILE
BY HUNTER and BURT

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

1 An Act concerning the statewide fire and police retirement system
2 by establishing a presumption that cancer is work-related for
3 purposes of disability and death benefits for fire fighters
4 and by increasing the contribution rate for fire fighters.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1635HH 83
7 ec/sc/14



Iowa General Assembly
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House File 83 continued

PAG LIN

1 1 Section 1. Section 411.6, subsection 5, paragraph c, Code
1 2 2009, is amended to read as follows:

1 3 c. Disease under this section shall mean heart disease or
1 4 any disease of the lungs or respiratory tract and shall be
1 5 presumed to have been contracted while on active duty as a
1 6 result of strain or the inhalation of noxious fumes, poison or
1 7 gases. For a member who is a fire fighter, disease under this
1 8 section shall also mean cancer which shall also be presumed to
1 9 have been contracted while on active duty. However, if a
1 10 person's membership in the system first commenced on or after
1 11 July 1, 1992, and the heart disease, ~~or~~ disease of the lungs
1 12 or respiratory tract, or cancer would not exist, but for a
1 13 medical condition that was known to exist on the date that
1 14 membership commenced, the presumption established in this
1 15 paragraph shall not apply.

1 16 Sec. 2. Section 411.6, subsection 9, paragraph a, Code
1 17 2009, is amended to read as follows:

1 18 a. If, upon the receipt of evidence and proof from the
1 19 chief of the police or fire department that the death of a
1 20 member in service was the natural and proximate result of an
1 21 injury or disease incurred in or aggravated by the actual
1 22 performance of duty at some definite time and place, or while
1 23 acting pursuant to order, outside of the city by which the
1 24 member is regularly employed, the system decides that death
1 25 was so caused in the performance of duty, there shall be paid,
1 26 in lieu of the ordinary death benefit provided in subsection
1 27 8, an accidental death benefit as set forth in this
1 28 subsection. Disease under this subsection shall mean heart
1 29 disease or any disease of the lungs or respiratory tract and
1 30 shall be presumed to have been contracted while on active duty
1 31 as a result of strain or the inhalation of noxious fumes,
1 32 poison, or gases. For a member who is a fire fighter, disease
1 33 under this subsection shall also mean cancer which shall also
1 34 be presumed to have been contracted while on active duty.

1 35 Sec. 3. Section 411.8, subsection 1, paragraph f,



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House File 83 continued

2 1 subparagraph (8), Code 2009, is amended to read as follows:
2 2 (8) Beginning July 1, 1996, and each fiscal year
2 3 thereafter, an amount equal to the member's contribution rate
2 4 times each member's compensation shall be paid to the fund
2 5 from the earnable compensation of the member. For the
2 6 purposes of this subparagraph, the member's contribution rate
2 7 shall be nine and thirty=five hundredths percent or, beginning
2 8 July 1, 2009, if the member is a fire fighter, nine and
2 9 four=tenths percent. However, the system shall increase the
2 10 member's contribution rate as necessary to cover any increase
2 11 in cost to the system resulting from statutory changes which
2 12 are enacted by any session of the general assembly meeting
2 13 after January 1, 1991, if the increase cannot be absorbed
2 14 within the contribution rates otherwise established pursuant
2 15 to this paragraph, but subject to a maximum employee
2 16 contribution rate of eleven and three=tenths percent or,
2 17 beginning July 1, 2009, if the member is a fire fighter,
2 18 eleven and thirty=five hundredths percent. The contribution
2 19 rate increases specified in 1994 Iowa Acts, ch. 1183, pursuant
2 20 to this chapter and chapter 97A shall be the only member
2 21 contribution rate increases for these systems resulting from
2 22 the statutory changes enacted in 1994 Iowa Acts, ch. 1183, and
2 23 shall apply only to the fiscal periods specified in 1994 Iowa
2 24 Acts, ch. 1183. After the employee contribution reaches
2 25 eleven and three=tenths percent or eleven and thirty=five
2 26 hundredths percent, as applicable, sixty percent of the
2 27 additional cost of such statutory changes shall be paid by
2 28 employers under paragraph "c" and forty percent of the
2 29 additional cost shall be paid by employees under this
2 30 paragraph.

2 31 EXPLANATION

2 32 This bill provides that cancer contracted by fire fighter
2 33 members of the statewide fire and police retirement system is
2 34 presumed to be a disease contracted while on active duty due
2 35 to the job for purposes of establishing a disability pension



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House File 83 continued

3 1 or providing a death benefit. The bill also provides that the
3 2 presumption will not apply to fire fighter members who joined
3 3 the retirement system after July 1, 1992, in which the cancer
3 4 would not have existed but for a medical condition that was
3 5 known on the date the member joined.

3 6 The bill also increases the minimum contribution rate for
3 7 fire fighter members of the pension system from 9.35 percent
3 8 to 9.4 percent.

3 9 The bill may include a state mandate as defined in Code
3 10 section 25B.3. The state mandate funding requirement in Code
3 11 section 25B.2, however, does not apply to public employee
3 12 retirement systems.

3 13 LSB 1635HH 83

3 14 ec/sc/14



Iowa General Assembly
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January 26, 2009

House File 84 - Introduced

HOUSE FILE
BY HUNTER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

- 1 An Act prohibiting the use of cellular telephones and other
- 2 wireless communication devices while operating a motor vehicle
- 3 and providing a penalty.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1623HH 83
- 6 dea/nh/5



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House File 84 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 321.363A USE OF WIRELESS
1 2 COMMUNICATION DEVICES PROHIBITED.
1 3 1. A person shall not operate or use a cellular telephone
1 4 or other wireless communication device while operating a motor
1 5 vehicle on a street or highway.
1 6 2. This section does not apply to a member of a public
1 7 safety agency, as defined in section 34.1, while using a
1 8 cellular telephone or other wireless communication device in
1 9 the performance of the member's official duties.
1 10 3. A person who violates this section commits a simple
1 11 misdemeanor, punishable as a scheduled violation under section
1 12 805.8A, subsection 14, paragraph "j".
1 13 Sec. 2. Section 805.8A, subsection 14, Code 2009, is
1 14 amended by adding the following new paragraph:
1 15 NEW PARAGRAPH. j. For violations under section 321.363A,
1 16 the scheduled fine is thirty dollars.
1 17 EXPLANATION
1 18 This bill prohibits the driver of a motor vehicle from
1 19 operating or using a cellular telephone or other wireless
1 20 communication device while operating a motor vehicle on a
1 21 street or highway. An exception is allowed for members of
1 22 public safety agencies, including agencies that provide fire
1 23 fighting, law enforcement, ambulance, medical, or other
1 24 emergency services.
1 25 A violation is a simple misdemeanor punishable by a
1 26 scheduled fine of \$30.
1 27 LSB 1623HH 83
1 28 dea/nh/5



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House File 85 - Introduced

HOUSE FILE
BY ISENHART and LUKAN

(COMPANION TO LSB 1780SS
BY JOCHUM)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

- 1 An Act relating to orders for postsecondary education subsidies.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1780HH 83
- 4 pf/nh/14



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House File 85 - Introduced continued

PAG LIN

1 1 Section 1. Section 598.21F, subsection 1, Code 2009, is
1 2 amended to read as follows:
1 3 1. ORDER OF SUBSIDY. The court may order a postsecondary
1 4 education subsidy if good cause is shown. A parent may be
1 5 ordered to provide a postsecondary education subsidy for the
1 6 parent's child under this subsection whether or not the
1 7 parents of the child were married to one another.

1 8 Sec. 2. Section 600B.25, Code 2009, is amended by adding
1 9 the following new subsection:
1 10 NEW SUBSECTION. 3. Upon a finding of paternity pursuant
1 11 to section 600B.24, the court may also order a postsecondary
1 12 education subsidy as defined in section 598.1 and as provided
1 13 in section 598.21F. The construction, application, and
1 14 interpretation of this subsection shall be the same as the
1 15 construction, application, and interpretation of section
1 16 598.1, subsection 8, and section 598.21F.

1 17 EXPLANATION

1 18 This bill relates to the postsecondary education subsidy.
1 19 The bill provides, under the dissolution of marriage and
1 20 domestic relations chapter (Code chapter 598) that a parent
1 21 may be ordered to provide a postsecondary education subsidy to
1 22 a child whether or not the parents of the child were married
1 23 to one another. Additionally, under the paternity and
1 24 obligation for support chapter (Code chapter 600B) the bill
1 25 provides that upon a finding of paternity, the court may also
1 26 order a postsecondary education subsidy and the construction,
1 27 application, and interpretation of this provision is to be the
1 28 same as the construction, application, and interpretation of
1 29 the provisions relating to postsecondary education subsidies
1 30 under the dissolution of marriage chapter (Code chapter 598).

1 31 LSB 1780HH 83

1 32 pf/nh/14



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House Study Bill 78

SENATE/HOUSE JOINT RESOLUTION
BY (PROPOSED DEPARTMENT OF
TRANSPORTATION RESOLUTION)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

SENATE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution of
2 the State of Iowa eliminating a requirement that a criminal
3 offense, where the maximum permissible penalty does not exceed
4 thirty days of imprisonment, be prosecuted on information
5 under oath.
6 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 1356DP 83
8 jm/rj/5



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House Study Bill 78 continued

PAG LIN

1 1 Section 1. The following amendment to the Constitution of
1 2 the State of Iowa is proposed:

1 3 Section 11, unnumbered paragraph 1, of Article 1 of the
1 4 Constitution of the State of Iowa, is amended to read as
1 5 follows:

1 6 All offenses less than felony and in which the maximum
1 7 permissible imprisonment does not exceed thirty days shall be
1 8 tried summarily before an officer authorized by law, on
1 9 information certified under ~~oath~~ penalty of perjury, without
1 10 indictment, or the intervention of a grand jury, saving to the
1 11 defendant the right of appeal; and no person shall be held to
1 12 answer for any higher criminal offense, unless on presentment
1 13 or indictment by a grand jury, except in cases arising in the
1 14 army, or navy, or in the militia, when in actual service, in
1 15 time of war or public danger.

1 16 Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed
1 17 amendment to the Constitution of the State of Iowa is referred
1 18 to the General Assembly to be chosen at the next general
1 19 election for members of the General Assembly, and the
1 20 Secretary of State is directed to cause the proposed amendment
1 21 to be published for three consecutive months previous to the
1 22 date of that election as provided by law.

1 23 EXPLANATION

1 24 This joint resolution proposes an amendment to the
1 25 Constitution of the State of Iowa eliminating requirements
1 26 that a criminal offense where the maximum permissible penalty
1 27 is less than 30 days of imprisonment be prosecuted on
1 28 information under oath.

1 29 The resolution removes the word "oath" from the
1 30 constitutional provision and inserts the words "certified
1 31 under penalty of perjury". The resolution effectively permits
1 32 a simple misdemeanor to be prosecuted on information that is
1 33 certified under penalty of perjury rather than under oath.

1 34 The resolution is in response to an Iowa supreme court
1 35 case, City of Cedar Rapids v. Atsinger, 617 N.W.2d, 272.



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House Study Bill 78 continued

2 1 The resolution, if adopted, would be referred to the
2 2 Eighty-fourth General Assembly for adoption, before being
2 3 submitted to the electorate for ratification.
2 4 LSB 1356DP 83
2 5 jm/rj/5.1



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House Study Bill 79

SENATE/HOUSE FILE
BY (PROPOSED GOVERNOR'S
OFFICE OF DRUG CONTROL
POLICY BILL)

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the unlawful manufacture, delivery, or
- 2 possession with the intent to deliver cocaine or substances or
- 3 counterfeit substances related to cocaine, and making
- 4 penalties applicable.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TLSB 1222DP 83
- 7 jm/rj/5



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House Study Bill 79 continued

PAG LIN

1 1 Section 1. Section 124.401, subsection 1, paragraph a,
1 2 subparagraph (2), unnumbered paragraph 1, Code 2009, is
1 3 amended to read as follows:

1 4 More than ~~five hundred~~ fifty grams of a mixture or
1 5 substance containing a detectable amount of any of the
1 6 following:

1 7 Sec. 2. Section 124.401, subsection 1, paragraph a,
1 8 subparagraph (2), Code 2009, is amended by adding the
1 9 following new subparagraph division:

1 10 NEW SUBPARAGRAPH DIVISION. (e) Any mixture or substance
1 11 referred to in subparagraph divisions (a) through (d) which
1 12 contains cocaine base.

1 13 Sec. 3. Section 124.401, subsection 1, paragraph a,
1 14 subparagraph (3), Code 2009, is amended by striking the
1 15 subparagraph.

1 16 Sec. 4. Section 124.401, subsection 1, paragraph b,
1 17 subparagraph (2), unnumbered paragraph 1, Code 2009, is
1 18 amended to read as follows:

1 19 More than ~~one hundred~~ ten grams but not more than ~~five~~
1 20 ~~hundred~~ fifty grams of any of the following:

1 21 Sec. 5. Section 124.401, subsection 1, paragraph b,
1 22 subparagraph (2), Code 2009, is amended by adding the
1 23 following new subparagraph division:

1 24 NEW SUBPARAGRAPH DIVISION. (e) Any mixture or substance
1 25 referred to in subparagraph divisions (a) through (d) which
1 26 contains cocaine base.

1 27 Sec. 6. Section 124.401, subsection 1, paragraph b,
1 28 subparagraph (3), Code 2009, is amended by striking the
1 29 subparagraph.

1 30 Sec. 7. Section 124.401, subsection 1, paragraph c,
1 31 subparagraph (2), unnumbered paragraph 1, Code 2009, is
1 32 amended to read as follows:

1 33 ~~One hundred~~ Ten grams or less of any of the following:

1 34 Sec. 8. Section 124.401, subsection 1, paragraph c,
1 35 subparagraph (2), Code 2009, is amended by adding the



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House Study Bill 79 continued

2 1 following new subparagraph division:
2 2 NEW SUBPARAGRAPH DIVISION. (e) Any mixture or substance
2 3 referred to in subparagraph divisions (a) through (d) which
2 4 contains cocaine base.
2 5 Sec. 9. Section 124.401, subsection 1, paragraph c,
2 6 subparagraph (3), Code 2009, is amended by striking the
2 7 subparagraph.

2 8 EXPLANATION

2 9 This bill relates to the unlawful manufacture, delivery, or
2 10 possession with the intent to manufacture or deliver cocaine
2 11 or substances or counterfeit substances related to cocaine.
2 12 The bill makes uniform criminal penalties for offenses related
2 13 to cocaine substances and cocaine base or "crack cocaine".

2 14 The bill provides that a person who unlawfully
2 15 manufactures, delivers, or possesses with intent to
2 16 manufacture or deliver more than 50 grams of a controlled
2 17 substance related to cocaine, commits a class "B" felony,
2 18 punishable by confinement for no more than 50 years, and a
2 19 fine of not more than \$1 million. Under existing law, a
2 20 person who delivers more than 500 grams of cocaine-related
2 21 substances other than cocaine base may be charged with a class
2 22 "B" felony punishable by confinement for no more than 50 years
2 23 and a fine of not more than \$1 million.

2 24 The bill provides that a person who unlawfully
2 25 manufactures, delivers, or possesses with intent to
2 26 manufacture or deliver more than 10 grams but not more than 50
2 27 grams of a controlled substance related to cocaine, commits a
2 28 class "B" felony, punishable by confinement for no more than
2 29 25 years, and a fine of not less than \$5,000 but not more than
2 30 \$100,000. Under existing law, a person who delivers more than
2 31 100 grams but not more than 500 grams of cocaine-related
2 32 substances other than cocaine base may be charged with a class
2 33 "B" felony punishable by confinement for no more than 25 years
2 34 and a fine from \$5,000 to \$100,000.

2 35 The bill provides that a person who unlawfully



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3 1 manufactures, delivers, or possesses with intent to
3 2 manufacture or deliver 10 grams or less of a controlled
3 3 substance related to cocaine, commits a class "C" felony,
3 4 punishable by confinement for no more than 10 years, and a
3 5 fine of not less than \$1,000 but no more than \$50,000. Under
3 6 existing law, a person who delivers more than 100 grams or
3 7 less of cocaine-related substances other than cocaine base may
3 8 be charged with a class "C" felony and a fine from \$1,000 to
3 9 \$50,000.
3 10 LSB 1222DP 83
3 11 jm/rj/5



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House Study Bill 80

SENATE/HOUSE FILE
BY (PROPOSED ATTORNEY GENERAL
BILL)

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to a private cause of action for certain consumer
- 2 fraud violations.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1307DP 83
- 5 rh/rj/14



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1 1 Section 1. NEW SECTION. 714H.1 TITLE.
1 2 This chapter shall be known and may be cited as the
1 3 "Private Remedy for Consumer Fraud Act".
1 4 Sec. 2. NEW SECTION. 714H.2 DEFINITIONS.
1 5 1. "Advertisement" means the same as defined in section
1 6 714.16.
1 7 2. "Consumer" means a natural person or the person's legal
1 8 representative.
1 9 3. "Consumer merchandise" means merchandise offered for
1 10 sale or lease, or sold or leased, primarily for personal,
1 11 family, or household purposes.
1 12 4. "Deception" means the same as defined in section
1 13 714.16.
1 14 5. "Merchandise" means the same as defined in section
1 15 714.16 except that, for the purposes of this chapter,
1 16 "merchandise" does not include services offered or provided by
1 17 any of the following pursuant to a profession or business for
1 18 which they are licensed or registered:
1 19 a. Insurance companies subject to Title XIII.
1 20 b. Attorneys licensed to practice law in this state.
1 21 c. Financial institutions as defined in section 423.2,
1 22 subsection 6.
1 23 d. Public utilities as defined in section 476.1, when
1 24 engaged in activities subject to regulation by the utilities
1 25 board pursuant to chapter 476.
1 26 e. Persons or facilities licensed, certified, or
1 27 registered under chapter 135B, 135C, 135J, 148, 148A, 148B,
1 28 148C, 149, 151, 152, 152A, 152B, 153, 154, 154B, 154C, 154D,
1 29 155A, 169, 522B, 542, 542B, 544A, or 544B.
1 30 6. "Person" means the same as defined in section 714.16.
1 31 7. "Sale" means any sale or offer for sale of consumer
1 32 merchandise for cash or credit.
1 33 8. "Unfair practice" means the same as defined in section
1 34 714.16.
1 35 Sec. 3. NEW SECTION. 714H.3 PROHIBITED PRACTICES AND



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House Study Bill 80 continued

2 1 ACTS.

2 2 1. A person shall not engage in an unfair practice,
2 3 deception, fraud, false pretense, false promise, or
2 4 misrepresentation, or the concealment, suppression, or
2 5 omission of a material fact with the intent that others rely
2 6 upon the concealment, suppression, or omission, in connection
2 7 with the advertisement, sale, or lease of consumer
2 8 merchandise, or the solicitation of contributions for
2 9 charitable purposes.

2 10 2. A person shall not engage in any practice or act that
2 11 is in violation of any of the following:

2 12 a. Section 321.69.

2 13 b. Chapter 516D.

2 14 c. Section 516E.5, 516E.9, or 516E.10.

2 15 d. Chapter 555A.

2 16 e. Section 714.16, subsection 2, paragraphs "b" through
2 17 "n".

2 18 f. Chapter 714A.

2 19 Sec. 4. NEW SECTION. 714H.4 EXCLUSIONS.

2 20 1. This chapter shall not apply to any of the following:

2 21 a. Advertising by a retailer for a product, other than a
2 22 drug or other product claiming to have a health-related
2 23 benefit or use, if the advertising is prepared by a supplier,
2 24 unless the retailer participated in the preparation of the
2 25 advertisement or knew or should have known that the
2 26 advertisement was deceptive, false, or misleading.

2 27 b. In connection with an advertisement that violates this
2 28 chapter, the newspaper, magazine, publication, or other print
2 29 media in which the advertisement appears, or the radio
2 30 station, television station, or other electronic media which
2 31 disseminates the advertisement if the newspaper, magazine,
2 32 publication, radio station, television station, or other print
2 33 or electronic media has no knowledge of the fraudulent intent,
2 34 design, or purpose of the advertiser at the time the
2 35 advertisement is accepted.



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3 1 c. Any advertisement that complies with the statutes,
3 2 rules, and regulations of the federal trade commission.
3 3 2. "Material fact" as used in this chapter does not
3 4 include repairs of damage to or adjustments on or replacements
3 5 of parts with new parts of otherwise new merchandise if the
3 6 repairs, adjustments, or replacements are made to achieve
3 7 compliance with factory specifications and are made before
3 8 sale of the merchandise at retail and the actual cost of any
3 9 labor and parts charged to or performed by a retailer for any
3 10 such repairs, adjustments, and parts does not exceed three
3 11 hundred dollars or ten percent of the actual cost to a
3 12 retailer including freight of the merchandise, whichever is
3 13 less, providing that the seller posts in a conspicuous place
3 14 notice that repairs, adjustments, or replacements will be
3 15 disclosed upon request. The exclusion provided in this
3 16 subsection does not apply to the concealment, suppression, or
3 17 omission of a material fact if the purchaser requests
3 18 disclosure of any repair, adjustment, or replacement.
3 19 Sec. 5. NEW SECTION. 714H.5 PRIVATE CAUSE OF ACTION.
3 20 1. A consumer who suffers damage or injury as the result
3 21 of a prohibited practice or act in violation of this chapter
3 22 may bring an action at law to recover actual damages. The
3 23 court may order such equitable relief as it deems necessary to
3 24 protect the public from further violations, including
3 25 temporary and permanent injunctive relief.
3 26 2. If the court finds that a person has violated this
3 27 chapter, the court shall award to the consumer the costs of
3 28 the action and to the consumer's attorney reasonable fees.
3 29 Reasonable attorney fees shall be determined by the value of
3 30 the time reasonably expended by the attorney including but not
3 31 limited to consideration of the following factors:
3 32 a. The time and labor required.
3 33 b. The novelty and difficulty of the issues in the case.
3 34 c. The skills required to perform the legal services
3 35 properly.



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4 1 d. The preclusion of other employment by the attorney due
4 2 to the attorney's acceptance of the case.
4 3 e. The customary fee.
4 4 f. Whether the fee is fixed or contingent.
4 5 g. The time limitations imposed by the client or the
4 6 circumstances of the case.
4 7 h. The amount of money involved in the case and the
4 8 results obtained.
4 9 i. The experience, reputation, and ability of the
4 10 attorney.
4 11 j. The undesirability of the case.
4 12 k. The nature and length of the professional relationship
4 13 between the attorney and the client.
4 14 1. Damage awards in similar cases.
4 15 3. In order to recover damages, a claim under this section
4 16 shall be proved by a preponderance of the evidence.
4 17 4. If the finder of fact finds that a prohibited practice
4 18 or act in violation of this chapter constitutes willful
4 19 disregard for the rights or safety of another, in addition to
4 20 an award of actual damages, statutory damages up to three
4 21 times the amount of actual damages may be awarded to a
4 22 prevailing consumer.
4 23 5. An action pursuant to this chapter must be brought
4 24 within five years of the occurrence of the last event giving
4 25 rise to the cause of action under this chapter or within five
4 26 years of the discovery of the violation of this chapter by the
4 27 person bringing the action, whichever is later.
4 28 6. This section shall not affect a consumer's right to
4 29 seek relief under any other theory of law.
4 30 Sec. 6. NEW SECTION. 714H.6 ATTORNEY GENERAL
4 31 NOTIFICATION.
4 32 1. A party filing a petition, counterclaim,
4 33 cross-petition, or pleading in intervention alleging a
4 34 violation under this chapter, within seven days following the
4 35 date of filing such pleading, shall provide a copy to the



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5 1 attorney general and, within seven days following entry of any
5 2 final judgment in the action, shall provide a copy of the
5 3 judgment to the attorney general. This subsection shall not
5 4 apply to small claims actions, except as provided in
5 5 subsection 2.

5 6 2. A party appealing to district court a small claims
5 7 order or judgment involving an issue raised under this
5 8 chapter, within seven days of providing notice of the appeal,
5 9 shall notify the attorney general in writing and provide a
5 10 copy of the pleading raising the issue and a copy of the small
5 11 claims court order or judgment.

5 12 3. A party appealing an order or judgment involving an
5 13 issue raised under this chapter, within seven days following
5 14 the date such notice of appeal is filed with the court, shall
5 15 notify the attorney general in writing and provide a copy of
5 16 the pleading raising the issue and a copy of the court order
5 17 or judgment being appealed.

5 18 4. Upon timely application to the court in which an action
5 19 involving an issue raised under this chapter is pending, the
5 20 attorney general may intervene as a party at any time or may
5 21 be heard at any time. The attorney general's failure to
5 22 intervene shall not preclude the attorney general from
5 23 bringing a separate enforcement action.

5 24 5. All copies of pleadings, orders, judgments, and notices
5 25 required by this section to be sent to the attorney general
5 26 shall be sent by certified mail unless the attorney general
5 27 has previously been provided such copies of pleadings, orders,
5 28 judgments, or notices in the same action by certified mail, in
5 29 which case subsequent mailings may be made by regular mail.
5 30 Failure to provide the required mailings to the attorney
5 31 general shall not be grounds for dismissal of an action under
5 32 this chapter, but shall be grounds for a subsequent action by
5 33 the attorney general to vacate or modify the judgment.

5 34 EXPLANATION

5 35 This bill creates a private remedy for certain consumer



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House Study Bill 80 continued

6 1 fraud Act violations.

6 2 The bill creates a private cause of action for consumer
6 3 fraud violations. The bill provides that a consumer who
6 4 suffers damage or injury as a result of a prohibited practice
6 5 or act declared to violate the bill may bring an action at law
6 6 to recover actual damages, and may seek court protection from
6 7 further violations, including temporary and permanent
6 8 injunctive relief. In addition, a prevailing consumer in such
6 9 an action shall be awarded costs and reasonable attorney fees
6 10 to be determined by the value of time reasonably expended by
6 11 the attorney including but not limited to certain factors as
6 12 specified in the bill. In addition, if the finder of fact
6 13 finds that a prohibited practice or act in violation of the
6 14 bill constitutes willful disregard for the rights or safety of
6 15 another, in addition to an award of actual damages, statutory
6 16 damages up to three times the amount of actual damages may be
6 17 awarded to a prevailing consumer.

6 18 The bill defines a prohibited practice or act to include an
6 19 unfair practice, deception, fraud, false pretense, false
6 20 promise, or misrepresentation, or the concealment,
6 21 suppression, or omission of a material fact with the intent
6 22 that others rely on the concealment, suppression, or omission,
6 23 in connection with the advertisement, sale, or lease of
6 24 consumer merchandise, or the solicitation of contributions for
6 25 charitable purposes. "Merchandise" does not include service
6 26 offered or provided by certain insurance companies, attorneys,
6 27 financial institutions, public utilities, hospitals, health
6 28 care facilities, hospice programs, physicians and surgeons,
6 29 osteopathic physicians and surgeons, physical therapists,
6 30 occupational therapists, physician assistants, podiatrists,
6 31 chiropractors, nurses, dieticians, respiratory care
6 32 practitioners and therapists, dentists, optometrists,
6 33 psychologists, social workers, behavioral therapists,
6 34 pharmacists, veterinarians, insurance producers, public
6 35 accountants, engineers, architects, and landscape architects.



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7 1 The bill does not apply to certain advertising by a
7 2 retailer for a product unless the retailer participated in the
7 3 preparation of the advertisement or knew or should have known
7 4 that the advertisement was deceptive or misleading, print
7 5 media in which the advertisement appears or electronic media
7 6 which disseminates the advertisement if the print or
7 7 electronic media has no knowledge of the fraudulent intent,
7 8 design, or purpose of the advertiser at the time the
7 9 advertisement is accepted, and any advertisement that complies
7 10 with the statutes, rules, and regulations of the federal trade
7 11 commission.

7 12 The bill authorizes the attorney general to oversee private
7 13 consumer fraud actions, including small claims court actions,
7 14 by requiring a party filing a petition, counterclaim,
7 15 cross-petition, or pleading in intervention alleging a
7 16 violation under the bill to provide a copy of the relevant
7 17 documents, including judgments and notices of appeal, to the
7 18 attorney general. In addition, the attorney general may
7 19 intervene as a party in a private consumer fraud action at any
7 20 time, or may be heard in such an action at any time.

7 21 The bill provides that failure to provide all mailings of
7 22 petitions, orders, judgments, and notices of appeal to the
7 23 attorney general shall not be grounds for dismissal, but shall
7 24 be grounds for a subsequent action by the attorney general to
7 25 vacate or modify the judgment.

7 26 LSB 1307DP 83

7 27 rh/rj/14



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House Study Bill 81

SENATE/HOUSE FILE
BY (PROPOSED ATTORNEY
GENERAL BILL)

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the protection of a minor victim's identity in
- 2 a criminal proceeding.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1417DP 83
- 5 jm/rj/14



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House Study Bill 81 continued

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1 1 Section 1. Section 915.36, subsections 1 and 2, Code 2009,
1 2 are amended to read as follows:
1 3 1. Prior to an arrest or the filing of an information ~~or,~~
1 4 indictment, or criminal complaint, whichever occurs first,
1 5 against a person ~~charged with a violation of chapter 709,~~
~~1 6 section 726.2, or section 728.12, relating to or alleging the~~
1 7 commission of an offense committed with or on a child, as
~~1 8 defined in section 702.5~~ minor, the identity of the child
1 9 minor or any information reasonably likely to disclose the
1 10 identity of the child minor shall not be released to the
1 11 public by any public employee except as authorized by the
1 12 court of jurisdiction.

1 13 2. In order to protect the welfare of the child minor, the
1 14 name of the child minor and identifying biographical
1 15 information shall not appear on the information ~~or,~~
1 16 indictment, criminal complaint, or any other public record.
1 17 Instead, a nondescriptive designation shall appear on all
1 18 public records. The nonpublic records containing the child's
1 19 minor's name and identifying biographical information shall be
1 20 kept by the court. This subsection does not apply to the
1 21 release of information to an accused or accused's counsel;
1 22 however, the use or release of this information by the accused
1 23 or accused's counsel for purposes other than the preparation
1 24 of defense constitutes contempt.

EXPLANATION

1 26 This bill relates to the protection of a minor victim's
1 27 identity in a criminal proceeding.

1 28 The bill provides that prior to an arrest or the filing of
1 29 an information, indictment, or criminal complaint, whichever
1 30 occurs first, against a person for a criminal offense against
1 31 a minor, the identity of the minor shall not be released to
1 32 the public by any public employee except as authorized by the
1 33 court.

1 34 Current law provides that the identity of a child under age
1 35 14 shall not be released prior to the arrest or the filing of



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House Study Bill 81 continued

2 1 the trial information or indictment, whichever occurs first,
2 2 except if authorized by the court. Current law restricts the
2 3 disclosure of the identity of a child in only certain
2 4 sexual-related criminal offenses.
2 5 Under current law and not affected by the bill, Code
2 6 section 22.7(5) may be used under certain circumstances to
2 7 keep confidential the identity of a crime victim.
2 8 A person who violates the bill commits contempt under Code
2 9 section 915.36. The punishment for contempt is provided in
2 10 Code section 665.4.
2 11 LSB 1417DP 83
2 12 jm/rj/14.1



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House Study Bill 82

SENATE/HOUSE FILE
BY (PROPOSED JUDICIAL
BRANCH BILL)

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to criminal acts, records, and proceedings,
- 2 including interference with judicial acts, deferred judgments,
- 3 donations and contributions in a criminal proceeding, and
- 4 providing a penalty.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TL5B 1405XD 83
- 7 jm/nh/5



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1 1 Section 1. NEW SECTION. 720.7 INTERFERENCE WITH JUDICIAL
1 2 ACTS == PENALTY.

1 3 1. As used in this section:

1 4 a. "Court employee" means the same as defined in section
1 5 602.1101.

1 6 b. "Judicial officer" means the same as defined in section
1 7 602.1101.

1 8 c. "Family member" means a spouse, son, daughter, brother,
1 9 sister, uncle, aunt, first cousin, nephew, niece, grandfather,
1 10 grandmother, father-in-law, mother-in-law, son-in-law,
1 11 daughter-in-law, brother-in-law, sister-in-law, father,
1 12 mother, stepfather, stepmother, stepson, stepdaughter,
1 13 stepbrother, stepsister, half brother, or half sister.

1 14 2. A person who harasses a judicial officer, court
1 15 employee, or a family member of a judicial officer or a court
1 16 employee in violation of section 708.7, with the intent to
1 17 interfere with or improperly influence, or in retaliation for,
1 18 the official acts of a judicial officer or court employee,
1 19 commits an aggravated misdemeanor.

1 20 Sec. 2. NEW SECTION. 901.11 DONATIONS == PROHIBITED.

1 21 A monetary or property donation to any person or entity,
1 22 including a political subdivision, government agency, entity,
1 23 official, school, or charitable organization, is prohibited as
1 24 a part of any dismissal, plea, sentence, plan of restitution,
1 25 or other penalty.

1 26 Sec. 3. Section 907.9, subsection 4, Code 2009, is amended
1 27 to read as follows:

1 28 4. At the expiration of the period of probation if the
1 29 fees imposed under section 905.14 and court debt collected
1 30 pursuant to section 602.8107 have been paid, the court shall
1 31 order the discharge of the person from probation. If portions
1 32 of the court debt remain unpaid, the person shall establish a
1 33 payment plan with the clerk of the district court or the
1 34 county attorney prior to the discharge. The court shall
1 35 forward to the governor a recommendation for or against



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2 1 restoration of citizenship rights to that person upon
2 2 discharge. A person who has been discharged from probation
2 3 shall no longer be held to answer for the person's offense,
2 4 except for any unpaid court debt as defined in section
2 5 602.8107. Upon discharge from probation, if judgment has been
2 6 deferred under section 907.3, the court's criminal record with
2 7 reference to the deferred judgment shall be expunged. The
~~2 8 record maintained by the state court administrator as required~~
~~2 9 by section 907.4 shall not be expunged sealed except as~~
2 10 provided in section 907.4, unless the defendant has unpaid
2 11 court debt as defined in section 602.8107 in the case that
2 12 includes the deferred judgment. The court's record shall not
2 13 be expunged sealed in any other circumstances.
2 14 Sec. 4. Section 907.13, subsection 2, Code 2009, is
2 15 amended to read as follows:
2 16 2. The defendant's plan of community service, the comments
2 17 of the defendant's probation officer, and the comments of the
2 18 representative of the judicial district department of
2 19 correctional services responsible for the unpaid community
2 20 service program, shall be submitted promptly to the court.
2 21 The court shall promptly enter an order approving the plan or
2 22 modifying it. Compliance with the plan of community service
2 23 as approved or modified by the court shall be a condition of
2 24 the defendant's probation. The court thereafter may modify
2 25 the plan at any time upon the defendant's request, upon the
2 26 request of the judicial district department of correctional
2 27 services, or upon the court's own motion. ~~As an option for~~
~~2 28 modification of a plan, the court may allow a defendant to~~
~~2 29 complete some part or all of the defendant's community service~~
~~2 30 obligation through the donation of property to a charitable~~
~~2 31 organization other than a governmental subdivision. A~~
~~2 32 donation of property to a charitable organization offered in~~
~~2 33 satisfaction of some part or all of a community service~~
~~2 34 obligation under this subsection is not a deductible~~
~~2 35 contribution for the purposes of federal or state income~~



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~~3 1 taxes.~~

3 2 Sec. 5. Section 910.1, subsection 4, Code 2009, is amended
3 3 to read as follows:

3 4 4. "Restitution" means payment of pecuniary damages to a
3 5 victim in an amount and in the manner provided by the
3 6 offender's plan of restitution. "Restitution" also includes
3 7 fines, penalties, and surcharges, ~~the contribution of funds to~~
~~3 8 a local anticrime organization which provided assistance to~~
~~3 9 law enforcement in an offender's case,~~ the payment of crime
3 10 victim compensation program reimbursements, payment of
3 11 restitution to public agencies pursuant to section 321J.2,
3 12 subsection 9, paragraph "b", court costs including
3 13 correctional fees approved pursuant to section 356.7,
3 14 court-appointed attorney fees ordered pursuant to section
3 15 815.9, including the expense of a public defender, and the
3 16 performance of a public service by an offender in an amount
3 17 set by the court when the offender cannot reasonably pay all
3 18 or part of the court costs including correctional fees
3 19 approved pursuant to section 356.7, or court-appointed
3 20 attorney fees ordered pursuant to section 815.9, including the
3 21 expense of a public defender.

3 22 Sec. 6. Section 910.2, Code 2009, is amended to read as
3 23 follows:

3 24 910.2 RESTITUTION OR COMMUNITY SERVICE TO BE ORDERED BY
3 25 SENTENCING COURT.

3 26 1. In all criminal cases in which there is a plea of
3 27 guilty, verdict of guilty, or special verdict upon which a
3 28 judgment of conviction is rendered, the sentencing court shall
3 29 order that restitution be made by each offender to the victims
3 30 of the offender's criminal activities, to the clerk of court
3 31 for fines, penalties, surcharges, and, to the extent that the
3 32 offender is reasonably able to pay, for crime victim
3 33 assistance reimbursement, restitution to public agencies
3 34 pursuant to section 321J.2, subsection 9, paragraph "b", court
3 35 costs including correctional fees approved pursuant to section



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House Study Bill 82 continued

4 1 356.7, or court-appointed attorney fees ordered pursuant to
4 2 section 815.9, including the expense of a public defender,
4 3 when applicable, ~~or contribution to a local anticrime~~
~~4 4 organization.~~ However, victims shall be paid in full before
4 5 fines, penalties, ~~and~~ surcharges, crime victim compensation
4 6 program reimbursement, public agencies, court costs including
4 7 correctional fees approved pursuant to section 356.7, and
4 8 court-appointed attorney fees ordered pursuant to section
4 9 815.9, including the expenses of a public defender, ~~or~~
~~4 10 contributions to a local anticrime organization~~ are paid. In
4 11 structuring a plan of restitution, the court shall provide for
4 12 payments in the following order of priority: victim, fines,
4 13 penalties, ~~and~~ surcharges, crime victim compensation program
4 14 reimbursement, public agencies, court costs including
4 15 correctional fees approved pursuant to section 356.7, and
4 16 court-appointed attorney fees ordered pursuant to section
4 17 815.9, including the expense of a public defender, ~~and~~
~~4 18 contribution to a local anticrime organization.~~
4 19 2. When the offender is not reasonably able to pay all or
4 20 a part of the crime victim compensation program reimbursement,
4 21 public agency restitution, court costs including correctional
4 22 fees approved pursuant to section 356.7, or court-appointed
4 23 attorney fees ordered pursuant to section 815.9, including the
4 24 expense of a public defender, ~~or contribution to a local~~
~~4 25 anticrime organization,~~ the court may require the offender in
4 26 lieu of that portion of the crime victim compensation program
4 27 reimbursement, public agency restitution, court costs
4 28 including correctional fees approved pursuant to section
4 29 356.7, or court-appointed attorney fees ordered pursuant to
4 30 section 815.9, including the expense of a public defender, ~~or~~
~~4 31 contribution to a local anticrime organization~~ for which the
4 32 offender is not reasonably able to pay, to perform a needed
4 33 public service for a governmental agency or for a private
4 34 nonprofit agency which provides a service to the youth,
4 35 elderly, or poor of the community. When community service is



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5 1 ordered, the court shall set a specific number of hours of
5 2 service to be performed by the offender which, for payment of
5 3 court-appointed attorney fees ordered pursuant to section
5 4 815.9, including the expenses of a public defender, shall be
5 5 approximately equivalent in value to those costs. The
5 6 judicial district department of correctional services shall
5 7 provide for the assignment of the offender to a public agency
5 8 or private nonprofit agency to perform the required service.

5 9 EXPLANATION

5 10 This bill relates to interference with judicial acts,
5 11 deferred judgments, donations and contributions in a criminal
5 12 proceeding, and provides a penalty.

5 13 Under the bill, a person who harasses a judicial officer,
5 14 court employee, or a family member of a judicial officer or
5 15 court employee in violation of Code section 708.7, with the
5 16 intent to interfere with or improperly influence, or in
5 17 retaliation for, the official acts of a judicial officer or
5 18 court employee, commits an aggravated misdemeanor.

5 19 Under the bill, a person who receives a deferred judgment
5 20 shall not have the person's criminal record in the case sealed
5 21 until the person has paid any court debt as defined in Code
5 22 section 602.8107 in the deferred judgment case.

5 23 Under current law, a person who receives a deferred
5 24 judgment and who is discharged from probation shall have the
5 25 criminal record in the deferred judgment case expunged.

5 26 In addition, under current law, a permanent record of a
5 27 deferred judgment is maintained pursuant to Code section
5 28 907.4, even if the record is expunged, in order to determine
5 29 if a defendant has received a previous deferred judgment.

5 30 The bill also prohibits any donation to an agency, person,
5 31 charitable organization, political subdivision of the state,
5 32 or other entity as part of any dismissal, plea, sentence, plan
5 33 of restitution, or other criminal penalty. The bill
5 34 eliminates a provision allowing a criminal defendant to make a
5 35 donation in lieu of performing community service. The bill



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6 1 also eliminates provisions allowing a contribution by a
6 2 criminal defendant to a local anticrime organization as part
6 3 of the offender's restitution plan.
6 4 An aggravated misdemeanor is punishable by confinement for
6 5 no more than two years and a fine of at least \$625 but not
6 6 more than \$6,250.
6 7 LSB 1405XD 83
6 8 jm/nh/5.1



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SENATE/HOUSE FILE
BY (PROPOSED JUDICIAL BRANCH
BILL)

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the appointment of judicial officers and the
2 clerk of the district court, the appointment and retirement of
3 senior judges, and the entry of orders in civil proceedings.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1408XD 83
6 jm/rj/5



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1 1 Section 1. Section 46.12, Code 2009, is amended to read as
1 2 follows:

1 3 46.12 NOTIFICATION OF VACANCY AND RESIGNATION.

1 4 1. a. When a vacancy occurs or will occur within one
1 5 hundred twenty days in the supreme court, the court of
1 6 appeals, or district court, the state commissioner of
1 7 elections shall ~~forthwith~~ immediately notify the
1 8 chairperson of the proper judicial nominating commission
1 9 unless the chief justice has ordered the state commissioner of
1 10 elections to delay sending the notification for up to one
1 11 hundred eighty days for budgetary reasons. The chairperson
1 12 shall call a meeting of the commission within ten days after
1 13 such notice; if the chairperson fails to do so, the chief
1 14 justice shall call such meeting.

1 15 b. When a judge of the supreme court, court of appeals, or
1 16 district court resigns, the judge shall submit a copy of the
1 17 resignation to the state commissioner of elections at the time
1 18 the judge submits the resignation to the governor; and when a
1 19 judge of the supreme court, court of appeals, or district
1 20 court dies, the clerk of district court of the county of the
1 21 judge's residence shall in writing ~~forthwith~~ immediately
1 22 notify the state commissioner of elections of such fact.

1 23 2. a. When a vacancy occurs or will occur within one
1 24 hundred twenty days in the office of a district associate
1 25 judge, associate juvenile judge, or associate probate judge,
1 26 the state commissioner of elections shall immediately notify
1 27 the chairperson of the judicial district nominating commission
1 28 unless the chief justice has ordered the state commissioner of
1 29 elections to delay sending the notification for up to one
1 30 hundred eighty days for budgetary reasons. The chairperson
1 31 shall call a meeting of the commission within ten days after
1 32 such notice; if the chairperson fails to do so, the chief
1 33 judge of the judicial district shall call such meeting.

1 34 b. When a district associate judge, associate juvenile
1 35 judge, or associate probate judge resigns, the judge shall



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2 1 submit the resignation to the chief judge and shall submit a
2 2 copy of the resignation to the state court administrator who
2 3 shall notify the state commissioner of elections of the
2 4 resignation and the actual or impending vacancy unless the
2 5 chief justice has ordered the state commissioner of elections
2 6 to delay sending the notification for up to one hundred eighty
2 7 days for budgetary reasons. When a district associate judge,
2 8 associate juvenile judge, or associate probate judge dies, the
2 9 clerk of the district court of the county of the judge's
2 10 residence shall in writing immediately notify the chief judge
2 11 of the judicial district and the state court administrator of
2 12 such fact. The state court administrator shall notify the
2 13 state commissioner of elections of the vacancy in the office
2 14 unless the chief justice has ordered the state commissioner of
2 15 elections to delay sending the notification for up to one
2 16 hundred eighty days for budgetary reasons.

2 17 Sec. 2. Section 46.14, Code 2009, is amended to read as
2 18 follows:

2 19 46.14 NOMINATION.

2 20 1. SUPREME COURT, COURT OF APPEALS, AND DISTRICT JUDGES.

2 21 Each judicial nominating commission shall carefully consider
2 22 the individuals available for judge, and within sixty days
2 23 after receiving notice of a vacancy shall certify to the
2 24 governor and the chief justice the proper number of nominees,
2 25 in alphabetical order. Such nominees shall be chosen by the
2 26 affirmative vote of a majority of the full statutory number of
2 27 commissioners upon the basis of their qualifications and
2 28 without regard to political affiliation. Nominees shall be
2 29 members of the bar of Iowa, shall be residents of the state or
2 30 district of the court to which they are nominated, and shall
2 31 be of such age that they will be able to serve an initial and
2 32 one regular term of office to which they are nominated before
2 33 reaching the age of seventy-two years. Nominees for district
2 34 judge shall file a certified application form, to be provided
2 35 by the supreme court, with the chairperson of the district



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3 1 judicial nominating commission. Absence of a commissioner or
3 2 vacancy upon the commission shall not invalidate a nomination.
3 3 The chairperson of the commission shall promptly certify the
3 4 names of the nominees, in alphabetical order, to the governor
3 5 and the chief justice.

3 6 2. OFFICE OF DISTRICT ASSOCIATE JUDGE, ASSOCIATE JUVENILE
3 7 JUDGE, AND ASSOCIATE PROBATE JUDGE. The judicial district
3 8 nominating commission shall carefully consider the individuals
3 9 available for judge, and within sixty days after receiving
3 10 notice of a vacancy shall certify, as provided in section
3 11 602.6304, 602.7103B, or 633.20B, whichever is applicable, to
3 12 the longest serving district judge in the judicial election
3 13 district the proper number of nominees, in alphabetical order.
3 14 Such nominees shall be chosen by the affirmative vote of a
3 15 majority of the full statutory number of commissioners upon
3 16 the basis of their qualifications and without regard to
3 17 political affiliation. Nominees shall be members of the bar
3 18 of Iowa, shall be residents of the judicial election district
3 19 of the court to which they are nominated, and shall be of such
3 20 age that they will be able to serve an initial and one regular
3 21 term of office to which they are nominated before reaching the
3 22 age of seventy-two years.

3 23 2. 3. COMMISSIONER ELIGIBILITY AND VOTING. A
3 24 commissioner shall not be eligible for nomination by the
3 25 commission during the term for which the commissioner was
3 26 elected or appointed to that commission. A commissioner shall
3 27 not be eligible to vote for the nomination of a family member,
3 28 current law partner, or current business partner. For
3 29 purposes of this subsection, "family member" means a spouse,
3 30 son, daughter, brother, sister, uncle, aunt, first cousin,
3 31 nephew, niece, father-in-law, mother-in-law, son-in-law,
3 32 daughter-in-law, brother-in-law, sister-in-law, father,
3 33 mother, stepfather, stepmother, stepson, stepdaughter,
3 34 stepbrother, stepsister, half brother, or half sister.

3 35 Sec. 3. Section 236.4, subsection 2, Code 2009, is amended



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4 1 to read as follows:

4 2 2. The court may enter any temporary order it deems
4 3 necessary to protect the plaintiff from domestic abuse prior
4 4 to the hearing, including temporary custody or visitation
4 5 orders pursuant to subsection 2A, upon good cause shown in an
4 6 ex parte proceeding. Present danger of domestic abuse to the
4 7 plaintiff constitutes good cause for purposes of this
4 8 subsection.

4 9 Sec. 4. Section 236.4, Code 2009, is amended by adding the
4 10 following new subsection:

4 11 NEW SUBSECTION. 2A. The court may award temporary custody
4 12 of or establish temporary visitation rights with regard to
4 13 children under eighteen years of age. In awarding temporary
4 14 custody or temporary visitation rights, the court shall give
4 15 primary consideration to the safety of the alleged victim and
4 16 the children. If the court finds that the safety of the
4 17 alleged victim will be jeopardized by unsupervised or
4 18 unrestricted visitation, the court shall set conditions or
4 19 restrict visitation as to time, place, duration, or
4 20 supervision, or deny visitation entirely, as needed to guard
4 21 the safety of the victim and the children. The court shall
4 22 also investigate whether any other existing orders awarding
4 23 custody or visitation should be modified.

4 24 Sec. 5. Section 236.4, subsection 3, Code 2009, is amended
4 25 to read as follows:

4 26 3. If a hearing is continued, the court may make or extend
4 27 any temporary order under subsection 2 or 2A that it deems
4 28 necessary.

4 29 Sec. 6. Section 602.1215, subsection 1, Code 2009, is
4 30 amended to read as follows:

4 31 1. Subject to the provisions of section 602.1209,
4 32 subsection 3, the ~~district judges of each~~ chief judge of the
4 33 judicial election district, after consultation with the
4 34 judicial officers of the district, shall by majority vote
4 35 appoint persons to serve as clerks of the district court



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5 1 within the judicial ~~election~~ district. The ~~district judges of~~
5 2 a ~~judicial election district~~ chief judge may appoint a person
5 3 to serve as clerk of the district court for more than one but
5 4 not more than four contiguous counties in the same judicial
5 5 district. A person does not qualify for appointment to the
5 6 office of clerk of the district court unless the person is at
5 7 the time of application a resident of the state. A clerk of
5 8 the district court may be removed from office for cause by a
5 9 ~~majority vote of the district judges of the chief judge of the~~
5 10 ~~judicial election~~ district. ~~Before~~ Prior to removal, the
5 11 clerk of the district court shall be notified of the cause for
5 12 removal.

5 13 Sec. 7. NEW SECTION. 602.6113 APPORTIONMENT OF CERTAIN
5 14 JUDICIAL OFFICERS == SUBSTANTIAL DISPARITY.

5 15 Notwithstanding section 602.6201, 602.6301, 602.6304,
5 16 602.7103B, or 633.20B, if a vacancy occurs in the office of a
5 17 district judge, district associate judge, associate juvenile
5 18 judge, or associate probate judge, and the chief justice of
5 19 the supreme court makes a finding that a substantial disparity
5 20 exists in the allocation of such judgeships and judicial
5 21 workload between judicial election districts, the chief
5 22 justice may apportion the vacant office from the judicial
5 23 election district where the vacancy occurs to another judicial
5 24 election district based upon the substantial disparity
5 25 finding. However, such a judgeship shall not be apportioned
5 26 pursuant to this section unless a majority of the judicial
5 27 council approves the apportionment. This section does not
5 28 apply to a district associate judge office authorized by
5 29 section 602.6302 or 602.6307.

5 30 Sec. 8. Section 602.6303, subsection 5, Code 2009, is
5 31 amended to read as follows:

5 32 5. If a majority of the district judges in a judicial
5 33 election district determines that a substitution is no longer
5 34 desirable, then all three magistrate positions shall be
5 35 terminated. However, a reversion pursuant to this subsection



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6 1 shall not take effect until the terms of the three magistrates
6 2 expire. Upon the termination of the magistrate positions
6 3 created under this section, an appointment shall be made to
6 4 reestablish the term of office for a district associate judge
6 5 as provided in ~~sections~~ section 602.6304 and ~~602.6305~~.

6 6 Sec. 9. Section 602.6304, Code 2009, is amended by
6 7 striking the section and inserting in lieu thereof the
6 8 following:

6 9 602.6304 APPOINTMENT OF DISTRICT ASSOCIATE JUDGE.

6 10 1. A district associate judge authorized by the formula
6 11 pursuant to section 602.6301 or authorized by section 602.6302
6 12 or 602.6307, shall be nominated, serve an initial term, and
6 13 stand for retention in office as provided in this section and
6 14 as provided in chapter 46.

6 15 2. A person does not qualify for appointment to the office
6 16 of district associate judge unless the person is at the time
6 17 of appointment a resident of the judicial election district in
6 18 which the vacancy exists, licensed to practice law in Iowa,
6 19 and will be able, measured by the person's age at the time of
6 20 appointment, to complete the initial term of office prior to
6 21 reaching age seventy-two. An applicant for district associate
6 22 judge shall file a certified application form, to be provided
6 23 by the supreme court, with the chairperson of the district
6 24 judicial nominating commission.

6 25 3. A district associate judge shall be a resident of the
6 26 judicial election district in which appointed and retained. A
6 27 district associate judge shall serve in the judicial district
6 28 of the residence of the district associate judge while in
6 29 office, regardless of the number of district associate
6 30 judgeships authorized. A district associate judge is subject
6 31 to reassignment as provided in section 602.6108.

6 32 4. A district associate judge shall qualify for office as
6 33 provided in chapter 63 for a district judge.

6 34 5. For purposes of this section, "vacancy" means the
6 35 death, resignation, retirement, or removal of a district



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7 1 associate judge, or the failure of a district associate judge
7 2 to be retained in office at the judicial election, or an
7 3 increase in judgeships allowable by law.

7 4 6. Applicants for the office of district associate judge
7 5 shall apply to the district judicial nominating commission for
7 6 the judicial election district in which the vacancy is
7 7 located. The judicial district nominating commission and the
7 8 nominating process shall be governed by chapter 46 if not
7 9 inconsistent with the provisions of this section.

7 10 7. The district judicial nominating commission shall
7 11 nominate three persons to the district judges of the judicial
7 12 election district. The district judicial nominating
7 13 commission shall certify the nominees in writing to the
7 14 district judge with the longest service in the judicial
7 15 election district in which the appointment is to occur.
7 16 Copies shall be sent to the chief judge of the judicial
7 17 district, the district court administrator of the judicial
7 18 district, and the state court administrator. The longest
7 19 serving district judge of the judicial election district shall
7 20 serve as the chairperson of the district judges for the
7 21 purpose of this section.

7 22 8. Within thirty days of the date the longest serving
7 23 district judge in the judicial election district receives the
7 24 list of nominees from the judicial district nominating
7 25 commission to a vacancy in the office of district associate
7 26 judge, the district judges in the judicial election district
7 27 shall, by majority vote, appoint one of the nominees to fill
7 28 the vacancy. If the appointment is not made within thirty
7 29 days, the chief justice shall make the appointment from the
7 30 list of nominees.

7 31 Sec. 10. Section 602.7103B, Code 2009, is amended by
7 32 striking the section and inserting in lieu thereof the
7 33 following:

7 34 602.7103B APPOINTMENT OF AN ASSOCIATE JUVENILE JUDGE.

7 35 1. An associate juvenile judge shall be nominated, serve



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8 1 an initial term, and stand for retention in office as provided
8 2 in this section and as provided in chapter 46.

8 3 2. A person does not qualify for appointment to the office
8 4 of an associate juvenile judge unless the person is at the
8 5 time of appointment a resident of the judicial election
8 6 district in which the vacancy exists, licensed to practice law
8 7 in Iowa, and will be able, measured by the person's age at the
8 8 time of appointment, to complete the initial term of office
8 9 prior to reaching age seventy-two. An applicant for associate
8 10 juvenile judge shall file a certified application form, to be
8 11 provided by the supreme court, with the chairperson of the
8 12 district judicial nominating commission.

8 13 3. An associate juvenile judge shall be a resident of the
8 14 judicial election district in which appointed and retained.
8 15 An associate juvenile judge shall serve in the judicial
8 16 district of the residence of the judge while in office,
8 17 regardless of the number of judgeships authorized. An
8 18 associate juvenile judge is subject to reassignment under
8 19 section 602.6108.

8 20 4. An associate juvenile judge shall qualify for office as
8 21 provided in chapter 63 for a district judge.

8 22 5. For purposes of this section, "vacancy" means the
8 23 death, resignation, retirement, or removal of an associate
8 24 juvenile judge, or the failure of an associate juvenile judge
8 25 to be retained in office at the judicial election, or an
8 26 increase in associate juvenile judgeships allowable by law.

8 27 6. Applicants for the office of associate juvenile judge
8 28 shall apply to the district judicial nominating commission for
8 29 the judicial election district in which the vacancy is
8 30 located. The judicial district nominating commission and the
8 31 nominating process shall be governed by chapter 46 if not
8 32 inconsistent with the provisions of this section.

8 33 7. The district judicial nominating commission shall
8 34 nominate three persons to the district judges of the judicial
8 35 election district. The district judicial nominating



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9 1 commission shall certify the nominees in writing to the
9 2 district judge with the longest service in the judicial
9 3 election district in which the appointment is to occur.
9 4 Copies shall be sent to the chief judge of the judicial
9 5 district, the district court administrator of the judicial
9 6 district, and the state court administrator. The longest
9 7 serving district judge of the judicial election district shall
9 8 serve as the chairperson of the district judges for the
9 9 purpose of this section.

9 10 8. Within thirty days of the date the longest serving
9 11 district judge in the judicial election district receives the
9 12 list of nominees from the judicial district nominating
9 13 commission to a vacancy in the office of associate juvenile
9 14 judge, the district judges in the judicial election district
9 15 shall, by majority vote, appoint one of the nominees to fill
9 16 the vacancy. If the appointment is not made within thirty
9 17 days, the chief justice shall make the appointment from the
9 18 list of nominees.

9 19 Sec. 11. Section 602.9202, subsection 4, Code 2009, is
9 20 amended to read as follows:

9 21 4. "Senior judge retirement age" means seventy-eight years
9 22 of age or, if the senior judge is reappointed as a senior
9 23 judge for ~~an~~ two additional ~~two-year term~~ one-year terms upon
9 24 attaining seventy-eight years of age pursuant to section
9 25 602.9203, eighty years of age.

9 26 Sec. 12. Section 602.9203, subsection 1, Code 2009, is
9 27 amended to read as follows:

9 28 1. A supreme court judge, court of appeals judge, district
9 29 judge, district associate judge, full-time associate juvenile
9 30 judge, or full-time associate probate judge, who qualifies
9 31 under subsection 2 may become a senior judge by filing with
9 32 the clerk of the supreme court a written election in the form
9 33 specified by the ~~court administrator~~ supreme court. The
9 34 election shall be filed within six months of the date of
9 35 retirement.



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10 1 Sec. 13. Section 602.9203, subsection 2, unnumbered
10 2 paragraph 1, Code 2009, is amended to read as follows:

10 3 A Except as otherwise provided in subsection 5, a judicial
10 4 officer referred to in subsection 1 may be appointed, at the
10 5 discretion of the supreme court, for a two-year term as a
10 6 senior judge if the judicial officer meets all of the
10 7 following requirements:

10 8 Sec. 14. Section 602.9203, subsection 2, paragraph c, Code
10 9 2009, is amended to read as follows:

10 10 c. Agrees in writing on a form prescribed by the ~~court~~
~~10 11 administrator~~ supreme court to be available as long as the
10 12 judicial officer is a senior judge to perform judicial duties
10 13 as assigned by the supreme court for an aggregate period of
10 14 thirteen weeks out of each successive twelve-month period.

10 15 Sec. 15. Section 602.9203, subsection 5, paragraph b, Code
10 16 2009, is amended to read as follows:

10 17 b. A senior judge may be reappointed to ~~an~~ two additional
10 18 ~~two-year term~~ one-year terms upon attaining seventy-eight
10 19 years of age, at the discretion of the supreme court, if the
10 20 judicial officer meets the requirements of subsection 2.

10 21 Sec. 16. Section 602.9204, subsection 1, paragraph b,
10 22 subparagraph (2), Code 2009, is amended to read as follows:

10 23 (2) However, ~~following the twelve-month period during~~
~~10 24 which~~ after the senior judge or retired senior judge attains
10 25 senior judge retirement age, the annuity paid to the person
10 26 shall be an amount equal to the applicable percentage
10 27 multiplier of the basic senior judge salary cap, multiplied by
10 28 the judge's years of service prior to retirement as a judge of
10 29 one or more of the courts included under this article, for
10 30 which contributions were made to the system, except that the
10 31 annuity shall not exceed an amount equal to the applicable
10 32 specified percentage of the basic senior judge salary cap.

10 33 Sec. 17. Section 602.9204, subsection 1, paragraph c, Code
10 34 2009, is amended to read as follows:

10 35 c. A senior judge or retired senior judge shall not



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11 1 receive benefits calculated using a basic senior judge salary
11 2 established after ~~the twelve-month period in which~~ the senior
11 3 judge or retired senior judge attains senior judge retirement
11 4 age.

11 5 Sec. 18. Section 602.9204, subsection 2, paragraphs d and
11 6 e, Code 2009, are amended to read as follows:

11 7 d. "Basic senior judge salary cap" means the basic senior
11 8 judge salary, at the ~~end of the twelve-month period during~~
~~11 9 which time~~ the senior judge or retired senior judge attained
11 10 senior judge retirement age, of the office in which the person
11 11 last served as a judge before retirement as a judge or senior
11 12 judge.

11 13 e. "Escalator" means the difference between the current
11 14 basic salary, as of the time each payment is made up to ~~and~~
~~11 15 including the twelve-month period during which the time the~~
11 16 senior judge or retired senior judge attains senior judge
11 17 retirement age, of the office in which the senior judge last
11 18 served as a judge before retirement as a judge or senior
11 19 judge, and the basic annual salary which the judge is
11 20 receiving at the time the judge becomes separated from
11 21 full-time service as a judge of one or more of the courts
11 22 included in this article, as would be used in computing an
11 23 annuity pursuant to section 602.9107 without service as a
11 24 senior judge.

11 25 Sec. 19. Section 602.9207, subsection 1, Code 2009, is
11 26 amended to read as follows:

11 27 1. A senior judge shall cease to be a senior judge upon
11 28 ~~completion of the twelve-month period during which the judge~~
~~11 29 attains~~ attaining senior judge retirement age. The clerk of
11 30 the supreme court shall make a notation of the retirement of a
11 31 senior judge in the roster of senior judges, at which time the
11 32 senior judge shall become a retired senior judge.

11 33 Sec. 20. Section 602.9208, subsection 1, Code 2009, is
11 34 amended to read as follows:

11 35 1. A senior judge, at any time prior to ~~the end of the~~



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~~12 1 twelve-month period during which the judge attains~~ attaining
12 2 senior judge retirement age, may submit to the clerk of the
12 3 supreme court a written request that the judge's name be
12 4 stricken from the roster of senior judges. Upon the receipt
12 5 of the request the clerk shall strike the name of the person
12 6 from the roster of senior judges, at which time the person
12 7 shall cease to be a senior judge. A person who relinquishes a
12 8 senior judgeship as provided in this subsection may be
12 9 assigned to temporary judicial duties as provided in section
12 10 602.1612.

12 11 Sec. 21. Section 633.13, Code 2009, is amended to read as
12 12 follows:

12 13 633.13 EXTENT OF JURISDICTION.

12 14 1. The court of the county in which a will is probated, or
12 15 in which administration, conservatorship or guardianship is
12 16 granted, shall have jurisdiction coextensive with the state in
12 17 the settlement of the estate, and in the sale and distribution
12 18 thereof.

12 19 2. A district judge or a district associate judge has
12 20 statewide jurisdiction to enter orders in probate matters ~~not~~
12 21 except for orders approving fees, granting continuances, or
12 22 extensions and orders requiring notice and hearing, although
12 23 the judge is not a judge of or present in the district in
12 24 which the probate matter is pending. The orders shall be made
12 25 in conformity with the rules of the district in which the
12 26 probate matter is pending.

12 27 Sec. 22. Section 633.20B, Code 2009, is amended by
12 28 striking the section and inserting in lieu thereof the
12 29 following:

12 30 633.20B APPOINTMENT OF AN ASSOCIATE PROBATE JUDGE.

12 31 1. An associate probate judge shall be nominated, serve an
12 32 initial term, and stand for retention in office as provided in
12 33 this section and as provided in chapter 46.

12 34 2. A person does not qualify for appointment to the office
12 35 of associate probate judge unless the person is at the time of



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13 1 appointment a resident of the judicial election district in
13 2 which the vacancy exists, licensed to practice law in Iowa,
13 3 and will be able, measured by the person's age at the time of
13 4 appointment, to complete the initial term of office prior to
13 5 reaching age seventy-two. An applicant for associate probate
13 6 judge shall file a certified application form, to be provided
13 7 by the supreme court, with the chairperson of the district
13 8 judicial nominating commission.

13 9 3. An associate probate judge shall be a resident of the
13 10 judicial election district in which appointed and retained.
13 11 An associate probate judge shall serve in the judicial
13 12 district of the residence of the associate probate judge while
13 13 in office, regardless of the number of associate probate
13 14 judgeships authorized. An associate probate judge is subject
13 15 to reassignment under section 602.6108.

13 16 4. An associate probate judge shall qualify for office as
13 17 provided in chapter 63 for a district judge.

13 18 5. For purposes of this section, "vacancy" means the
13 19 death, resignation, retirement, or removal of an associate
13 20 probate judge, or the failure of an associate probate judge to
13 21 be retained in office at the judicial election, or an increase
13 22 in associate probate judgeships allowable by law.

13 23 6. Applicants for the office of associate probate judge
13 24 shall apply to the district judicial nominating commission for
13 25 the judicial election district in which the vacancy is
13 26 located. The judicial district nominating commission and the
13 27 nominating process shall be governed by chapter 46 if not
13 28 inconsistent with the provisions of this section.

13 29 7. The district judicial nominating commission shall
13 30 nominate three persons to the district judges of the judicial
13 31 election district. The district judicial nominating
13 32 commission shall certify the nominees in writing to the
13 33 district judge with the longest service in the judicial
13 34 election district in which the appointment is to occur.
13 35 Copies shall be sent to the chief judge of the judicial



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14 1 district, the district court administrator of the judicial
14 2 district, and the state court administrator. The longest
14 3 serving district judge of the judicial election district shall
14 4 serve as the chairperson of the district judges for the
14 5 purpose of this section.

14 6 8. Within thirty days of the date the longest serving
14 7 district judge in the judicial election district receives the
14 8 list of nominees from the judicial district nominating
14 9 commission to a vacancy in the office of associate probate
14 10 judge, the district judges in the judicial election district
14 11 shall, by majority vote, appoint one of the nominees to fill
14 12 the vacancy. If the appointment is not made within thirty
14 13 days, the chief justice shall make the appointment from the
14 14 list of nominees.

14 15 Sec. 23. Sections 602.6305, 602.7103C, and 633.20C, Code
14 16 2009, are repealed.

14 17 EXPLANATION

14 18 This bill relates to the appointment of judicial officers
14 19 and the clerk of the district court, the appointment and
14 20 retirement of senior judges, and the entry of orders in civil
14 21 proceedings.

14 22 The bill authorizes the chief justice to delay the
14 23 nomination process of any judicial officer for up to 180 days
14 24 for budgetary reasons.

14 25 The bill changes the nominating process for district
14 26 associate judges, associate juvenile judges, and associate
14 27 probate judges. The bill provides that the district judicial
14 28 nominating commission shall nominate persons for appointment
14 29 to the office of district associate judge, associate juvenile
14 30 judge, or associate probate judge, rather than the county
14 31 magistrate appointing commission.

14 32 The bill provides that a person at the time of appointment
14 33 to the office of district associate judge, associate juvenile
14 34 judge, or associate probate judge, shall be a resident of the
14 35 judicial election district where the vacancy occurs. Current



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15 1 law provides that a person at the time of appointment be a
15 2 resident of the county where the vacancy occurs.
15 3 The bill provides that the district judicial nominating
15 4 commission shall carefully consider all applicants, and shall
15 5 within 60 days of receiving notice of the vacancy, certify
15 6 three persons for appointment in writing to the longest
15 7 serving district judge in the judicial election district where
15 8 the vacancy occurs. Current law provides that the list of
15 9 nominees be provided to the chief judge of the judicial
15 10 district.
15 11 The bill also provides that the district judges of the
15 12 judicial election district where the vacancy occurs, within 30
15 13 days of receiving the nominees and by a majority vote, shall
15 14 appoint a person from the list of nominees to fill the vacant
15 15 district associate judge, associate juvenile judge, or
15 16 associate probate judge position. If the district judges fail
15 17 to make the appointment within 30 days, the chief justice of
15 18 the supreme court shall make the appointment. Under current
15 19 law, the district judges of the judicial election district
15 20 where the vacancy occurs shall appoint within 15 days of
15 21 receiving the list of nominees.
15 22 Under the bill, if a vacancy occurs in the office of
15 23 district judge, district associate judge, associate juvenile
15 24 judge, or associate probate judge, the chief justice of the
15 25 supreme court may apportion the vacant office from the
15 26 judicial election district where the vacancy occurs to another
15 27 judicial election district. An apportionment from one
15 28 judicial election district to another judicial election
15 29 district shall not occur under the bill, unless the chief
15 30 justice finds a substantial disparity exists in the allocation
15 31 of judgeships and judicial workload between judicial election
15 32 districts, and the judicial council, by majority vote,
15 33 approves the apportionment. However, a vacant district
15 34 associate judge office created in lieu of magistrates pursuant
15 35 to Code section 602.6302 or created in lieu of an associate



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16 1 juvenile judge pursuant to Code section 602.6307 shall not be
16 2 apportioned by a substantial disparity finding under the bill.
16 3 Current law does not permit the chief justice and the judicial
16 4 council to apportion vacant judgeships across judicial
16 5 election district boundaries.

16 6 The bill provides that the court may enter temporary
16 7 custody and visitation orders prior to a hearing to determine
16 8 whether domestic abuse has occurred under Code chapter 236.
16 9 In awarding temporary custody and visitation under the bill,
16 10 the court shall give primary consideration to the safety of
16 11 the alleged victim and the children.

16 12 The bill changes the method by which the clerk of the
16 13 district court is appointed. The bill permits the chief judge
16 14 of each judicial district to appoint the clerk of the district
16 15 court and remove the clerk for cause after consultation with
16 16 the judicial officers of the judicial district. The clerk
16 17 under current law is appointed by a majority vote of all
16 18 district judges in the judicial election district, and removed
16 19 by majority vote.

16 20 The bill provides that a senior judge shall cease being a
16 21 senior judge upon attaining the age of 78 years of age, unless
16 22 the senior judge is reappointed by the supreme court for two
16 23 additional one-year terms until the age of 80 is attained.
16 24 Upon attaining the age of 80 a senior judge shall cease being
16 25 a senior judge. Current law provides that a senior judge
16 26 shall cease being a senior judge upon completion of the
16 27 12-month period during which the judge attains the age of 78.

16 28 In probate proceedings, the bill requires that a judge or a
16 29 district associate judge must be a judge of the district or
16 30 present in the district where a probate matter is pending for
16 31 the judge to have authority to enter orders approving fees,
16 32 granting continuances or extensions, and orders requiring a
16 33 hearing. Current law provides that a district judge or
16 34 district associate judge has statewide jurisdiction to enter
16 35 orders in probate matters on a statewide basis that do not



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17 1 require a hearing.
17 2 The bill repeals Code sections 602.6305, 602.7103C, and
17 3 633.20C because the provisions have been subsumed or modified
17 4 by the bill in Code sections 602.6304, 602.7103B, and 633.20B.
17 5 LSB 1408XD 83
17 6 jm/rj/5



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House Study Bill 84

HOUSE FILE
BY (COMMITTEE ON PUBLIC
SAFETY BILL BY
CHAIRPERSON LYKAM)

Passed House, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to alcoholic beverages, including the possession
2 or consumption of alcoholic beverages by underage persons and
3 destruction of operating while intoxicated records, and
4 providing a penalty.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1576HC 83
7 rh/nh/24



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PAG LIN

1 1 Section 1. Section 123.47, Code 2009, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 1A. Except for the purposes described in
1 4 subsection 2, a person who is the owner or lessee of, or who
1 5 otherwise has control over, property that is not a licensed
1 6 premises, shall not permit any person, knowing or having
1 7 reasonable cause to believe the person to be under legal age,
1 8 to consume or possess on such property any alcoholic liquor,
1 9 wine, or beer.

1 10 Sec. 2. Section 123.47, subsection 3, paragraph a,
1 11 unnumbered paragraph 1, Code 2009, is amended to read as
1 12 follows:

1 13 A person who is under legal age, other than a licensee or
1 14 permittee, who violates this section regarding the purchase of
1 15 or attempt to purchase alcoholic liquor, wine, or beer, or
1 16 possessing or having control of alcoholic liquor, wine, or
1 17 beer, or permitting under legal age consumption or possession
1 18 on certain property, commits the following:

1 19 Sec. 3. Section 123.47, subsection 3, paragraph a,
1 20 subparagraph (1), Code 2009, is amended to read as follows:

1 21 (1) A simple misdemeanor punishable as a scheduled
1 22 violation under section 805.8C, subsection 7. Notwithstanding
1 23 section 903.1, the court, in lieu of ordering payment of a
1 24 scheduled fine, may suspend the fine and order the person
1 25 under legal age to receive a substance abuse evaluation by a
1 26 program licensed to provide services pursuant to section
1 27 125.13.

1 28 Sec. 4. Section 123.47, subsection 4, Code 2009, is
1 29 amended to read as follows:

1 30 4. Except as otherwise provided in subsections 5 and 6, a
1 31 person who is of legal age, other than a licensee or
1 32 permittee, who sells, gives, or otherwise supplies alcoholic
1 33 liquor, wine, or beer to a person who is under legal age in
1 34 violation of this section, or permits under legal age
1 35 consumption or possession on certain property, commits a



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2 1 serious misdemeanor punishable by a minimum fine of five
2 2 hundred dollars.

2 3 Sec. 5. Section 321.12, subsection 4, Code 2009, is
2 4 amended to read as follows:

2 5 4. The director shall not destroy any operating records
2 6 pertaining to arrests or convictions for operating while
2 7 intoxicated, in violation of section 321J.2 or operating
2 8 records pertaining to revocations for violations of section
2 9 321J.2A, ~~except that a conviction or revocation under section~~
~~2 10 321J.2 or 321J.2A that is not subject to 49 C.F.R. } 383 shall~~
~~2 11 be deleted from the operating records twelve years after the~~
~~2 12 date of conviction or the effective date of revocation.~~
~~2 13 Convictions or revocations that are retained in the operating~~
~~2 14 records for more than twelve years under this subsection shall~~
~~2 15 be considered only for purposes of disqualification actions~~
~~2 16 under 49 C.F.R. } 383.~~

2 17 Sec. 6. Section 321J.2, subsection 4, paragraph a, Code
2 18 2009, is amended by striking the paragraph.

2 19 EXPLANATION

2 20 This bill relates to possession or consumption of an
2 21 alcoholic beverage by an under legal age person on certain
2 22 property and destruction of operating while intoxicated
2 23 records.

2 24 Under the bill, a person who is the owner or lessee of, or
2 25 who otherwise has control over, property that is not a
2 26 licensed premises, shall not permit an under legal age person
2 27 to consume or possess an alcoholic beverage on such property.

2 28 The bill does not affect situations involving a person
2 29 under legal age consuming or possessing an alcoholic beverage
2 30 for a permitted purpose under Code section 123.47, subsection
2 31 2.

2 32 For a first offense, a person under legal age who permits
2 33 under legal age consumption or possession in violation of the
2 34 bill commits a simple misdemeanor punishable as a scheduled
2 35 violation under Code section 805.8C, subsection 7; for a



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3 1 second offense a person commits a simple misdemeanor
3 2 punishable by a fine of \$500; and for a third or subsequent
3 3 offense the person commits a simple misdemeanor punishable by
3 4 a fine of \$500 and suspension of the person's motor vehicle
3 5 operating privileges for up to one year.
3 6 The court, for a first offense by a person under legal age,
3 7 may suspend the payment of a scheduled fine and order the
3 8 person under legal age to receive a substance abuse evaluation
3 9 by a program licensed to provide services pursuant to Code
3 10 section 125.13.
3 11 A person of legal age who permits under legal age
3 12 consumption or possession in violation of the bill commits a
3 13 serious misdemeanor punishable by a minimum fine of \$500.
3 14 The bill provides that the director of the department of
3 15 transportation (DOT) shall not destroy any arrest or
3 16 conviction records for persons 21 and over or license
3 17 revocation records for persons under the age of 21, relating
3 18 to operating=while=intoxicated offenses. Current law
3 19 authorizes the DOT to destroy such records that are more than
3 20 12 years old except for certain DOT records of drivers of
3 21 commercial motor vehicles. The bill also eliminates this
3 22 twelve=year look=back provision for determining whether an
3 23 operating=while=intoxicated offense is a second or subsequent
3 24 offense for criminal sentencing or license revocation
3 25 purposes.
3 26 LSB 1576HC 83
3 27 rh/nh/24



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House Study Bill 85

HOUSE FILE
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON PETERSEN)

Passed House, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring health benefit coverage for certain cancer
- 2 treatment delivered pursuant to approved cancer clinical
- 3 trials and providing an applicability date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1286YC 83
- 6 av/nh/8



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House Study Bill 85 continued

PAG LIN

1 1 Section 1. NEW SECTION. 514C.24 APPROVED CANCER CLINICAL
1 2 TRIALS COVERAGE.

1 3 1. DEFINITIONS. For purposes of this section, unless the
1 4 context otherwise requires:

1 5 a. "Approved cancer clinical trial" means a scientific
1 6 study of a new therapy for the treatment of cancer in human
1 7 beings that meets the requirements set forth in subsection 3
1 8 and consists of a scientific plan of treatment that includes
1 9 specified goals, a rationale and background for the plan,
1 10 criteria for patient selection, specific directions for
1 11 administering therapy and monitoring patients, a definition of
1 12 quantitative measures for determining treatment response, and
1 13 methods for documenting and treating adverse reactions.

1 14 b. "Institutional review board" means a board, committee,
1 15 or other group formally designated by an institution and
1 16 approved by the national institutes of health, office for
1 17 protection from research risks, to review, approve the
1 18 initiation of, and conduct periodic review of biomedical
1 19 research involving human subjects. "Institutional review
1 20 board" means the same as "institutional review committee" as
1 21 used in section 520(g) of the federal Food, Drug, and Cosmetic
1 22 Act, as codified in 21 U.S.C. } 301 et seq.

1 23 c. "Routine patient care costs" means physician fees,
1 24 laboratory expenses, and expenses associated with the
1 25 hospitalization, administration of treatment, and evaluation
1 26 of a patient during the course of treatment which are
1 27 consistent with usual and customary patterns and standards of
1 28 care incurred whenever an enrollee, subscriber, or insured
1 29 receives medical care associated with an approved cancer
1 30 clinical trial, and which would be covered if such items and
1 31 services were provided other than in connection with an
1 32 approved cancer clinical trial.

1 33 d. "Therapeutic intent" means that a treatment is aimed at
1 34 improving a patient's health outcome relative to either
1 35 survival or quality of life.



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2 1 2. COVERAGE REQUIRED. Notwithstanding the uniformity of
2 2 treatment requirements of section 514C.6, a policy or contract
2 3 providing for third-party payment or prepayment of health or
2 4 medical expenses shall provide coverage benefits for routine
2 5 patient care costs incurred for cancer treatment in an
2 6 approved cancer clinical trial to the same extent that such
2 7 policy or contract provides coverage for treating any other
2 8 sickness, injury, disease, or condition covered under the
2 9 policy or contract, if the insured has been referred for such
2 10 cancer treatment by two physicians who specialize in oncology
2 11 and the cancer treatment is given pursuant to an approved
2 12 cancer clinical trial that meets the criteria set forth in
2 13 subsection 3. Services that are furnished without charge to a
2 14 participant in the approved cancer clinical trial are not
2 15 required to be covered as routine patient care costs pursuant
2 16 to this section.

2 17 3. CRITERIA. Routine patient care costs for cancer
2 18 treatment given pursuant to an approved cancer clinical trial
2 19 shall be covered pursuant to this section if all of the
2 20 following requirements are met:

2 21 a. The treatment is provided with therapeutic intent and
2 22 is provided pursuant to an approved cancer clinical trial that
2 23 has been authorized or approved by one of the following:

- 2 24 (1) The national institutes of health.
- 2 25 (2) The United States food and drug administration.
- 2 26 (3) The United States department of defense.
- 2 27 (4) The United States department of veterans affairs.

2 28 b. The proposed treatment has been reviewed and approved
2 29 by the applicable qualified institutional review board.

2 30 c. The available clinical or preclinical data indicate
2 31 that the treatment that will be provided pursuant to the
2 32 approved cancer clinical trial will be at least as effective
2 33 as the standard therapy and is anticipated to constitute an
2 34 improvement in therapeutic effectiveness for the treatment of
2 35 the disease in question.



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House Study Bill 85 continued

3 1 4. APPLICABILITY.

3 2 a. This section applies to the following classes of
3 3 third-party payment provider contracts or policies delivered,
3 4 issued for delivery, continued, or renewed in this state on or
3 5 after July 1, 2009:

3 6 (1) Individual or group accident and sickness insurance
3 7 providing coverage on an expense-incurred basis.

3 8 (2) An individual or group hospital or medical service
3 9 contract issued pursuant to chapter 509, 514, or 514A.

3 10 (3) An individual or group health maintenance organization
3 11 contract regulated under chapter 514B.

3 12 (4) Any other entity engaged in the business of insurance,
3 13 risk transfer, or risk retention, which is subject to the
3 14 jurisdiction of the commissioner.

3 15 (5) A plan established pursuant to chapter 509A for public
3 16 employees.

3 17 (6) An organized delivery system licensed by the director
3 18 of public health.

3 19 b. This section shall not apply to accident-only,
3 20 specified disease, short-term hospital or medical, hospital
3 21 confinement indemnity, credit, dental, vision, Medicare
3 22 supplement, long-term care, basic hospital and
3 23 medical-surgical expense coverage as defined by the
3 24 commissioner, disability income insurance coverage, coverage
3 25 issued as a supplement to liability insurance, workers'
3 26 compensation or similar insurance, or automobile medical
3 27 payment insurance.

3 28 EXPLANATION

3 29 This bill creates new Code section 514C.24 to require
3 30 health benefit coverage for cancer treatment delivered
3 31 pursuant to an approved cancer clinical trial. The bill
3 32 defines "approved cancer clinical trial" as a scientific study
3 33 of a new therapy for the treatment of cancer in human beings
3 34 that meets requirements specified in the bill and consists of
3 35 a scientific plan of treatment.



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4 1 The bill requires that a policy or contract provide health
4 2 benefit coverage for routine patient care costs incurred for
4 3 cancer treatment in an approved cancer clinical trial to the
4 4 same extent that the policy or contract provides coverage for
4 5 treating any other sickness, injury, disease, or condition
4 6 covered under the policy or contract, if the insured has been
4 7 referred for such cancer treatment by two physicians who
4 8 specialize in oncology, and the cancer treatment is given
4 9 pursuant to an approved cancer clinical trial as set forth in
4 10 the bill.

4 11 The bill applies to specified classes of third-party
4 12 payment provider contracts or policies delivered, issued for
4 13 delivery, continued, or renewed in this state on or after July
4 14 1, 2009.

4 15 LSB 1286YC 83

4 16 av/nh/8



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House Study Bill 86

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
PUBLIC HEALTH BILL)

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the licensing and regulation of plumbers,
2 mechanical professionals, and contractors, and including an
3 applicability provision.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1147DP 83
6 jr/rj/14



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1 1 Section 1. Section 105.1, Code 2009, is amended to read as
1 2 follows:

1 3 105.1 TITLE.

1 4 This chapter may be known and cited as the "Iowa Plumber,
1 5 ~~and~~ Mechanical Professional, and Contractor Licensing Act".

1 6 Sec. 2. Section 105.2, subsections 2, 7, and 8, Code 2009,
1 7 are amended to read as follows:

1 8 2. "Board" means the plumbing and mechanical systems
1 9 ~~examining~~ board as established pursuant to section 105.3.

1 10 7. "HVAC" means heating, ventilation, ~~and~~ air conditioning
1 11 ~~in, and~~ ducted systems. "HVAC" includes all natural, propane,
1 12 liquid propane, or other gas lines associated with any
1 13 component of an HVAC system.

1 14 8. "Hydronic" means a heating or cooling system that
1 15 transfers heating or cooling by circulating fluid through a
1 16 closed system, including boilers, pressure vessels,
1 17 refrigerated equipment in connection with chilled water
1 18 systems, all steam piping, hot or chilled water piping
1 19 together with all control devices and accessories, installed
1 20 as part of, or in connection with, any comfort heating or
1 21 comfort cooling system or appliance using a liquid, water, or
1 22 steam as the heating or cooling media. "Hydronic" includes
1 23 all low-pressure and high-pressure systems and all natural,
1 24 propane, liquid propane, or other gas lines associated with
1 25 any component of a hydronic system.

1 26 Sec. 3. Section 105.3, subsections 1, 6, and 7, Code 2009,
1 27 are amended to read as follows:

1 28 1. A plumbing and mechanical systems ~~examining~~ board is
1 29 created within the Iowa department of public health.

1 30 6. Members of the board shall receive actual expenses for
1 31 their duties as a member of the ~~examining~~ board. Each member
1 32 of the board may also be eligible to receive compensation as
1 33 provided in section 7E.6.

1 34 7. The board may maintain a membership in any national
1 35 organization of state ~~examining~~ boards for the professions of



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2 1 plumbing, HVAC, refrigeration, or hydronic professionals, with
2 2 all membership fees to be paid from funds appropriated to the
2 3 board.

2 4 Sec. 4. Section 105.3, subsection 2, paragraph a,
2 5 unnumbered paragraph 1, Code 2009, is amended to read as
2 6 follows:

2 7 The ~~examining~~ board shall be comprised of eleven members,
2 8 appointed by the governor, as follows:

2 9 Sec. 5. Section 105.4, Code 2009, is amended to read as
2 10 follows:

2 11 105.4 RULES.

2 12 1. The board shall establish by rule a plumbing
2 13 installation code governing the installation of plumbing in
2 14 this state.

2 15 2. The board shall adopt all rules necessary to carry out
2 16 the licensing and other provisions of this chapter.

2 17 Sec. 6. Section 105.5, Code 2009, is amended to read as
2 18 follows:

2 19 105.5 ~~APPLICATIONS FOR EXAMINATIONS.~~

2 20 1. Any person desiring to take an examination for a
2 21 license issued pursuant to this chapter shall make application
2 22 to the board at least fifteen days before the examination, on
~~2 23 a form provided by the board. The application shall be~~
~~2 24 accompanied by the examination fee and such documents and~~
~~2 25 affidavits as are necessary to show the eligibility of the~~
~~2 26 candidate to take the examination. All applications shall be~~
2 27 in accordance with the rules of ~~the department and~~ the board
2 28 and shall be signed by the applicant. The board may require
2 29 that a recent photograph of the applicant be attached to the
2 30 application.

2 31 2. Applicants who fail to pass an examination shall be
2 32 allowed to retake the examination at a future scheduled time.

2 33 3. The board shall adopt rules relating to all of the
2 34 following:

2 35 a. The qualifications required for applicants seeking to



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3 1 take examinations, which qualifications shall include a
3 2 requirement that an applicant who is a contractor shall be
3 3 required to provide the contractor's state contractor
3 4 registration number.

3 5 b. The denial of applicants seeking to take examinations.
3 6 Sec. 7. Section 105.10, subsection 1, Code 2009, is
3 7 amended to read as follows:
3 8 1. Except as provided in section 105.11, a person shall
3 9 not operate as a contractor or install or repair plumbing,
3 10 HVAC, refrigeration, or hydronic systems without obtaining a
3 11 license issued by the board, or install or repair medical gas
3 12 piping systems without obtaining a valid certification
3 13 approved by the board.

3 14 Sec. 8. Section 105.10, Code 2009, is amended by adding
3 15 the following new subsection:
3 16 NEW SUBSECTION. 4. The board shall adopt rules to allow a
3 17 grace period for a contractor to operate a business described
3 18 in subsection 2 without employing a licensed master.

3 19 Sec. 9. Section 105.11, subsection 3, Code 2009, is
3 20 amended to read as follows:
3 21 3. Prohibit an owner of property from performing work on
3 22 the owner's principal residence, if such residence is an
3 23 existing dwelling rather than new construction and is not
3 24 larger than a single-family dwelling, or farm property,
3 25 excluding commercial or industrial installations or
3 26 installations in public use buildings or facilities, or
3 27 require such owner to be licensed under this chapter. In
3 28 order to qualify for inapplicability pursuant to this
3 29 subsection, a residence shall qualify for the homestead tax
3 30 exemption. ~~The provisions of this chapter shall also not be~~
~~3 31 construed to prohibit an owner or operator of a health care~~
~~3 32 facility licensed pursuant to chapter 135C, assisted living~~
~~3 33 center licensed pursuant to chapter 231C, hospital licensed~~
~~3 34 pursuant to chapter 135B, adult day care center licensed~~
~~3 35 pursuant to chapter 231D, or a retirement facility certified~~



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~~4 1 pursuant to chapter 523D from performing work on the facility~~
~~4 2 or require such owner or operator to be licensed under this~~
~~4 3 chapter.~~

4 4 Sec. 10. Section 105.11, subsection 9, Code 2009, is
4 5 amended to read as follows:

4 6 9. Apply to an employee of any unit of state or local
4 7 government, including but not limited to cities, counties, or
4 8 school corporations, performing routine maintenance, as
4 9 defined by rule, on a mechanical system or plumbing system,
4 10 which serves a ~~state-owned~~ government-owned or
4 11 government-leased facility while acting within the scope of
4 12 the ~~state government~~ employee's employment.

4 13 Sec. 11. Section 105.11, Code 2009, is amended by adding
4 14 the following new subsection:

4 15 NEW SUBSECTION. 11. Prohibit an owner or operator of a
4 16 hospital licensed pursuant to chapter 135B, health care
4 17 facility licensed pursuant to chapter 135C, assisted living
4 18 center licensed pursuant to chapter 231C, adult day care
4 19 center licensed pursuant to chapter 231D, or a retirement
4 20 facility certified pursuant to chapter 523D from performing
4 21 routine maintenance work on the facility.

4 22 Sec. 12. Section 105.12, Code 2009, is amended to read as
4 23 follows:

4 24 105.12 FORM OF LICENSE.

4 25 1. A contracting, plumbing, HVAC, refrigeration, or
4 26 hydronic license shall be in the form of a certificate under
4 27 the seal of the department, signed by the director of public
4 28 health, and shall be issued in the name of the board. The
4 29 license number of the book and page of the registry containing
~~4 30 the entry of the license in the office of the department shall~~
4 31 be noted on the face of the license.

4 32 2. In addition to the certificate, the department board
4 33 shall provide each licensee with a wallet-sized licensing
4 34 identification card.

4 35 Sec. 13. Section 105.14, Code 2009, is amended to read as



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5 1 follows:

5 2 105.14 DISPLAY OF ~~MASTER~~ CONTRACTOR LICENSE.

5 3 A person holding a ~~master~~ contractor license under this
5 4 chapter shall keep the current license certificate publicly
5 5 displayed in the primary place in which the person practices.

5 6 Sec. 14. Section 105.15, Code 2009, is amended to read as
5 7 follows:

5 8 105.15 REGISTRY OF LICENSES.

5 9 ~~The name, location, and number of years of practice license~~
5 10 ~~number, and date of issuance of the license of the each person~~
5 11 ~~to whom the a license has been issued, the number of the~~
5 12 ~~certificate, and the date of registration thereof shall be~~
5 13 entered in a registry kept in the office of the department to
5 14 be known as the plumbing, HVAC, refrigeration, or hydronic
5 15 registry. The registry may be electronic and shall be open to
5 16 public inspection; however, the licensee's home address of the
5 17 ~~licensee, home telephone number, and other personal~~
5 18 information as determined by rule shall be confidential.

5 19 Sec. 15. Section 105.16, Code 2009, is amended to read as
5 20 follows:

5 21 105.16 CHANGE OF RESIDENCE.

5 22 If a person licensed to practice as a contractor or a
5 23 plumbing, HVAC, refrigeration, or hydronic professional under
5 24 this chapter changes ~~their~~ the person's residence or place of
5 25 practice, the person shall so notify the ~~department~~ board.

5 26 Sec. 16. Section 105.17, subsection 1, Code 2009, is
5 27 amended to read as follows:

5 28 1. The provisions of this chapter regarding the licensing
5 29 of plumbing, HVAC, refrigeration, and hydronic professionals
5 30 and contractors shall supersede and preempt all plumbing,
5 31 HVAC, refrigeration, ~~or~~ hydronic, and contracting licensing
5 32 provisions of all governmental subdivisions.

5 33 a. A governmental subdivision that issues licenses on July
5 34 1, 2008, shall continue to issue licenses until June 30, 2009.
5 35 On July 1, 2009, all plumbing and mechanical licensing



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6 1 provisions promulgated by any governmental subdivision shall
6 2 be null and void, except reciprocal licenses as provided in
6 3 section 105.21, and of no further force and effect.

6 4 b. On and after July 1, 2008, a governmental subdivision
6 5 shall not prohibit a contractor or a plumbing, HVAC,
6 6 refrigeration, or hydronic professional licensed pursuant to
6 7 this chapter from performing services for which that person is
6 8 licensed pursuant to this chapter or enforce any plumbing and
6 9 mechanical licensing provisions promulgated by the
6 10 governmental subdivision against a person licensed pursuant to
6 11 this chapter.

6 12 Sec. 17. Section 105.18, Code 2009, is amended to read as
6 13 follows:

6 14 105.18 QUALIFICATIONS AND TYPES OF LICENSES ISSUED.

6 15 1. GENERAL QUALIFICATIONS. The board shall adopt, by
6 16 rule, general qualifications for licensure. The board may
6 17 consider the past felony record of an applicant only if the
6 18 felony conviction relates ~~directly~~ to the practice of the
6 19 profession for which the applicant requests to be licensed.
6 20 ~~Character references~~ References may be required as part of the
6 21 licensing process, ~~but shall not be obtained from licensed~~
~~6 22 members of the plumbing or mechanical profession.~~

6 23 2. PLUMBING, HVAC, REFRIGERATION, AND HYDRONIC LICENSES
6 24 AND CONTRACTOR LICENSES. The board shall issue separate
6 25 licenses for plumbing, HVAC, refrigeration, and hydronic
6 26 professionals and for contractors as follows:

6 27 a. Apprentice license. In order to be licensed by the
6 28 ~~department~~ board as an apprentice, a person shall do all of
6 29 the following:

6 30 (1) File an application, which application shall establish
6 31 that the person meets the minimum requirements adopted by the
6 32 board.

6 33 (2) Certify that the person will work under the
6 34 supervision of a licensed journeyman or master in the
6 35 applicable discipline.



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7 1 (3) Be enrolled in an applicable apprentice program which
7 2 is registered with the United States department of labor
7 3 office of apprenticeship.

7 4 b. Journeyman license. In order to be licensed by the
7 5 ~~department~~ board as a journeyman in the applicable
7 6 discipline, a person shall do all of the following:

7 7 (1) File an application and pay application fees as
7 8 established by the board, which application shall establish
7 9 that the person meets the minimum educational and experience
7 10 requirements adopted by the board.

7 11 (2) Pass the state journeyman licensing examination in
7 12 the applicable discipline.

7 13 (3) Provide the board with evidence of having completed at
7 14 least four years of practical experience as an apprentice.

7 15 Commencing January 1, 2010, the four years of practical
7 16 experience required by this subparagraph must be an
7 17 apprenticeship training program registered by the ~~bureau of~~
~~7 18 apprenticeship and training of the~~ United States department of
7 19 labor office of apprenticeship.

7 20 c. Master license. In order to be licensed by the
7 21 ~~department~~ board as a master, a person shall do all of the
7 22 following:

7 23 (1) File an application and pay application fees as
7 24 established by the board, which application shall establish
7 25 that the person meets the minimum educational and experience
7 26 requirements adopted by the board.

7 27 (2) Pass the state master licensing examination for the
7 28 applicable discipline.

7 29 (3) Provide evidence to the ~~examining~~ board that the
7 30 person has previously been a licensed journeyman or master
7 31 in the applicable discipline ~~or satisfies all requirements for~~
~~7 32 licensure as a journeyman in the applicable discipline.~~

~~7 33 (4) Provide evidence of public liability insurance~~
~~7 34 pursuant to section 105.19.~~

7 35 d. Contractor license. In order to be licensed by the



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8 1 board as a contractor, a person shall do all of the following:

8 2 (1) File an application and pay application fees as
8 3 established by the board, which application shall provide the
8 4 person's state contractor registration number and establish
8 5 that the person meets the minimum requirements adopted by the
8 6 board.

8 7 (2) Maintain a permanent place of business.

8 8 (3) Hold a master license or employ at least one person
8 9 holding a master license under this chapter.

8 10 3. COMBINED LICENSES, RESTRICTED LICENSES.

8 11 a. The ~~department~~ board may issue single or combined
8 12 licenses to persons who qualify as a contractor, master,
8 13 journeyperson, or apprentice under any of the disciplines.

8 14 b. Special, restricted license. The board may by rule
8 15 provide for the issuance of special plumbing and mechanical
8 16 professional licenses authorizing the licensee to engage in a
8 17 limited class or classes of plumbing or mechanical
8 18 professional work, which class or classes shall be specified
8 19 on the license. Each licensee shall have experience,
8 20 acceptable to the board, in each such limited class of for
8 21 which the person is licensed.

8 22 4. WAIVER. Notwithstanding section 17A.9A, the board
8 23 shall through December 31, 2009, waive the written examination
8 24 requirements ~~set forth in this section~~ and prior experience
8 25 requirements in subsection 2, paragraph "b", subparagraph (3),
8 26 and subsection 2, paragraph "c", subparagraph (3), for a
8 27 journeyperson or master license if the applicant meets either
8 28 of the following requirements:

8 29 a. The applicant meets both of the following requirements:

8 30 (1) The applicant has previously passed a written
8 31 examination which the board deems to be substantially similar
8 32 to the licensing examination otherwise required by the board
8 33 to obtain the applicable license.

8 34 (2) The applicant has completed at least eight classroom
8 35 hours of continuing education in courses or seminars approved



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9 1 by the board within the two-year period immediately preceding
9 2 the date of the applicant's license application.

9 3 b. The applicant can demonstrate to the satisfaction of
9 4 the board that the applicant has five or more years of
9 5 experience prior to July 1, 2008, in the plumbing, HVAC,
9 6 refrigeration, or hydronic business, as applicable, which
9 7 experience is of a nature that the board deems to be
9 8 sufficient to demonstrate continuous professional competency
9 9 consistent with that expected of an individual who passes the
9 10 applicable licensing examination which the applicant would
9 11 otherwise be required to pass.

9 12 Sec. 18. Section 105.19, subsections 1 and 3, Code 2009,
9 13 are amended to read as follows:

9 14 1. An applicant for a ~~master~~ contractor license or renewal
9 15 of an active ~~master~~ contractor license shall provide evidence
9 16 of a public liability insurance policy and surety bond in an
9 17 amount determined sufficient by the board by rule.

9 18 3. The insurance and surety bond shall be written by an
9 19 entity licensed to do business in this state and each licensed
9 20 ~~master contractor~~ shall maintain on file with the ~~department~~
9 21 board a certificate evidencing the insurance providing that
9 22 the insurance or surety bond shall not be canceled without the
9 23 entity first giving fifteen days written notice to the
9 24 ~~department~~ board.

9 25 Sec. 19. Section 105.20, Code 2009, is amended to read as
9 26 follows:

9 27 105.20 RENEWAL AND REINSTATEMENT OF LICENSES == FEES AND
9 28 PENALTIES == CONTINUING EDUCATION.

9 29 1. ~~A license issued pursuant to this chapter shall be~~
~~9 30 issued for a term of two years. Licenses issued by the board~~
9 31 shall expire in intervals as determined by the board.

9 32 2. A license issued under this chapter may be renewed as
9 33 provided by rule adopted by the board upon application by the
9 34 licensee, without examination. Applications for renewal shall
9 35 be made ~~in writing~~ to the ~~department~~ board, accompanied by the



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10 1 required renewal licensing fee, at least thirty days prior to
10 2 the expiration date of the license.

~~10 3 3. A renewal license shall be displayed in connection with
10 4 the original license.~~

10 5 4. 3. The ~~department~~ board shall notify each licensee by
10 6 mail at least sixty days prior to the expiration of a license.

10 7 ~~5.~~ 4. Failure to renew a license within a reasonable time
10 8 after the expiration of the license shall not invalidate the
10 9 license, but a reasonable penalty may be assessed as adopted
10 10 by rule, in addition to the license renewal fee, to allow
10 11 reinstatement of the license.

~~10 12 6. A licensee who allows a license to lapse for a period
10 13 of one month or less may reinstate and renew the license
10 14 without examination upon the recommendation of the board and
10 15 upon payment of the applicable renewal and reinstatement fees.~~

10 16 ~~7.~~ 5. The board shall, by rule, establish a reinstatement
10 17 process for a licensee who allows a license to lapse ~~for a
10 18 period greater than one month~~, including reasonable penalties.

10 19 ~~8.~~ 6. The board shall establish continuing education
10 20 requirements pursuant to section 272C.2. The basic continuing
10 21 education requirement for renewal of a license shall be the
10 22 completion, during the immediately preceding license term, of
10 23 the number of classroom hours of instruction required by the
10 24 board in courses or seminars which have been approved by the
10 25 board. The board shall require at least eight classroom hours
10 26 of instruction during each ~~two-year~~ licensing term.

10 27 Sec. 20. Section 105.21, Code 2009, is amended to read as
10 28 follows:

10 29 105.21 RECIPROCAL LICENSES.

10 30 The board may license without examination a nonresident
10 31 applicant who is licensed under plumbing, HVAC, refrigeration,
10 32 or hydronic professional licensing statutes of another state
10 33 having similar licensing requirements as those set forth in
10 34 this chapter and the rules adopted under this chapter if the
10 35 other state grants the same reciprocal licensing privileges to



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11 1 residents of Iowa who have obtained Iowa plumbing or
11 2 mechanical professional licenses under this chapter. The
11 3 ~~department and the~~ board shall adopt the necessary rules, not
11 4 inconsistent with the law, for carrying out the reciprocal
11 5 relations with other states which are authorized by this
11 6 chapter.

11 7 Sec. 21. Section 105.22, unnumbered paragraph 1, Code
11 8 2009, is amended to read as follows:

11 9 A license to practice as a contractor or as a plumbing,
11 10 HVAC, refrigeration, or hydronic professional may be revoked
11 11 or suspended, or an application for licensure may be denied
11 12 pursuant to procedures established pursuant to chapter 272C by
11 13 the board, or the licensee may be otherwise disciplined in
11 14 accordance with that chapter, when the licensee commits any of
11 15 the following acts or offenses:

11 16 Sec. 22. Section 105.23, Code 2009, is amended to read as
11 17 follows:

11 18 105.23 JURISDICTION OF REVOCATION AND SUSPENSION
11 19 PROCEEDINGS.

11 20 The board shall have exclusive jurisdiction of all
11 21 proceedings to revoke or suspend a license issued pursuant to
11 22 this chapter. The board may initiate proceedings under this
11 23 chapter or chapter 272C, following procedures set out in
11 24 section 272C.6, either on its own motion or on the complaint
11 25 of any person. ~~Before scheduling a hearing, the board may~~
~~11 26 request the department to conduct an investigation into the~~
~~11 27 charges to be addressed at the board hearing. The department~~
~~11 28 shall report its findings to the board.~~ The board, in
11 29 connection with a proceeding under this chapter, may issue
11 30 subpoenas to compel attendance and testimony of witnesses and
11 31 the disclosure of evidence, and may request the attorney
11 32 general to bring an action to enforce the subpoena.

11 33 Sec. 23. Section 105.25, subsections 1, 3, and 4, Code
11 34 2009, are amended to read as follows:

11 35 1. Only a person who is duly licensed pursuant to this



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12 1 chapter may advertise the fact that the person is licensed as
12 2 a contractor or as a plumbing, HVAC, refrigeration, or
12 3 hydronic professional by the state of Iowa.

12 4 3. A person who fraudulently claims to be a licensed
12 5 contractor or a licensed plumbing, HVAC, refrigeration, or
12 6 hydronic professional pursuant to this chapter, either in
12 7 writing, cards, signs, circulars, advertisements, or other
12 8 communications, is guilty of a simple misdemeanor.

12 9 4. A person who fraudulently lists a contractor or a
12 10 master plumbing, HVAC, refrigeration, or hydronic license
12 11 number in connection with that person's advertising or falsely
12 12 displays a contractor or a master plumbing, HVAC,
12 13 refrigeration, or hydronic professional license number is
12 14 guilty of a simple misdemeanor. In order to be entitled to
12 15 use a license number of a master plumbing, HVAC,
12 16 refrigeration, or hydronic professional, the master plumbing,
12 17 HVAC, refrigeration, or hydronic professional must be employed
12 18 by the person in whose name the business of designing,
12 19 installing, or repairing plumbing or mechanical systems is
12 20 being conducted.

12 21 Sec. 24. Section 105.27, subsection 1, Code 2009, is
12 22 amended to read as follows:

12 23 1. In addition to any other penalties provided for in this
12 24 chapter, the board may, by order, impose a civil penalty, not
12 25 to exceed five thousand dollars per offense, upon a person
12 26 violating any provision of this chapter. Each day of a
12 27 continued violation constitutes a separate offense, except
12 28 that offenses resulting from the same or common facts or
12 29 circumstances shall be considered a single offense. Before
12 30 issuing an order under this section, the board shall provide
12 31 the person written notice and the opportunity to request a
12 32 hearing on the record. The hearing must be requested within
12 33 thirty days of the issuance of the notice.

12 34 Sec. 25. Section 105.28, Code 2009, is amended to read as
12 35 follows:



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13 1 105.28 ENFORCEMENT.

13 2 The ~~department~~ board shall enforce the provisions of this
13 3 chapter ~~and for that purpose may request the department of~~
~~13 4 inspections and appeals to make necessary investigations.~~

13 5 Every licensee and member of the board shall furnish the
13 6 ~~department or the department of inspections and appeals~~ board
13 7 such evidence as the licensee or member may have relative to
13 8 any alleged violation which is being investigated.

13 9 Sec. 26. Section 105.29, Code 2009, is amended to read as
13 10 follows:

13 11 105.29 REPORT OF VIOLATORS.

13 12 Every licensee and every member of the board shall report
13 13 to the ~~department~~ board the name of every person who is
13 14 practicing as a contractor or as a plumber or mechanical
13 15 professional without a license issued pursuant to this chapter
13 16 pursuant to the knowledge or reasonable belief of the person
13 17 making the report. The opening of an office or place of
13 18 business for the purpose of providing any services for which a
13 19 license is required by this chapter, the announcing to the
13 20 public in any way the intention to provide any such service,
13 21 the use of any professional designation, or the use of any
13 22 sign, card, circular, device, vehicle, or advertisement, as a
13 23 provider of any such services shall be prima facie evidence of
13 24 engaging in the practice of a contractor or a plumber or
13 25 mechanical professional.

13 26 Sec. 27. Section 105.30, Code 2009, is amended to read as
13 27 follows:

13 28 105.30 ATTORNEY GENERAL.

13 29 Upon request of the ~~department~~ board, the attorney general
13 30 shall institute in the name of the state the proper
13 31 proceedings against any person charged by the department with
13 32 violating any provision of this chapter.

13 33 Sec. 28. Section 135.11, subsection 5, Code 2009, is
13 34 amended by striking the subsection.

13 35 Sec. 29. Section 272C.1, subsection 6, paragraph ae, Code



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15 1 Existing language in Code section 105.11 allows owners or
15 2 operators of certain health care facilities and institutions
15 3 to perform work within their buildings; the bill specifies
15 4 that such work relates to routine maintenance and moves this
15 5 language into its own subsection.
15 6 The bill postpones the applicability of Code sections
15 7 105.22 through 105.30 until July 1, 2009. These Code sections
15 8 relate to the imposition of licensee discipline and the
15 9 general enforcement of Code chapter 105.
15 10 LSB 1147DP 83
15 11 jr/rj/14.1



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House Study Bill 87

HOUSE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON MASCHER)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

- 1 An Act providing time off from work to attend presidential
- 2 precinct caucuses and making penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1878HC 83
- 5 ec/nh/8



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1 1 Section 1. Section 39A.5, subsection 1, paragraph b, Code
1 2 2009, is amended by adding the following new subparagraph:

1 3 NEW SUBPARAGRAPH. (3) As an employer, denying an employee
1 4 the privilege conferred by section 43.4A to attend a precinct
1 5 caucus, or subjecting an employee to a penalty because of the
1 6 exercise of that privilege.

1 7 Sec. 2. NEW SECTION. 43.4A EMPLOYEES ENTITLED TO TIME TO
1 8 PARTICIPATE IN PRESIDENTIAL PRECINCT CAUCUSES.

1 9 1. Any person entitled to participate in a precinct caucus
1 10 held as part of the presidential nominating process in this
1 11 state who is required to be present at work for an employer
1 12 during the four-hour period starting one hour prior to the
1 13 time the precinct caucus starts is entitled to take unpaid
1 14 leave for as much of that four-hour period as is necessary to
1 15 participate in the precinct caucus except as provided by this
1 16 section. Application by any employee for such absence shall
1 17 be made to the employee's employer individually and in writing
1 18 at least fourteen days prior to the time the precinct caucus
1 19 is scheduled to start. The employee shall not be liable for
1 20 any loss of wages or salary or any other penalty except for
1 21 the loss of wages or salary for the hours of unpaid leave
1 22 actually used.

1 23 2. a. An application for an absence by an employee may be
1 24 denied by an employer if all the following circumstances
1 25 exist:

1 26 (1) The person is employed in an emergency services
1 27 position which shall include peace officer, fire fighter,
1 28 emergency medical personnel, and any other position that
1 29 seriously affects public health or safety, or is employed by
1 30 an entity that would experience severe economic or operational
1 31 disruption due to the person's absence.

1 32 (2) The employer filed a written notice with the
1 33 commissioner at least seven days prior to the date of the
1 34 precinct caucus specifying exigent circumstances justifying
1 35 the denial of such leave for personnel described in



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2 1 subparagraph (1) and declaring the minimum number of such
2 2 personnel, by position, needed to protect public health and
2 3 safety or maintain minimum operational capacity, as
2 4 applicable. A copy of this written notice shall be provided
2 5 to employees of the employer.

2 6 (3) The number of persons employed in a position that did
2 7 not apply for an absence is less than the minimum number of
2 8 persons in that position needed by the employer to protect
2 9 public health and safety or maintain minimum operational
2 10 capacity, as applicable.

2 11 b. If the circumstances in paragraph "a" exist as to a
2 12 particular position of the employer, then the employer may
2 13 deny the minimum number of employees applying for an absence
2 14 in that position needed to yield the minimum staffing level
2 15 for that position as specified in the written notice to the
2 16 commissioner. The selection of which employees applying for
2 17 an absence shall be denied shall be made without regard to
2 18 political party affiliation, political belief, or affiliation
2 19 with or support for any candidate, or for any of the grounds
2 20 for which employment discrimination is prohibited in this
2 21 state.

2 22 3. An employer may, in lieu of providing unpaid leave to
2 23 affected employees to attend a presidential precinct caucus,
2 24 do any of the following:

2 25 a. Authorize paid leave to all affected employees.

2 26 b. Allow all affected employees the option to work
2 27 additional compensatory hours, at a time designated by the
2 28 employer not in conflict with the time needed for caucus
2 29 participation, equal in number to the number of hours taken to
2 30 participate in the presidential precinct caucus. The option
2 31 of working compensatory hours may be exercised individually by
2 32 each employee. Work done during the compensatory hours shall
2 33 be compensated in the same manner as work during regular
2 34 hours.

2 35

EXPLANATION



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3 1 This bill provides that a person shall be entitled to
3 2 unpaid time off from work to attend a presidential precinct
3 3 caucus for up to four hours beginning one hour prior to the
3 4 start of the precinct caucus. The bill provides that the
3 5 employee shall make a written application with their employer
3 6 for such absence at least 14 days prior to the caucus and the
3 7 employee is not liable for any penalty nor shall any deduction
3 8 be made from the person's regular salary or wages except for
3 9 the period of time of the absence. The bill provides that the
3 10 requirement to allow time off does not apply if the person is
3 11 employed in an emergency services position or by an entity
3 12 that would experience severe economic disruption due to the
3 13 person's absence, the employer files a written notice with the
3 14 county commissioner of elections specifying the exigent
3 15 circumstances justifying the denial of such leave and the
3 16 minimum number of persons needed, by position, to protect
3 17 public health and safety or maintain minimum operational
3 18 capacity, the number of persons not applying for leave is less
3 19 than the minimum number specified by the employer, and the
3 20 denial of leave for those number of persons needed to reach
3 21 the minimum staffing number specified is done in a
3 22 nondiscriminatory manner.

3 23 The bill also permits an employer to provide paid leave for
3 24 the absence or to allow affected employees the option to work
3 25 the hours of the absence at such other time so long as either
3 26 option is made available to all affected employees.

3 27 The bill provides that an employer who denies an employee
3 28 the privilege conferred by this bill to attend a presidential
3 29 precinct caucus commits election misconduct in the fourth
3 30 degree, a simple misdemeanor. A simple misdemeanor is
3 31 punishable by confinement for no more than 30 days or a fine
3 32 of at least \$65 but not more than \$625 or by both.

3 33 LSB 1878HC 83

3 34 ec/nh/8



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House Study Bill 88

HOUSE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON MASCHER)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

1 An Act providing compensatory time off for holiday work for peace
2 officer supervisors employed by the department of public
3 safety or the department of natural resources.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1596YC 83
6 ec/nh/8



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1 1 Section 1. Section 70A.1, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 10. Notwithstanding any provision of the
1 4 Code to the contrary, peace officers employed within the
1 5 department of public safety or the department of natural
1 6 resources who are not covered under a collective bargaining
1 7 agreement and who are required to work on a holiday as
1 8 described in section 1C.2, shall be provided compensatory time
1 9 off of one and one-half hours for each hour worked on a
1 10 holiday for a maximum of twelve hours of compensatory time
1 11 off. Compensatory time off provided pursuant to this
1 12 subsection may be used in one-hour increments.

1 13 EXPLANATION

1 14 This bill provides that peace officers within the
1 15 department of public safety and the department of natural
1 16 resources who are not covered by a collective bargaining
1 17 agreement and are required to work on a holiday shall be
1 18 granted compensatory time off of 1.5 hours per each hour
1 19 worked with a maximum of 12 hours. The bill further provides
1 20 that compensatory time off earned may be used in one-hour
1 21 increments.

1 22 LSB 1596YC 83

1 23 ec/nh/8



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House Study Bill 89

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
WORKFORCE DEVELOPMENT
BILL)

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to an increase in the balance of the unemployment
2 compensation reserve fund and the purposes for which the
3 fund's interest may be used.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1353DP 83
6 ak/rj/5



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House Study Bill 89 continued

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1 1 Section 1. Section 96.9, subsection 8, paragraphs b and e,
1 2 Code 2009, are amended to read as follows:

1 3 b. If the balance in the reserve fund on July 1 of the
1 4 preceding calendar year for calendar year ~~2004~~ 2010 and each
1 5 year thereafter is less than ~~one~~ two hundred fifty million
1 6 dollars, a percentage of contributions, as determined by the
1 7 director, shall be deemed to be reserve contributions for the
1 8 following calendar year. If the percentage of contributions,
1 9 termed the reserve contribution tax rate, is not zero percent
1 10 as determined pursuant to this subsection, the combined tax
1 11 rate of contributions to the unemployment compensation fund
1 12 and to the unemployment compensation reserve fund shall be
1 13 divided so that a minimum of fifty percent of the combined tax
1 14 rate equals the unemployment contribution tax rate and a
1 15 maximum of fifty percent of the combined tax rate equals the
1 16 reserve contribution tax rate except for employers who are
1 17 assigned a combined tax rate of five and four-tenths. For
1 18 those employers, the reserve contribution tax rate shall equal
1 19 zero and their combined tax rate shall equal their
1 20 unemployment contribution rate. When the reserve contribution
1 21 tax rate is determined to be zero percent, the unemployment
1 22 contribution rate for all employers shall equal one hundred
1 23 percent of the combined tax rate. The reserve contributions
1 24 collected in any calendar year shall not exceed fifty million
1 25 dollars. The provisions for collection of contributions under
1 26 section 96.14 are applicable to the collection of reserve
1 27 contributions. Reserve contributions shall not be deducted in
1 28 whole or in part by any employer from the wages of individuals
1 29 in its employ. All moneys collected as reserve contributions
1 30 shall not become part of the unemployment compensation fund
1 31 but shall be deposited in the reserve fund created in this
1 32 subsection.

1 33 e. Moneys from interest earned on the unemployment
1 34 compensation reserve fund shall be used by the department for
1 35 workforce offices, reemployment services, and accelerated



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House Study Bill 89 continued

2 1 skills training, only upon appropriation by the general
2 2 assembly and for administrative costs to collect the reserve
2 3 contributions.

2 4 EXPLANATION

2 5 This bill requires that the unemployment compensation
2 6 reserve fund balance be increased to \$250 million from \$150
2 7 million. The fund will increase pursuant to the formula in
2 8 Code section 96.9(8)(b). The department sets the unemployment
2 9 reserve contribution tax rate on or about July 1 each year.
2 10 Beginning January 1, 2010, the reserve contributions will be
2 11 reinstated at the level set on July 1 of the previous year in
2 12 order to accumulate \$50 million each year for two years,
2 13 bringing the fund to a balance of \$250 million if the maximum
2 14 amount of contributions are received in 2010 and 2011.

2 15 The bill also allows the general assembly to appropriate
2 16 interest from the fund to be used by the department of
2 17 workforce development for offices, reemployment services, and
2 18 accelerated skills training, only upon appropriation by the
2 19 general assembly and for administrative costs to collect the
2 20 reserve contributions.

2 21 LSB 1353DP 83

2 22 ak/rj/5.2



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House Study Bill 90

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to open burning of residential waste in certain
- 2 areas of the state and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1245DP 83
- 5 tm/nh/14



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House Study Bill 90 continued

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1 1 Section 1. Section 455B.133, Code 2009, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 11. a. Adopt rules to prohibit the open
1 4 burning of residential waste within any of the following
1 5 areas:
1 6 (1) Beginning January 1, 2010, any city with a population
1 7 of two thousand five hundred or more and any area within one
1 8 quarter mile of any city with a population of two thousand
1 9 five hundred or more.
1 10 (2) Beginning January 1, 2011, any city with a population
1 11 of one thousand or more and any area within one quarter mile
1 12 of any city with a population of one thousand or more.
1 13 (3) Beginning January 1, 2012, any city with a population
1 14 of five hundred or more and any area within one quarter mile
1 15 of any city with a population of five hundred or more.
1 16 (4) Beginning January 1, 2013, any city in the state and
1 17 any area within one quarter mile of any city in the state.
1 18 b. The population of a city as described in this
1 19 subsection shall be based on the most recent federal decennial
1 20 census.

1 21 EXPLANATION

1 22 This bill relates to open burning of residential waste in
1 23 certain areas of the state.
1 24 The bill requires the environmental protection commission
1 25 to adopt administrative rules prohibiting the open burning of
1 26 residential waste in cities and in areas within one quarter
1 27 mile of cities. The prohibition begins on January 1, 2010, in
1 28 cities with a population of 2,500 or more; on January 1, 2011,
1 29 in cities with a population of 1,000 or more; on January 1,
1 30 2012, in cities with a population of 500 or more; and on
1 31 January 1, 2013, in all cities in the state.
1 32 Criminal penalties provided in Code section 455B.146A are
1 33 applicable to violations of the provisions of the bill.
1 34 LSB 1245DP 83
1 35 tm/nh/14



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Senate File 31 - Introduced

SENATE FILE
BY COMMITTEE ON REBUILD IOWA

(SUCCESSOR TO SSB 1065)

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the imposition of a local option sales tax
- 2 after a disaster and providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1746SV 83
- 5 tm/sc/5



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Senate File 31 - Introduced continued

PAG LIN

1 1 Section 1. A city or unincorporated area located in a
1 2 county in which the president of the United States declared a
1 3 disaster to exist at any time during 2008 may impose a local
1 4 option sales tax pursuant to chapter 423B using the procedure
1 5 provided in this section. A city or unincorporated area where
1 6 a local option sales tax is imposed pursuant to chapter 423B
1 7 on the effective date of this Act is prohibited from using
1 8 this section. The provisions of chapter 423B shall apply to
1 9 the imposition of a local option sales tax pursuant to this
1 10 section with the following exceptions:

1 11 1. Notwithstanding section 423B.1, subsection 4, the
1 12 question of the imposition of a local sales and services tax
1 13 shall be submitted to the registered voters of a city or to
1 14 the unincorporated areas of the county upon receipt by the
1 15 county commissioner of elections of a motion requesting such
1 16 submission, adopted by the governing body of a city located
1 17 within the county, or of the county for the unincorporated
1 18 areas of the county. Upon adoption of a motion, the governing
1 19 body of the city, or county for the unincorporated areas,
1 20 shall submit the motion to the county commissioner of
1 21 elections. A motion must be received by the county
1 22 commissioner of elections by February 3, 2009. The county
1 23 commissioner of elections shall keep a file on all the motions
1 24 received and, by February 8, 2009, or as soon as practicable
1 25 thereafter, shall publish notice of the ballot proposition
1 26 concerning the imposition of the local sales and services tax.

1 27 2. Notwithstanding section 423B.1, subsection 5, and
1 28 pursuant to section 39.2, subsection 4, paragraph "a", the
1 29 question of the imposition of a local sales and services tax
1 30 shall be submitted at an election held on March 3, 2009.

1 31 3. Notwithstanding section 423B.1, subsection 5, and
1 32 section 423B.6, subsection 1, paragraph "a", the imposition
1 33 date for a local option sales tax approved at an election held
1 34 pursuant to subsection 2 shall be April 1, 2009.

1 35 4. Notwithstanding section 423B.7, subsection 4, for a



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Senate File 31 - Introduced continued

2 1 local option sales tax imposed pursuant to this section of
2 2 this Act, the three-year period referenced in section 423B.7,
2 3 subsection 4, shall be the three-year period beginning July 1,
2 4 2004, and ending June 30, 2007.

2 5 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
2 6 immediate importance, takes effect upon enactment.

2 7 EXPLANATION

2 8 This bill allows a city or unincorporated area located in a
2 9 county in which the president of the United States declared a
2 10 disaster to exist at any time during 2008 to impose a local
2 11 option sales tax pursuant to Code chapter 423B using an
2 12 expedited procedure. A city or unincorporated area where a
2 13 local option sales tax is already imposed pursuant to Code
2 14 chapter 423B on the effective date of the bill is prohibited
2 15 from using the provisions in this bill. The provisions of
2 16 Code chapter 423B apply to the imposition of a local option
2 17 sales tax under the expedited process with the following
2 18 exceptions:

2 19 1. The bill requires the question of the imposition of a
2 20 local sales and services tax to be submitted to the registered
2 21 voters of a city or to the unincorporated areas of the county
2 22 upon receipt by the county commissioner of elections of a
2 23 motion requesting such submission, adopted by the governing
2 24 body of a city located within the county, or of the county for
2 25 the unincorporated areas of the county. A motion must be
2 26 received by the county commissioner of elections by February
2 27 3, 2009. The bill requires the county commissioner of
2 28 elections, by February 8, 2009, or as soon as practicable
2 29 thereafter, to publish notice of the ballot proposition
2 30 concerning the imposition of the local sales and services tax.
2 31 The expedited process does not allow for the question of the
2 32 imposition of a local sales and services tax to be submitted
2 33 to registered voters pursuant to a petition procedure.

2 34 2. The bill requires the question of the imposition of a
2 35 local sales and services tax to be submitted at an election



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Senate File 31 - Introduced continued

3 1 held on March 3, 2009.

3 2 3. The bill requires the imposition date for a local
3 3 option sales tax to be on April 1, 2009.

3 4 4. The bill, for purposes of a local options sales tax
3 5 imposed under the bill, amends a three-year period used for
3 6 purposes of distribution of tax receipts.

3 7 The bill takes effect upon enactment.

3 8 LSB 1746SV 83

3 9 tm/sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 26, 2009

Senate File 32 - Introduced

SENATE FILE
BY McCOY

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act granting the right-of-way to public transit buses
- 2 reentering the flow of traffic and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1095SS 83
- 5 dea/nh/5



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Senate File 32 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 321.324B YIELD TO PUBLIC TRANSIT
1 2 BUSES.

1 3 1. The operator of a motor vehicle shall yield the
1 4 right-of-way to a bus operated by a public transit system, as
1 5 defined in section 324A.1, traveling in the same direction
1 6 that has signaled and is reentering the flow of traffic.

1 7 2. This section does not relieve the operator of a bus
1 8 from the duty to drive with due regard for the safety of all
1 9 persons using the roadway.

1 10 3. A person convicted of a violation of this section
1 11 commits a simple misdemeanor punishable as a scheduled
1 12 violation under section 805.8A, subsection 7, paragraph "b".

1 13 Sec. 2. Section 321.482A, unnumbered paragraph 1, Code
1 14 2009, is amended to read as follows:

1 15 Notwithstanding section 321.482, a person who is convicted
1 16 of operating a motor vehicle in violation of section 321.275,
1 17 subsection 4, section 321.297, 321.298, 321.299, 321.302,
1 18 321.303, 321.304, 321.305, 321.306, 321.307, 321.308, section
1 19 321.309, subsection 2, or section 321.311, 321.319, 321.320,
1 20 321.321, 321.322, 321.323, 321.323A, 321.324, 321.324A,
1 21 321.324B, 321.327, 321.329, or 321.333 causing serious injury
1 22 to or the death of another person may be subject to the
1 23 following penalties in addition to the penalty provided for a
1 24 scheduled violation in section 805.8A or any other penalty
1 25 provided by law:

1 26 Sec. 3. Section 805.8A, subsection 7, paragraph b, Code
1 27 2009, is amended to read as follows:

1 28 b. For violations under sections 321.298, 321.307,
1 29 321.308, 321.313, 321.319, 321.320, 321.321, 321.324B,
1 30 321.327, 321.329, and 321.333, the scheduled fine is
1 31 thirty-five dollars.

1 32 EXPLANATION

1 33 This bill requires the driver of a motor vehicle to yield
1 34 the right-of-way to a public transit bus traveling in the same
1 35 direction that has given a signal and is reentering the flow



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Senate File 32 - Introduced continued

2 1 of traffic. The requirement applies only for buses operated
2 2 by a regional or urban transit system. The bill specifies
2 3 that the driver of such a bus is not relieved of the
2 4 responsibility to drive with due regard for the safety of all
2 5 persons using the roadway.
2 6 A violation of the requirement to yield to a public transit
2 7 bus is a simple misdemeanor punishable by a scheduled fine of
2 8 \$35. If the violation causes serious injury, the driver may
2 9 be subject to an additional fine of \$500 or driver's license
2 10 suspension for up to 90 days, or both. For a violation
2 11 causing death, the driver may be subject to an additional fine
2 12 of \$1,000 or license suspension for up to 180 days, or both.
2 13 LSB 1095SS 83
2 14 dea/nh/5



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Senate File 33

SENATE FILE
BY McCOY

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the hours of service for regional transit
- 2 system drivers.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1202XS 83
- 5 dea/nh/24



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Senate File 33 continued

PAG LIN

1 1 Section 1. Section 321.449, Code 2009, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 8. Rules adopted under this section, as
1 4 they apply to a regional transit system, as defined in section
1 5 324A.1, and to drivers of passenger-carrying commercial motor
1 6 vehicles operated by a regional transit system, shall provide
1 7 the following:

1 8 a. A driver shall not drive a passenger-carrying
1 9 commercial motor vehicle after having been on duty sixty hours
1 10 in a period of six consecutive days.

1 11 b. A driver shall be off duty for at least one day within
1 12 each period of seven consecutive days.

1 13 c. A driver shall be off duty for at least ten consecutive
1 14 hours following any period when the driver was on duty.

1 15 EXPLANATION

1 16 This bill revises hours of service requirements for drivers
1 17 of passenger-carrying commercial motor vehicles operated by a
1 18 regional transit system. The bill requires the department of
1 19 transportation to adopt rules to limit the on-duty time for
1 20 such drivers to 60 hours within a six-day period. In
1 21 addition, the driver must be off duty for at least one day
1 22 within each seven-day period, and off duty for at least 10
1 23 consecutive hours following any period of on-duty time. The
1 24 proposed rules would augment minimum requirements established
1 25 in administrative rules consistent with federal regulations.

1 26 LSB 1202XS 83

1 27 dea/nh/24



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Senate File 34 - Introduced

SENATE FILE

BY McCOY, BOLKCOM, and DOTZLER

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act relating to the operation of bicycles on a street or
- 2 highway, providing requirements for motor vehicle operators
- 3 encountering other vehicles or bicycles, and providing
- 4 penalties.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TLSB 1600XS 83
- 7 dea/nh/14



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Senate File 34 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.236, subsection 10, Code 2009, is
1 2 amended to read as follows:
1 3 10. Regulating the operation of bicycles and requiring the
1 4 registration and licensing of the same, including the
1 5 requirement of a registration fee. However, the regulations
1 6 shall not conflict with the provisions of section 321.234 and
1 7 shall not prohibit the operation of bicycles on streets or
1 8 highways.

1 9 Sec. 2. NEW SECTION. 321.297A USE OF TRAFFIC LANES BY
1 10 BICYCLES.

1 11 1. A vehicle shall not be operated in a manner depriving a
1 12 bicycle operator of the full use of a lane if the lane is of
1 13 insufficient width for the vehicle and a bicycle to share.

1 14 2. A violation of this section is a simple misdemeanor
1 15 punishable as a scheduled violation under section 805.8A,
1 16 subsection 6, paragraph "b".

1 17 Sec. 3. Section 321.299, Code 2009, is amended to read as
1 18 follows:

1 19 321.299 OVERTAKING A VEHICLE OR BICYCLE.

1 20 The following rules shall govern the overtaking and passing
1 21 of vehicles proceeding in the same direction, subject to those
1 22 limitations, exceptions, and special rules ~~hereinafter stated~~
1 23 otherwise provided in this chapter:

1 24 1. The driver of a vehicle overtaking another vehicle or a
1 25 bicycle proceeding in the same direction shall pass to the
1 26 left ~~thereof~~ of the vehicle or bicycle at a safe distance and
1 27 shall not again drive to the right side of the roadway until
1 28 safely clear of the overtaken vehicle or bicycle.

1 29 2. Except when overtaking and passing on the right is
1 30 permitted, the driver of an overtaken vehicle shall give way
1 31 to the right in favor of the overtaking vehicle and shall not
1 32 increase the speed of the overtaken vehicle until completely
1 33 passed by the overtaking vehicle.

1 34 3. When a vehicle is overtaking and passing another
1 35 vehicle or a bicycle, the operator of the overtaking vehicle



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Senate File 34 - Introduced continued

2 1 shall maintain a distance of not less than five feet from the
2 2 other vehicle or bicycle.

2 3 Sec. 4. Section 321.307, Code 2009, is amended to read as
2 4 follows:

2 5 321.307 FOLLOWING TOO CLOSELY.

2 6 The driver of a motor vehicle shall not follow another
2 7 vehicle or a bicycle more closely than is reasonable and
2 8 prudent, having due regard for the speed of ~~such vehicles~~ the
2 9 vehicle or bicycle and the traffic upon and the condition of
2 10 the highway.

2 11 Sec. 5. Section 321.314, Code 2009, is amended to read as
2 12 follows:

2 13 321.314 WHEN SIGNAL REQUIRED.

2 14 ~~No~~ A person shall not turn a vehicle from a direct course
2 15 upon a highway unless and until such movement can be made with
2 16 reasonable safety and then only after giving ~~a clearly audible~~
2 17 ~~signal by sounding the horn if any pedestrian may be affected~~
2 18 ~~by such movement or after giving~~ an appropriate signal in the
2 19 manner ~~hereinafter~~ provided in this chapter in the event any
2 20 other vehicle may be affected by such movement.

2 21 Sec. 6. Section 321.318, Code 2009, is amended to read as
2 22 follows:

2 23 321.318 METHOD OF GIVING HAND AND ARM SIGNALS.

2 24 1. All signals herein Signals required under this chapter
2 25 which may be given by hand and arm shall when so given be
2 26 given from the left side of the vehicle, and the following
2 27 manner and interpretation thereof is suggested:

- 2 28 ~~1.~~ a. Left turn == Hand and arm extended horizontally.
2 29 ~~2.~~ b. Right turn == Hand and arm extended upward.
2 30 ~~3.~~ c. Stop or decrease of speed == Hand and arm extended
2 31 downward.

2 32 2. A person operating a bicycle may signal a right turn
2 33 with the left hand and arm extended upward or with the right
2 34 hand and arm extended horizontally.

2 35 Sec. 7. Section 321.353, Code 2009, is amended to read as



Iowa General Assembly
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3 1 follows:

3 2 321.353 STOP BEFORE CROSSING SIDEWALK OR RECREATION TRAIL
3 3 == RIGHT-OF-WAY.

3 4 1. The driver of a vehicle emerging from a private
3 5 roadway, alley, driveway, or building shall stop ~~such~~ the
3 6 vehicle immediately prior to driving onto the sidewalk area
3 7 and thereafter the driver shall proceed into the sidewalk area
3 8 only when the driver can do so without danger to pedestrian or
3 9 bicycle traffic, and the driver shall yield the right-of-way
3 10 to any bicycle or vehicular traffic on the street into which
3 11 the driver's vehicle is entering.

3 12 2. Except where a sign posted by state or local
3 13 authorities requires recreation trail users to yield to cross
3 14 traffic, the driver of a vehicle emerging from a private
3 15 roadway, alley, driveway, or building shall stop the vehicle
3 16 immediately prior to driving onto a recreation trail area and
3 17 thereafter the driver shall proceed into the recreation trail
3 18 area only when the driver can do so without danger to
3 19 pedestrian or bicycle traffic. The driver shall yield the
3 20 right-of-way to any bicycle or vehicular traffic on the street
3 21 into which the driver's vehicle is entering.

3 22 ~~2.~~ 3. The driver of a vehicle about to enter or cross a
3 23 highway from a private road or driveway shall stop such
3 24 vehicle immediately prior to driving on ~~said~~ the highway and
3 25 shall yield the right-of-way to all bicycles or vehicles
3 26 approaching on ~~said~~ the highway.

3 27 Sec. 8. NEW SECTION. 321.371A OPENING DOOR OF PARKED
3 28 VEHICLE.

3 29 A person shall not open the door of a vehicle on the side
3 30 available to moving traffic unless it is reasonably safe to do
3 31 so and can be done without interfering with the movement of
3 32 traffic. A person shall not leave the door of a vehicle open
3 33 on the side of the vehicle available to moving traffic for a
3 34 period of time longer than necessary to load or unload
3 35 passengers or cargo.



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Senate File 34 - Introduced continued

4 1 Sec. 9. Section 321.482A, unnumbered paragraph 1, Code
4 2 2009, is amended to read as follows:
4 3 Notwithstanding section 321.482, a person who is convicted
4 4 of operating a motor vehicle in violation of section 321.275,
4 5 subsection 4, section 321.297, 321.297A, 321.298, 321.299,
4 6 321.302, 321.303, 321.304, 321.305, 321.306, 321.307, 321.308,
4 7 section 321.309, subsection 2, or section 321.311, 321.319,
4 8 321.320, 321.321, 321.322, 321.323, 321.323A, 321.324,
4 9 321.324A, 321.327, 321.329, or 321.333, or a person who is
4 10 convicted of a violation of section 321.371A, causing serious
4 11 injury to or the death of another person may be subject to the
4 12 following penalties in addition to the penalty provided for a
4 13 scheduled violation in section 805.8A or any other penalty
4 14 provided by law:

4 15 Sec. 10. Section 805.8A, subsection 6, paragraph b, Code
4 16 2009, is amended to read as follows:

4 17 b. For violations under section 321.275, subsections 1
4 18 through 7, sections 321.277A, 321.297A, 321.315, 321.316,
4 19 321.318, 321.363, and 321.365, the scheduled fine is
4 20 twenty-five dollars.

4 21 Sec. 11. Section 805.8A, subsection 14, is amended by
4 22 adding the following new paragraph:

4 23 NEW PARAGRAPH. j. OPEN DOOR VIOLATIONS. For a violation
4 24 under section 321.371A, the scheduled fine is thirty-five
4 25 dollars.

4 26 EXPLANATION

4 27 This bill contains various provisions relating to the
4 28 operation of bicycles on streets or highways and providing for
4 29 the safety of bicyclists.

4 30 Under current law, local authorities have the power to
4 31 regulate the operation of bicycles on roads within their
4 32 jurisdiction. The bill provides that local regulations shall
4 33 not prohibit the operation of bicycles on streets or highways.

4 34 The bill prohibits a person from operating a vehicle in a
4 35 manner depriving a bicycle operator of the full use of a lane



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Senate File 34 - Introduced continued

5 1 if the lane is of insufficient width for the vehicle and the
5 2 bicycle to share. A violation is a simple misdemeanor
5 3 punishable by a scheduled fine of \$25. If a violation causes
5 4 serious injury or death, additional penalties may apply as
5 5 currently provided for operating violations for failure to
5 6 yield. For a violation causing serious injury, the driver may
5 7 be subject to an additional fine of \$500 or license suspension
5 8 for up to 90 days, or both. For a violation causing death,
5 9 the driver may be subject to an additional fine of \$1,000 or
5 10 license suspension for up to 180 days, or both.

5 11 The bill amends current law governing the passing of
5 12 another vehicle to specify that the law also applies when
5 13 overtaking a bicycle. The driver of a vehicle shall pass to
5 14 the left, at a safe distance, and return to the right side of
5 15 the roadway only when safely clear of the vehicle or bicycle.
5 16 In addition, the bill specifies that the driver of the
5 17 overtaking vehicle must maintain a distance of at least five
5 18 feet from the other vehicle or bicycle. Finally, the driver
5 19 of a motor vehicle is prohibited from following a bicycle more
5 20 closely than is reasonable and prudent, considering the speed
5 21 of the bicycle and traffic and highway conditions. This
5 22 safety requirement currently applies to the driver of a
5 23 vehicle following another vehicle. A violation of these
5 24 provisions is a simple misdemeanor punishable by a scheduled
5 25 fine of \$35. If a violation causes serious injury, the driver
5 26 may be subject to an additional fine of \$500 or driver's
5 27 license suspension for up to 90 days, or both. For a
5 28 violation causing death, the driver may be subject to an
5 29 additional fine of \$1,000 or license suspension for up to 180
5 30 days, or both.

5 31 The bill eliminates a requirement that a motorist sound a
5 32 horn before making a turn that might affect any pedestrian.

5 33 The bill allows a bicyclist to signal a right turn by
5 34 extending the right arm horizontally. Current law applicable
5 35 to both motorists and bicyclists requires all hand signals to



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Senate File 34 - Introduced continued

6 1 be made with the left arm.

6 2 The bill requires the driver of a vehicle crossing into a
6 3 sidewalk or recreation trail area to stop and then proceed
6 4 without endangering either pedestrian or bicycle traffic,
6 5 except when a vehicle is crossing into a recreation trail area
6 6 where official signs are posted requiring the trail users to
6 7 yield. In addition, a vehicle emerging from a private road or
6 8 driveway and entering or crossing a highway must yield the
6 9 right-of-way to both vehicular traffic and bicycle traffic on
6 10 the highway. A violation of these provisions is a simple
6 11 misdemeanor punishable by a scheduled fine of \$35.

6 12 The bill prohibits a person from opening the door of a
6 13 vehicle on the side available to moving traffic unless it is
6 14 reasonably safe and can be done without interfering with
6 15 traffic. The door shall not be open longer than necessary to
6 16 load or unload passengers or cargo. A violation is a simple
6 17 misdemeanor punishable by a scheduled fine of \$35. If a
6 18 violation causes serious injury, the driver may be subject to
6 19 an additional fine of \$500 or driver's license suspension for
6 20 up to 90 days, or both. For a violation causing death, the
6 21 driver may be subject to an additional fine of \$1,000 or
6 22 license suspension for up to 180 days, or both.

6 23 LSB 1600XS 83

6 24 dea/nh/14.1



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Senate File 35 - Introduced

SENATE FILE
BY DANIELSON

(COMPANION TO LSB 1112HH
BY JACOBY)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved

A BILL FOR

- 1 An Act relating to the state and local hotel and motel tax by
- 2 making taxable certain transactions exempt from the sales tax.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1112SS 83
- 5 tw/sc/8



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Senate File 35 - Introduced continued

PAG LIN

1 1 Section 1. Section 423A.5, subsection 1, paragraph c, Code
1 2 2009, is amended by striking the paragraph.

1 3 Sec. 2. Section 423A.5, subsection 2, paragraph c, Code
1 4 2009, is amended by striking the paragraph.

1 5 EXPLANATION

1 6 This bill relates to the state and local hotel and motel
1 7 tax by making taxable certain transactions exempt from the
1 8 sales tax.

1 9 Current law exempts from the state and local hotel and
1 10 motel tax the sales price from transactions also exempt from
1 11 the state sales tax under Code section 423.3. The bill makes
1 12 these transactions subject to the state and local hotel and
1 13 motel tax.

1 14 LSB 1112SS 83

1 15 tw/sc/8



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Senate File 36 - Introduced

SENATE FILE
BY MCKINLEY

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act establishing a value-added assessment system to calculate
2 annually the academic growth of students enrolled in school
3 districts at grade levels three through eleven.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1663XS 83
6 kh/nh/24



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Senate File 36 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 256.24 VALUE=ADDED ASSESSMENT
1 2 SYSTEM.
1 3 1. A value=added assessment system shall be established by
1 4 the department to provide for multivariate longitudinal
1 5 analysis of annual student test scores to determine the
1 6 influence of a school district's educational program on
1 7 student academic growth and to guide school district
1 8 improvement efforts. The department shall select a value=
1 9 added assessment system provider through a request for
1 10 proposals process. The system provider selected by the
1 11 department shall offer a value=added assessment system to
1 12 calculate annually the academic growth of each student
1 13 enrolled in grade levels three through eleven and tested in
1 14 accordance with this section, and shall, at a minimum, meet
1 15 all of the following criteria:
1 16 a. Use a mixed=model statistical analysis that has the
1 17 ability to use all achievement test data for each student,
1 18 including the data for students with missing test scores, that
1 19 does not adjust downward expectations for student progress
1 20 based on race, poverty, or gender, and that will provide the
1 21 best linear unbiased predictions of school or other
1 22 educational entity effects to minimize the impact of
1 23 fortuitous accumulation of random errors.
1 24 b. Have the ability to work with test data from a variety
1 25 of sources, including data that are not vertically scaled, and
1 26 to provide support for school districts utilizing the system.
1 27 c. Have the capacity to receive and report results
1 28 electronically and provide support for districts utilizing the
1 29 system.
1 30 d. Have the ability to create for each school district a
1 31 chart that reports grade=equivalent scores for grades three
1 32 through eight and gains between consecutive pairs of grades
1 33 for each attendance center, and that provides for a district=
1 34 wide study of grade=equivalent scores.
1 35 2. Annually, each school district that administers the



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Senate File 36 - Introduced continued

2 1 Iowa test of basic skills or the Iowa test of educational
2 2 development shall, within thirty days of receiving the test
2 3 scores, submit the test scores for each attendance center
2 4 within the school district and each grade level tested, from
2 5 grades three through eleven, to the system provider selected
2 6 pursuant to subsection 1. School districts may submit
2 7 additional assessment data for analysis and inclusion in
2 8 reports provided to school districts pursuant to subsection 3,
2 9 to the extent that the assessment meets the criteria for valid
2 10 academic progress interpretation specified by the system
2 11 provider.

2 12 3. The system provider shall provide analysis to school
2 13 districts submitting test scores pursuant to subsection 2, and
2 14 to the department of education. The analysis shall include
2 15 but not be limited to attendance-center-level test results for
2 16 the Iowa test of basic skills in the areas of reading and
2 17 mathematics and other core academic areas when possible. The
2 18 analysis shall also include but not be limited to the number
2 19 of students tested, the number of test results used to compute
2 20 the averages, the average standard score, the corresponding
2 21 grade equivalent score, the average stanine score for the
2 22 group, the normal curve equivalent of average standard scores,
2 23 and percentile ranks based on student norms, as well as
2 24 measures of student progress. The system provider shall
2 25 create a chart for each school district in accordance with the
2 26 criteria set forth in subsection 1, paragraphs "a" through
2 27 "d".

2 28 4. Each school district shall have complete access to and
2 29 full utilization of its own value-added assessment reports and
2 30 charts generated by the system provider at the student level
2 31 for the purpose of measuring student achievement at different
2 32 educational entity levels.

2 33 5. Student academic growth determined pursuant to this
2 34 section shall not be used in teacher evaluation and shall not
2 35 be published if individual teacher effects can be surmised.



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Senate File 36 - Introduced continued

3 1 6. Information about student academic growth may be used
3 2 by the school district, including school board members,
3 3 administration, and staff, for defining student and district
3 4 learning goals and professional development related to student
3 5 learning goals across the school district. A school district
3 6 may submit its academic growth measures in the annual report
3 7 submitted pursuant to section 256.7, subsection 21, and may
3 8 reference in the report state level norms for purposes of
3 9 demonstrating school district performance. However, unless a
3 10 school district chooses to submit its academic measures in the
3 11 annual report submitted pursuant to section 256.7, subsection
3 12 21, such measures are not public records for the purposes of
3 13 chapter 22.

3 14 7. The department may use student academic progress data
3 15 to determine school improvement and technical assistance needs
3 16 of school districts, and to identify school districts
3 17 achieving exceptional gains. Beginning January 15, 2010, and
3 18 by January 15 of each succeeding year, the department shall
3 19 submit an annual progress report regarding the use of student
3 20 academic growth information in the school improvement
3 21 processes to the general assembly and shall publish the
3 22 progress report on its internet website.

3 23 8. The department is encouraged to advocate that the
3 24 United States department of education allow reporting of
3 25 student academic progress as an additional valid measure of
3 26 school performance, as an alternative for meeting federal safe
3 27 harbor provisions, and for establishing statewide progress
3 28 under the federal No Child Left Behind Act of 2001, Pub. L.
3 29 No. 107=110, and any federal regulations adopted pursuant to
3 30 the federal Act.

3 31 9. A school district shall use the value-added assessment
3 32 system established by the department pursuant to subsection 1
3 33 not later than the school year ending June 30, 2011. However,
3 34 the director of educational services of an area education
3 35 agency may grant a request made by a board of directors of a



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Senate File 36 - Introduced continued

4 1 school district located within the boundaries of the area
4 2 education agency stating its desire to use an alternative
4 3 system to compute and report value-added scores that is
4 4 statistically valid and reliable.
4 5 Sec. 2. STATE MANDATE FUNDING SPECIFIED. In accordance
4 6 with section 25B.2, subsection 3, the state cost of requiring
4 7 compliance with any state mandate included in this Act shall
4 8 be paid by a school district from state school foundation aid
4 9 received by the school district under section 257.16. This
4 10 specification of the payment of the state cost shall be deemed
4 11 to meet all of the state funding-related requirements of
4 12 section 25B.2, subsection 3, and no additional state funding
4 13 shall be necessary for the full implementation of this Act by
4 14 and enforcement of this Act against all affected school
4 15 districts.

4 16 EXPLANATION

4 17 This bill requires the department of education to establish
4 18 a value-added assessment system to provide for multivariate
4 19 longitudinal analysis of annual student test scores to
4 20 determine the influence of a school district's educational
4 21 program on student academic growth and to guide school
4 22 district improvement efforts. The department of education is
4 23 directed to select a value-added assessment system provider,
4 24 based on criteria set forth in the bill, through a request for
4 25 proposals process. School districts are required to use the
4 26 system not later than the 2010=2011 school year, but may
4 27 request from the district's area education agency
4 28 authorization to use an alternative system.

4 29 Each school district that administers the Iowa test of
4 30 basic skills and the Iowa test of educational development must
4 31 submit the test scores for each attendance center within the
4 32 school district and each grade level tested, from grades three
4 33 through 11, to the system provider within 30 days of receiving
4 34 the test scores. School districts may submit additional
4 35 assessment data for analysis if the data meets the criteria



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5 1 for valid academic progress interpretation specified by the
5 2 system provider.

5 3 The system provider must provide analysis to each school
5 4 district and the department of education, and must also chart
5 5 data, using criteria set forth in the bill, for each school
5 6 district.

5 7 Each school district must have complete access to and full
5 8 utilization of its own value-added assessment reports and
5 9 charts. Student academic growth data shall not be used in
5 10 teacher evaluation and shall not be published if individual
5 11 teacher effects can be surmised.

5 12 School districts may use the data for defining student and
5 13 district learning goals and professional development related
5 14 to student learning goals across the school district.

5 15 However, unless a school district chooses to submit its
5 16 academic measures in the annual report submitted to the
5 17 department and the local community, the measures are not
5 18 public records.

5 19 The department may use the data to determine school
5 20 improvement and technical assistance needs of school districts
5 21 and to identify school districts achieving exceptional gains.

5 22 The department is directed to submit an annual progress report
5 23 regarding the use of student academic growth information in
5 24 the school improvement processes to the house and senate
5 25 education committees and must publish the progress report on
5 26 its internet website.

5 27 The department is encouraged to advocate that the United
5 28 States department of education allow reporting of student
5 29 academic progress for purposes of complying with the federal
5 30 No Child Left Behind Act of 2001.

5 31 The bill may include a state mandate as defined in Code
5 32 section 25B.3. The bill requires that the state cost of any
5 33 state mandate included in the bill be paid by a school
5 34 district from state school foundation aid received by the
5 35 school district under Code section 257.16. The specification



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6 1 is deemed to constitute state compliance with any state
6 2 mandate funding-related requirements of Code section 25B.2.
6 3 The inclusion of this specification is intended to reinstate
6 4 the requirement of political subdivisions to comply with any
6 5 state mandates included in the bill.
6 6 LSB 1663XS 83
6 7 kh/nh/24



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Senate File 37 - Introduced

SENATE FILE
BY MCKINLEY

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act authorizing school districts to pay certain teachers a
- 2 mathematics or science teacher salary supplement.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1657XS 83
- 5 kh/nh/5



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Senate File 37 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 279.68 MATHEMATICS OR SCIENCE
1 2 TEACHER SALARY SUPPLEMENT.
1 3 The board of directors of a school district may pay a
1 4 mathematics or science teacher salary supplement in the amount
1 5 of not more than five thousand dollars annually to a teacher
1 6 licensed under chapter 272 who meets all of the following
1 7 qualifications:
1 8 1. Is employed on a full-time basis under sections 279.13
1 9 through 279.19 by the school district.
1 10 2. Possesses an endorsement issued by the board of
1 11 educational examiners under chapter 272 authorizing the
1 12 teacher to provide instruction at the secondary school level
1 13 in mathematics, biological science, chemistry, earth science,
1 14 general science, physical science, or physics.
1 15 3. Is assigned by the school district to teach two or more
1 16 mathematics or science courses each semester.
1 17 EXPLANATION
1 18 This bill permits a school district to pay a salary
1 19 supplement of not more than \$5,000 annually to a teacher who
1 20 is employed by the school district; holds an endorsement
1 21 issued by the board of educational examiners to teach
1 22 mathematics, biological science, chemistry, earth science,
1 23 general science, physical science, or physics at the secondary
1 24 school level; and is assigned by the school district to teach
1 25 two or more mathematics or science courses each semester.
1 26 LSB 1657XS 83
1 27 kh/nh/5



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Senate File 38 - Introduced

SENATE FILE
BY RAGAN, WARNSTADT, BEALL,
WILHELM, OLIVE, SCHOENJAHN,
HECKROTH, STEWART, and
DOTZLER

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

- 1 An Act relating to transfer procedures for and compensation of
- 2 health care providers not participating in IowaCare.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1776XS 83
- 5 pf/nh/14



Iowa General Assembly
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Senate File 38 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 249J.24A NONPARTICIPATING
1 2 PROVIDER EXPANSION POPULATION PROVIDER NETWORK == TRANSFER
1 3 PROCEDURE == COMPENSATION FUND.
1 4 1. The department shall establish a procedure to transfer
1 5 an expansion population member who seeks medical care or
1 6 treatment for a covered service from a nonparticipating
1 7 provider in the expansion population provider network to a
1 8 participating provider in the expansion population provider
1 9 network, if medically possible. If transfer is not medically
1 10 possible or if the participating provider refuses to accept
1 11 the transfer of the expansion population member, the
1 12 nonparticipating provider shall be compensated for the covered
1 13 service provided through the nonparticipating provider
1 14 expansion population provider network compensation fund in
1 15 accordance with subsection 2.
1 16 2. a. A nonparticipating provider expansion population
1 17 provider network compensation fund is created in the state
1 18 treasury under the authority of the department. Moneys
1 19 designated for deposit in the fund that are received from
1 20 sources including but not limited to appropriations from the
1 21 general fund of the state, grants, and contributions shall be
1 22 deposited in the fund.
1 23 b. Moneys in the fund shall be separate from the general
1 24 fund of the state and shall not be considered part of the
1 25 general fund of the state. The moneys deposited in the fund
1 26 are not subject to section 8.33 and shall not be transferred,
1 27 used, obligated, appropriated, or otherwise encumbered, except
1 28 to provide for the purposes specified in this section.
1 29 Notwithstanding section 12C.7, subsection 2, interest or
1 30 earnings on moneys deposited in the fund shall be credited to
1 31 the fund.
1 32 c. Moneys deposited in the fund shall be used only to
1 33 compensate nonparticipating providers in the expansion
1 34 population provider network pursuant to section 249J.7, who
1 35 provide covered services to expansion population members, if



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2 1 no other third party is liable for reimbursement for the
2 2 services provided.
2 3 d. In order to be compensated through the fund, a health
2 4 care provider shall submit a claim to the department for
2 5 compensation and reimbursement of expenses incurred in
2 6 providing covered services to an expansion population member.
2 7 The department shall adopt rules relating to the format of and
2 8 the information to be included in the claims submitted. A
2 9 claim shall be submitted to the department within forty-five
2 10 days of provision of the covered service.
2 11 e. The department shall attempt to maximize receipt of
2 12 federal matching funds under the medical assistance program
2 13 for covered services provided under this section.
2 14 3. For the purposes of this section, "nonparticipating
2 15 provider" means a hospital licensed pursuant to chapter 135B
2 16 that is not a member of the expansion population provider
2 17 network as specified in section 249J.7.

2 18 EXPLANATION

2 19 This bill directs the department of human services to
2 20 establish a procedure to transfer an IowaCare member who seeks
2 21 medical care or treatment for a covered service from a
2 22 provider who is not participating in the IowaCare provider
2 23 network to an IowaCare provider, if medically possible. If
2 24 transfer is not medically possible or if the participating
2 25 provider refuses to accept the transfer of the expansion
2 26 population member, the nonparticipating provider shall be
2 27 compensated through the fund established for such compensation
2 28 under the bill.

2 29 The bill creates a fund to be used to compensate health
2 30 care providers who are not included in the IowaCare provider
2 31 network and who provide covered services to expansion
2 32 population members that are not reimbursable by any other
2 33 third party. Moneys to be deposited in the fund are moneys
2 34 received from sources including but not limited to
2 35 appropriations from the general fund of the state, grants, and



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Senate File 38 - Introduced continued

3 1 contributions.

3 2 The bill requires that in order to be compensated through
3 3 the fund, a health care provider must submit claims to the
3 4 department of human services. The bill directs the department
3 5 to adopt rules relating to the format of and the information
3 6 to be included in the claims submitted. A claim shall be
3 7 submitted to the department within 45 days of provision of the
3 8 service. The bill directs the department to attempt to
3 9 maximize receipt of federal matching funds under the medical
3 10 assistance program for covered services provided under the
3 11 bill. The bill also defines "nonparticipating provider" for
3 12 the purposes of the bill.

3 13 LSB 1776XS 83

3 14 pf/nh/14



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Senate File 39 - Introduced

SENATE FILE
BY DANIELSON

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for the modification of property divisions made
- 2 pursuant to a dissolution of marriage.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1821SS 83
- 5 pf/nh/24



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Senate File 39 - Introduced continued

PAG LIN

1 1 Section 1. Section 598.21, subsection 7, Code 2009, is
1 2 amended to read as follows:
1 3 7. ~~NOT SUBJECT TO LIMITED MODIFICATION.~~
1 4 a. Property With the exception of the provisions specified
1 5 in paragraph "b", property divisions made under this chapter
1 6 are not subject to modification.
1 7 b. The portion of a property division which constitutes an
1 8 order intended to be a qualified domestic relations order
1 9 affecting pension, profit sharing, or stock bonus plans
1 10 pursuant to the United States Internal Revenue Code is
1 11 modifiable only for the purpose of establishing or maintaining
1 12 the order as a qualified domestic relations order or to revise
1 13 or confirm the order's terms as to effectuate the expressed
1 14 intent of the order.

1 15 EXPLANATION
1 16 This bill allows an exception to the proscription against
1 17 modification of property divisions made under the dissolution
1 18 of marriage and domestic relations chapter. The exception
1 19 provides that the portion of a property division which
1 20 constitutes an order intended to be a qualified domestic
1 21 relations order (QDRO) affecting pension, profit sharing, or
1 22 stock bonus plans is modifiable only for the purpose of
1 23 establishing or maintaining the order as a QDRO or to revise
1 24 or confirm the order's terms as to effectuate the expressed
1 25 intent of the order.
1 26 LSB 1821SS 83
1 27 pf/nh/24



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Senate File 40 - Introduced

SENATE FILE
BY MCKINLEY

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to deer hunting on farm units by nonresidents who
- 2 are active duty military and on leave.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1169XS 83
- 5 av/nh/8



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Senate File 40 - Introduced continued

PAG LIN

1 1 Section 1. Section 483A.24, subsection 6, Code 2009, is
1 2 amended to read as follows:

1 3 6. A license shall not be required of minor pupils of the
1 4 state school for the blind, state school for the deaf, or of
1 5 minor residents of other state institutions under the control
1 6 of an administrator of a division of the department of human
1 7 services. ~~In addition, a~~ A license shall not be required of
1 8 residents of county care facilities or any person who is
1 9 receiving supplementary assistance under chapter 249.

1 10 6A. A person who is on active duty with the armed forces
1 11 of the United States, on authorized leave from a duty station
1 12 located outside of this state, and a resident of the state of
1 13 Iowa shall not be required to have a license to hunt or fish
1 14 in this state. The military person shall carry the person's
1 15 leave papers and a copy of the person's current earnings
1 16 statement showing a deduction for Iowa income taxes while
1 17 hunting or fishing. In lieu of carrying the person's earnings
1 18 statement, the military person may also claim residency if the
1 19 person is registered to vote in this state. If a deer or wild
1 20 turkey is taken, the military person shall immediately contact
1 21 a state conservation officer to obtain an appropriate tag to
1 22 transport the animal. ~~A license shall not be required of~~
~~1 23 residents of county care facilities or any person who is~~
~~1 24 receiving supplementary assistance under chapter 249.~~

1 25 6B. A person who is on active duty with the armed forces
1 26 of the United States, on authorized leave from a duty station
1 27 located outside of this state, and a nonresident, may hunt
1 28 antlered or any sex deer on a farm unit with the written
1 29 permission of the owner or tenant of that farm unit. The
1 30 military person is not required to have a hunting license or a
1 31 deer hunting license in this state and is not required to pay
1 32 the wildlife habitat fee or the fee for the purpose of deer
1 33 herd population management. The military person shall carry
1 34 the person's leave papers and the written permission of the
1 35 owner or tenant to hunt on the farm unit while hunting. If a



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2 1 deer is taken, the military person shall immediately contact a
2 2 state conservation officer to obtain an appropriate tag to
2 3 transport the animal. A person receiving a military
2 4 transportation tag pursuant to this subsection shall be
2 5 limited to one such military transportation tag annually. For
2 6 purposes of this subsection, "farm unit", "owner", and
2 7 "tenant" mean the same as defined in subsection 2.

2 8 EXPLANATION

2 9 This bill amends Code section 483A.24 to provide that a
2 10 nonresident who is on active duty with the armed forces of the
2 11 United States is not required to have a hunting license or a
2 12 deer hunting license to hunt antlered or any sex deer on a
2 13 farm unit with the written permission of the owner or tenant
2 14 of that farm unit. The military person is also not required
2 15 to pay the wildlife habitat fee or the deer herd population
2 16 management fee.

2 17 If a deer is taken, the military person is required to
2 18 contact a state conservation officer to obtain an appropriate
2 19 tag to transport the animal. A person who receives such a
2 20 military transportation tag pursuant to the new provision is
2 21 limited to one such transportation tag annually.

2 22 LSB 1169XS 83

2 23 av/nh/8



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Senate File 41 - Introduced

SENATE FILE
BY MCKINLEY

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

- 1 An Act allowing the use of a dog to retrieve a wounded deer and
- 2 providing a penalty.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1213XS 83
- 5 av/nh/14



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Senate File 41 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 481A.56A RETRIEVAL OF WOUNDED
1 2 DEER BY DOGS.
1 3 A person having a valid hunting license and a valid deer
1 4 hunting license who has wounded a deer while hunting may use a
1 5 dog to locate and retrieve the wounded animal. The hunter or
1 6 any person in the company of the hunter shall not possess a
1 7 firearm or bow while using a dog in this manner and shall have
1 8 control of the dog either by leash or voice command at all
1 9 times during the search. The commission shall adopt rules
1 10 pursuant to chapter 17A to implement this section.

1 11 Sec. 2. Section 805.8B, subsection 3, paragraph c, Code
1 12 2009, is amended to read as follows:

1 13 c. For violations of sections 481A.6, 481A.21, 481A.22,
1 14 481A.26, 481A.50, 481A.56, 481A.56A, 481A.60 through 481A.62,
1 15 481A.83, 481A.84, 481A.92, 481A.123, 481A.145, subsection 3,
1 16 sections 482.7, 483A.7, 483A.8, 483A.23, and 483A.24, the
1 17 scheduled fine is twenty-five dollars.

1 18 EXPLANATION

1 19 This bill creates new Code section 481A.56A to allow a
1 20 hunter with a valid hunting license and deer hunting license
1 21 who wounds a deer while hunting to use a dog to locate and
1 22 retrieve the wounded animal. The hunter or any person in the
1 23 company of the hunter shall not possess a firearm or bow while
1 24 using a dog in this manner and shall have control of the dog
1 25 by leash or voice command at all times during the search. The
1 26 natural resource commission shall adopt rules pursuant to Code
1 27 chapter 17A to implement this provision.

1 28 A violation of the new provision is punishable by a
1 29 scheduled fine of \$25.

1 30 LSB 1213XS 83

1 31 av/nh/14



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Senate File 42

SENATE FILE
BY McKINLEY and NOBLE

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved

A BILL FOR

- 1 An Act modifying the criminal offense of indecent exposure, and
- 2 providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1108SS 83
- 5 jm/rj/5



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Senate File 42 continued

PAG LIN

1 1 Section 1. Section 709.9, Code 2009, is amended by
1 2 striking the section and inserting in lieu thereof the
1 3 following:

1 4 709.9 INDECENT EXPOSURE.

1 5 1. A person commits indecent exposure if, for the purpose
1 6 of arousing or gratifying the sexual desires of the person or
1 7 any other person other than the person's spouse, the person
1 8 exposes the genitals or pubes of the person under
1 9 circumstances in which the person knows the conduct is likely
1 10 to cause affront or alarm.

1 11 2. A person commits indecent exposure if, for the purpose
1 12 of arousing or gratifying the sexual desires of the person or
1 13 any other person, the person commits a sex act in the presence
1 14 or view of a third person, under circumstances in which the
1 15 person knows the conduct is likely to cause affront or alarm.

1 16 3. A person who commits indecent exposure is guilty of a
1 17 serious misdemeanor.

1 18 EXPLANATION

1 19 This bill makes changes to the criminal offense of indecent
1 20 exposure.

1 21 Under the bill, a person commits indecent exposure if the
1 22 person exposes the genitals or pubes of the person for the
1 23 purpose of satisfying or gratifying the sexual desires of the
1 24 person or any other person other than the person's spouse,
1 25 under circumstances in which the person knows the conduct is
1 26 likely to cause affront or alarm. Current law provides that
1 27 the indecent exposure of a person be directed to another
1 28 person for the purpose of sexual arousal or gratification and
1 29 that the person knows or reasonably should know that the act
1 30 is offensive to the viewer.

1 31 Under the bill, a person also commits indecent exposure if
1 32 the person commits a sex act, as defined in Code section
1 33 702.17, in the presence or view of a third person for the
1 34 purpose of satisfying or gratifying the sexual desires of the
1 35 person or any other person under circumstances in which the



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2 1 person knows the conduct is likely to cause affront or alarm.
2 2 Current law provides that a person commits indecent exposure
2 3 if the person commits a sex act in the presence or view of a
2 4 third person for the purpose of satisfying or gratifying the
2 5 sexual desires of either party and the person knows or
2 6 reasonably should know that the act is offensive to the
2 7 viewer.

2 8 Under the bill and in current law, a person who commits
2 9 indecent exposure is guilty of a serious misdemeanor. In
2 10 addition, under the bill and in current law, a person who
2 11 commits indecent exposure is subject to a special sentence
2 12 pursuant to Code section 903B.2, and is also required to
2 13 register as a sex offender.

2 14 LSB 1108SS 83

2 15 jm/rj/5



Iowa General Assembly
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Senate File 43 - Introduced

SENATE FILE
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SF 30)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved

A BILL FOR

1 An Act relating to the abatement or refund of property taxes for
2 certain religious, literary, and charitable societies and
3 including effective and retroactive applicability date
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 1515SV 83
7 md/sc/8



Iowa General Assembly
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Senate File 43 - Introduced continued

PAG LIN

1 1 Section 1. ABATEMENT OR REFUND OF PROPERTY TAXES.
1 2 Notwithstanding the requirement for the filing of a claim for
1 3 property tax exemption by February 1, as provided in section
1 4 427.1, subsection 14, the board of supervisors of a county
1 5 having a population of more than twenty-one thousand but not
1 6 more than twenty-one thousand three hundred, based upon the
1 7 latest federal decennial census, shall abate or refund the
1 8 property taxes owed, with all interest, fees, and costs that
1 9 were due and payable during the fiscal years beginning July 1,
1 10 2007, and July 1, 2008, on the land and buildings of a
1 11 religious, literary, or charitable society that acquired the
1 12 property by gift or purchase and that did not receive a
1 13 property tax exemption due to the inability or failure to file
1 14 for the exemption. To receive the abatement or refund
1 15 provided for in this section, the religious, literary, or
1 16 charitable society shall apply to the county board of
1 17 supervisors by August 1, 2009, and provide appropriate
1 18 information establishing that the lands and buildings for
1 19 which the abatement or refund is sought were used by the
1 20 society for its appropriate objects during the fiscal years
1 21 beginning July 1, 2007, and July 1, 2008. The abatement or
1 22 refund allowed under this section only applies to property
1 23 taxes, with all interest, fees, and costs, due and payable in
1 24 the fiscal years beginning July 1, 2007, and July 1, 2008.
1 25 Upon the filing and allowance of the claim for abatement or
1 26 refund under this section, the claim for exemption shall be
1 27 allowed on the property for successive years without further
1 28 filing as long as the property continues to qualify for the
1 29 exemption.

1 30 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
1 31 immediate importance, takes effect upon enactment and applies
1 32 retroactively to property taxes due and payable in the fiscal
1 33 years beginning July 1, 2007, and July 1, 2008.

1 34 EXPLANATION

1 35 This bill requires the board of supervisors of a county



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Senate File 43 - Introduced continued

2 1 having a population of more than 21,000 but not more than
2 2 21,300 to abate or refund the property taxes owed, with all
2 3 interest, fees, and costs, which were due and payable during
2 4 the fiscal years beginning July 1, 2007, and July 1, 2008, on
2 5 the land and buildings of a religious, literary, or charitable
2 6 society that acquired the property by gift or purchase and
2 7 that did not receive a property tax exemption due to the
2 8 inability or failure to file for the exemption in a timely
2 9 manner. The bill requires the religious, literary, or
2 10 charitable society to apply to the county board of supervisors
2 11 by August 1, 2009, to receive the abatement or refund. The
2 12 abatement or refund allowed under the bill only applies to
2 13 property taxes, with all interest, fees, and costs, due and
2 14 payable in the fiscal years beginning July 1, 2007, and July
2 15 1, 2008. The bill provides that if an abatement or refund is
2 16 allowed under the bill the exemption shall be allowed on the
2 17 property for successive years without further filing as long
2 18 as the property continues to qualify for the exemption.
2 19 The bill takes effect upon enactment and applies
2 20 retroactively to property taxes due and payable in the fiscal
2 21 years beginning July 1, 2007, and July 1, 2008.
2 22 LSB 1515SV 83
2 23 md/sc/8



Iowa General Assembly
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Senate Study Bill 1091

SENATE FILE
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON RAGAN)

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act establishing a shaken baby syndrome prevention program in
- 2 the department of public health.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1715XC 83
- 5 jp/nh/14



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1 1 Section 1. NEW SECTION. 135.119 SHAKEN BABY SYNDROME
1 2 PREVENTION PROGRAM.
1 3 1. For the purposes of this section:
1 4 a. "Birth center" and "birthing hospital" mean the same as
1 5 defined in section 135.131.
1 6 b. "Child care provider" means the same as a child care
1 7 facility, as defined in section 237A.1, that is providing
1 8 child care to a child who is newborn through age three.
1 9 c. "Family support program" means a program offering
1 10 instruction and support for families in which home visitation
1 11 is the primary service delivery mechanism.
1 12 d. "Parent" means the same as "custodian", "guardian", or
1 13 "parent", as defined in section 232.2, of a child who is
1 14 newborn through age three.
1 15 e. "Person responsible for the care of a child" means the
1 16 same as defined in section 232.68, except that it is limited
1 17 to persons responsible for the care of a child who is newborn
1 18 through age three.
1 19 f. "Shaken baby syndrome" means the collection of signs
1 20 and symptoms resulting from the vigorous shaking of a child
1 21 who is three years of age or younger. Shaken baby syndrome
1 22 may result in bleeding inside the child's head and may cause
1 23 one or more of the following conditions: irreversible brain
1 24 damage; blindness, retinal hemorrhage, or eye damage; cerebral
1 25 palsy; hearing loss; spinal cord injury, including paralysis;
1 26 seizures; learning disability; central nervous system injury;
1 27 closed head injury; rib fracture; subdural hematoma; or death.
1 28 Shaken baby syndrome also includes the symptoms included in
1 29 the diagnosis code for shaken infant syndrome utilized by Iowa
1 30 hospitals.
1 31 2. a. The department shall establish a statewide shaken
1 32 baby syndrome prevention program to educate parents and
1 33 persons responsible for the care of a child about the dangers
1 34 to children three years of age or younger caused by shaken
1 35 baby syndrome and to provide alternate techniques for venting



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2 1 anger and frustration. The program plan shall allow for
2 2 voluntary participation by parents and persons responsible for
2 3 the care of a child.

2 4 b. The program plan shall describe strategies for
2 5 preventing shaken baby syndrome by providing education and
2 6 support to parents and persons responsible for the care of a
2 7 child and shall identify multimedia resources, written
2 8 materials, and other resources that can assist in providing
2 9 the education and support.

2 10 c. The department shall consult with experts with
2 11 experience in child abuse prevention, child health, and parent
2 12 education in developing the program plan.

2 13 d. The program plan shall incorporate a multiyear,
2 14 collaborative approach for implementation of the plan. The
2 15 plan shall address how to involve those who regularly work
2 16 with parents and persons responsible for the care of a child,
2 17 including but not limited to child abuse prevention programs,
2 18 child care resource and referral programs, child care
2 19 providers, family support programs, programs receiving funding
2 20 through the community empowerment initiative, public and
2 21 private schools, health care providers, local health
2 22 departments, birth centers, and birthing hospitals.

2 23 e. The program plan shall identify the methodology to be
2 24 used for improving the tracking of shaken baby syndrome
2 25 incidents and for evaluating the effectiveness of the plan's
2 26 education and support efforts.

2 27 f. The program plan shall describe how program results
2 28 will be reported.

2 29 g. The program plan may provide for implementation of the
2 30 program through a contract with a private agency or
2 31 organization experienced in furnishing the services set forth
2 32 in the program plan.

2 33 3. The department shall implement the program plan to the
2 34 extent of the amount appropriated or made available for the
2 35 program for a fiscal year.



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3 1 EXPLANATION
3 2 This bill establishes a shaken baby syndrome prevention
3 3 program in the department of public health in new Code section
3 4 135.119.
3 5 Terms are defined in the bill, largely based on existing
3 6 Code definitions.
3 7 "Birth center" means the same as defined in Code section
3 8 135.131: a facility or institution, which is not an
3 9 ambulatory surgical center or a hospital or in a hospital, in
3 10 which births are planned to occur following a normal,
3 11 uncomplicated, low-risk pregnancy. "Birthing hospital" means
3 12 the same as defined in Code section 135.131: a licensed
3 13 private or public hospital that has a licensed obstetric unit
3 14 or is licensed to provide obstetric services. "Child care
3 15 provider" means the same as "child care facility", as defined
3 16 in Code section 237A.1: a licensed child care center,
3 17 preschool, or a registered child development home, that is
3 18 providing care to children who are newborn through age three.
3 19 "Family support program" means a program offering instruction
3 20 and support for families in which home visitation is the
3 21 primary service delivery mechanism.
3 22 "Parent" means the same as "parent", "guardian", or
3 23 "custodian", as defined in Code section 232.2, of a child who
3 24 is newborn through age three. Under Code section 232.2,
3 25 "custodian" means a stepparent or a relative within the fourth
3 26 degree of consanguinity to a child who has assumed
3 27 responsibility for that child, a person who has accepted a
3 28 release of custody, or a person appointed by a court or
3 29 juvenile court having jurisdiction over a child; "guardian"
3 30 means a person who is not the parent of a child, but who has
3 31 been appointed by a court or juvenile court having
3 32 jurisdiction over the child, to have a permanent
3 33 self-sustaining relationship with the child and to make
3 34 important decisions which have a permanent effect on the life
3 35 and development of that child and to promote the general



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4 1 welfare of that child; and "parent" means a biological or
4 2 adoptive mother or father of a child but does not include a
4 3 mother or father whose parental rights have been terminated.
4 4 "Person responsible for the care of a child" means the same
4 5 as defined in Code section 232.68, except that it is limited
4 6 to persons caring for a child who is newborn through age
4 7 three. Under Code section 232.68, the term means a parent,
4 8 guardian, or foster parent; a relative or any other person
4 9 with whom the child resides and who assumes care or
4 10 supervision of the child, without reference to the length of
4 11 time or continuity of such residence; an employee or agent of
4 12 any public or private facility providing care for a child,
4 13 including an institution, hospital, health care facility,
4 14 group home, mental health center, residential treatment
4 15 center, shelter care facility, detention center, or child care
4 16 facility; and any person providing care for a child, but with
4 17 whom the child does not reside, without reference to the
4 18 duration of the care.

4 19 "Shaken baby syndrome" means the collection of signs and
4 20 symptoms resulting from the vigorous shaking of a child who is
4 21 age three or younger that may result in bleeding inside the
4 22 head and may result in any of a number of conditions listed in
4 23 the bill.

4 24 The department is required to establish a statewide shaken
4 25 baby syndrome prevention program directed to parents and
4 26 persons responsible for the care of a child, as these terms
4 27 are defined in the bill. The bill specifies various elements
4 28 to be included in a program plan to be developed by the
4 29 department.

4 30 The department is required to consult with various experts
4 31 in developing the program plan. The program plan is required
4 32 to incorporate a multiyear, collaborative approach and address
4 33 how to involve various programs, health services providers,
4 34 and agencies that work with the target population.

4 35 The program plan is also required to identify the



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5 1 methodology for improving the tracking of shaken baby syndrome
5 2 incidents and evaluating program results and to describe how
5 3 program results will be reported.

5 4 The program plan may provide for implementation of the
5 5 program through a contract with a private agency or
5 6 organization experienced in furnishing the services set forth
5 7 in the program plan.

5 8 The department's implementation of the program plan is
5 9 limited to the extent of the amount appropriated or made
5 10 available for the program for a fiscal year.

5 11 LSB 1715XC 83

5 12 jp/nh/14



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Senate Study Bill 1092

SENATE FILE
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL
BY CHAIRPERSON RAGAN)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

1 An Act to allow medical or osteopathic physicians, physician
2 assistants, and nurse practitioners to form limited liability
3 companies or professional corporations.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TL5B 1781SC 83
6 jr/nh/8



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1 1 Section 1. Section 490A.1501, subsection 4, Code 2009, is
1 2 amended to read as follows:

1 3 4. "Profession" means the profession of certified public
1 4 accountancy, architecture, chiropractic, dentistry, physical
1 5 therapy, practice as a physician assistant, psychology,
1 6 professional engineering, land surveying, landscape
1 7 architecture, law, medicine and surgery, optometry,
1 8 osteopathic medicine and surgery, accounting practitioner,
1 9 podiatry, real estate brokerage, speech pathology, audiology,
1 10 veterinary medicine, pharmacy, practice as a nurse
1 11 practitioner, nursing, and marriage and family therapy,
1 12 provided that the marriage and family therapist is licensed
1 13 under chapters 147 and 154D.

1 14 Sec. 2. Section 490A.1502, Code 2009, is amended to read
1 15 as follows:

1 16 490A.1502 PURPOSES AND POWERS.

1 17 1. A professional limited liability company shall be
1 18 organized only for the purpose of engaging in the practice of
1 19 one specific profession, or two or more specific professions
1 20 which could lawfully be practiced in combination by a licensed
1 21 individual or a partnership of licensed individuals, and for
1 22 the additional purpose of doing all lawful things which may be
1 23 incidental to or necessary or convenient in connection with
1 24 the practice of the profession or professions. The articles
1 25 of organization of a professional limited liability company
1 26 shall state in substance that the purposes for which the
1 27 professional limited liability company is organized are to
1 28 engage in the general practice of a specified profession or
1 29 professions, or one or more specified branches or divisions
1 30 thereof, and to do all lawful things which may be incidental
1 31 to or necessary or convenient in connection with the practice
1 32 of the profession or professions.

1 33 2. For purposes of this section, medicine and surgery,
1 34 osteopathic medicine and surgery, practice as a physician
1 35 assistant, and practice as a nurse practitioner shall be



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2 1 deemed to be professions which could lawfully be practiced in
2 2 combination by licensed individuals or a partnership of
2 3 licensed individuals.

2 4 Sec. 3. Section 490A.1505, Code 2009, is amended to read
2 5 as follows:

2 6 490A.1505 PRACTICE BY PROFESSIONAL LIMITED LIABILITY
2 7 COMPANY.

2 8 1. Notwithstanding any other statute or rule of law, a
2 9 professional limited liability company may practice a
2 10 profession, but may do so in this state only through members,
2 11 managers, employees, and agents who are licensed to practice
2 12 the same profession in this state. In its practice of a
2 13 profession, no professional limited liability company shall do
2 14 any act which could not lawfully be done by individuals
2 15 licensed to practice the profession which the professional
2 16 limited liability company is authorized to practice.

2 17 2. This section shall not prohibit persons practicing
2 18 medicine and surgery, persons practicing osteopathic medicine
2 19 and surgery, persons practicing as physician assistants, or
2 20 persons practicing as nurse practitioners, from practicing
2 21 their respective professions in lawful combination pursuant to
2 22 section 490A.1502.

2 23 Sec. 4. Section 490A.1514, Code 2009, is amended to read
2 24 as follows:

2 25 490A.1514 MANAGEMENT.

2 26 All managers of a professional limited liability company
2 27 shall at all times be individuals who are licensed to practice
2 28 a profession in this state, or a lawful combination of
2 29 professions pursuant to section 490A.1502, which the limited
2 30 liability company is authorized to practice. A person who is
2 31 not licensed shall have no authority or duties in the
2 32 management or control of the limited liability company. If a
2 33 manager ceases to have this qualification, the manager shall
2 34 immediately and automatically cease to hold such management
2 35 position.



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3 1 Sec. 5. Section 496C.2, subsection 4, Code 2009, is
3 2 amended to read as follows:

3 3 4. "Profession" means the profession of certified public
3 4 accountancy, architecture, chiropractic, dentistry, physical
3 5 therapy, practice as a physician assistant, psychology,
3 6 professional engineering, land surveying, landscape
3 7 architecture, law, medicine and surgery, optometry,
3 8 osteopathic medicine and surgery, accounting practitioner,
3 9 podiatry, real estate brokerage, speech pathology, audiology,
3 10 veterinary medicine, pharmacy, practice as a nurse
3 11 practitioner, and the practice of nursing.

3 12 Sec. 6. Section 496C.4, Code 2009, is amended to read as
3 13 follows:

3 14 496C.4 PURPOSES AND POWERS.

3 15 1. A professional corporation shall be organized only for
3 16 the purpose of engaging in the practice of one specific
3 17 profession, or two or more specific professions which could
3 18 lawfully be practiced in combination by a licensed individual
3 19 or a partnership of licensed individuals, and for the
3 20 additional purpose of doing all lawful things which may be
3 21 incidental to or necessary or convenient in connection with
3 22 the practice of the profession or professions. The articles
3 23 of incorporation shall state in substance that the purposes
3 24 for which the corporation is organized are to engage in the
3 25 general practice of a specified profession or professions, or
3 26 one or more specified branches or divisions thereof, and to do
3 27 all lawful things which may be incidental to or necessary or
3 28 convenient in connection with the practice of the profession
3 29 or professions. Each professional corporation, unless
3 30 otherwise provided in its articles of incorporation or unless
3 31 expressly prohibited by this chapter, shall have all powers
3 32 granted to corporations by the Iowa business corporation Act,
3 33 chapter 490.

3 34 2. For purposes of this section, medicine and surgery,
3 35 osteopathic medicine and surgery, practice as a physician



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Senate Study Bill 1092 continued

4 1 assistant, and practice as a nurse practitioner shall be
4 2 deemed to be professions which could lawfully be practiced in
4 3 combination by licensed individuals or a partnership of
4 4 licensed individuals.

4 5 Sec. 7. Section 496C.7, Code 2009, is amended to read as
4 6 follows:

4 7 496C.7 PRACTICE BY PROFESSIONAL CORPORATION.

4 8 1. Notwithstanding any other statute or rule of law, a
4 9 professional corporation may practice a profession, but may do
4 10 so in this state only through shareholders, directors,
4 11 officers, employees, and agents who are licensed to practice
4 12 the same profession in this state.

4 13 2. In its practice of a profession, no professional
4 14 corporation shall do any act which could not lawfully be done
4 15 by individuals licensed to practice the profession which the
4 16 professional corporation is authorized to practice.

4 17 3. This section shall not prohibit persons practicing
4 18 medicine and surgery, persons practicing osteopathic medicine
4 19 and surgery, persons practicing as physician assistants, or
4 20 persons practicing as nurse practitioners, from practicing
4 21 their respective professions in lawful combination pursuant to
4 22 section 496C.4.

4 23 Sec. 8. Section 496C.16, Code 2009, is amended to read as
4 24 follows:

4 25 496C.16 MANAGEMENT.

4 26 All directors of a professional corporation and all
4 27 officers of a professional corporation, except assistant
4 28 officers, shall at all times be individuals who are licensed
4 29 to practice in this state a profession, or a lawful
4 30 combination of professions pursuant to section 496C.4, which
4 31 the corporation is authorized to practice. However, upon the
4 32 occurrence of any event that requires the corporation either
4 33 to be dissolved or to elect to adopt the provisions of the
4 34 Iowa business corporation Act, chapter 490, as provided in
4 35 section 496C.19, provided the corporation ceases to practice



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5 1 the profession that the corporation is authorized to practice,
5 2 as provided in section 496C.19, then individuals who are not
5 3 licensed to practice in this state a profession that the
5 4 corporation is authorized to practice may be appointed as
5 5 officers and directors for the sole purpose of carrying out
5 6 the dissolution of the corporation or, if applicable, the
5 7 voluntary election of the corporation to adopt the provisions
5 8 of the Iowa business corporation Act, as provided in section
5 9 496C.19.

5 10 EXPLANATION

5 11 This bill allows physician assistants and nurse
5 12 practitioners to form professional corporations and
5 13 professional limited liability companies. The bill also
5 14 provides that persons who are licensed to practice medicine
5 15 and surgery, physician assistants, and nurse practitioners may
5 16 jointly form professional corporations and professional
5 17 limited liability companies.

5 18 LSB 1781SC 83

5 19 jr/nh/8



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Senate Study Bill 1093

SENATE/HOUSE FILE
 BY (PROPOSED DEPARTMENT OF
 PUBLIC HEALTH BILL)

Passed Senate, Date _____
 Vote: Ayes _____ Nays _____
 Approved

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the administration of programs under the
 2 jurisdiction of the department of public health and increasing
 3 a penalty.
 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 5 TL5B 1149DP 83
 6 jr/nh/8



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1 1 Section 1. Section 144.39, Code 2009, is amended to read
1 2 as follows:
1 3 144.39 CHANGE OF NAME.
1 4 Upon receipt of a certified copy of a court order from a
1 5 court of competent jurisdiction or certificate of the clerk of
1 6 court pursuant to chapter 674 changing the name of a person
1 7 born in this state ~~and upon request of the person or the~~
~~1 8 person's parent, guardian, or legal representative, the state~~
1 9 registrar shall amend the certificate of birth to reflect the
1 10 new name. A fee established by the department by rule based
1 11 on average administrative cost shall be collected ~~for each~~
~~1 12 amended to amend the certificate of birth to reflect a new~~
1 13 name. Fees collected under this section shall be deposited in
1 14 the general fund of the state.
1 15 Sec. 2. Section 149.7, Code 2009, is amended to read as
1 16 follows:
1 17 149.7 TEMPORARY CERTIFICATE LICENSE.
1 18 1. The board may issue a temporary certificate license
1 19 authorizing the licensee ~~named in the certificate~~ to practice
1 20 podiatry if, in the opinion of the board, a need exists and
1 21 the person possesses the qualifications prescribed by the
1 22 board for the certificate temporary license, which shall be
1 23 substantially equivalent to those required for ~~regular~~
1 24 permanent licensure under this chapter. The board shall
1 25 determine in each instance the applicant's eligibility for the
1 26 certificate temporary license, whether or not an examination
1 27 shall be given, and the type of examination. The requirements
1 28 of the law pertaining to ~~regular~~ permanent licensure shall not
1 29 be mandatory for ~~this~~ temporary certificate licensure except
1 30 as specifically designated by the board. The granting of a
1 31 temporary certificate license does not in any way indicate
1 32 that the person licensed is necessarily eligible for ~~regular~~
1 33 permanent licensure, and the board is not obligated to issue a
1 34 permanent license to the person.
1 35 2. ~~The temporary certificate shall be issued for one year~~



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~~2 1 and may be renewed, but a person shall not be entitled to~~
~~2 2 practice podiatry in excess of three years while holding a~~
~~2 3 temporary certificate. The board shall determine the duration~~
~~2 4 of time a person is qualified to practice podiatry while~~
~~2 5 holding a temporary license. The fee for this certificate~~
~~2 6 license shall be set by the board, and if extended beyond one~~
~~2 7 year, a renewal fee per year shall be set by the board. The~~
~~2 8 fees shall be based on the administrative costs of issuing and~~
~~2 9 renewing the certificates temporary licenses.~~

2 10 Sec. 3. Section 158.1, subsection 1, paragraph d, Code
2 11 2009, is amended to read as follows:

2 12 d. Applying cosmetic preparations, antiseptics, powders,
2 13 oils, clays, waxes, or lotions to scalp, face, or neck.

2 14 Sec. 4. Section 158.3, subsection 3, Code 2009, is amended
2 15 by striking the subsection.

2 16 Sec. 5. Section 158.7, Code 2009, is amended to read as
2 17 follows:

2 18 158.7 LICENSING BARBER SCHOOLS.

2 19 1. It is unlawful for a barber school to operate unless
2 20 the owner has obtained a license issued by the department.
2 21 The owner shall file a verified application with the
2 22 department on forms prescribed by the board.

2 23 2. Any person employed as a barbering instructor in a
2 24 licensed barber school shall be a licensed barber and shall
2 25 possess a separate instructor's license which shall be renewed
2 26 ~~annually~~ biennially. An instructor shall file an application
2 27 with the department on forms prescribed by the board.

2 28 3. The barber school must pass a sanitary inspection, and
2 29 the course of study of the school must be approved by the
2 30 board under the provisions of section 158.8.

2 31 4. An annual inspection of each barber school, including
2 32 the educational activities of each school, shall be conducted
2 33 and completed by the board prior to renewal of the license.

2 34 5. The application shall be accompanied by the annual
2 35 license fee determined under the provisions of section 147.80



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3 1 and shall state the name and location of the school, name of
3 2 the owner, name of the manager, and such other additional
3 3 information as the board may require. The license is valid for
3 4 one year and may be renewed.

3 5 6. A license for a barber school shall not be issued for
3 6 any space in any location where the same space is licensed as
3 7 a school of cosmetology.

3 8 Sec. 6. Section 158.8, Code 2009, is amended to read as
3 9 follows:

3 10 158.8 COURSE OF STUDY.

3 11 1. The course of study of a barber school shall consist of
3 12 at least two thousand one hundred hours of instruction as
3 13 prescribed by the board and shall include instruction in all
3 14 phases of the practice of barbering as defined in section
3 15 158.1, subsection 1. The course shall require at least ten
3 16 months of instruction for completion. The course shall
3 17 include not less than three hundred hours of demonstrations
3 18 and lectures in the following areas: ~~Law~~ law; ethics;
3 19 equipment; shop management; history of barbering; sanitation;
3 20 sterilization; personal hygiene; first aid; bacteriology;
3 21 anatomy; scalp, skin, hair and their common disorders;
3 22 electricity as applied to barbering; chemistry and
3 23 pharmacology; scalp care; hair body processing; hairpieces;
3 24 honing and stropping; shaving; facials, massage and packs;
3 25 haircutting; hair tonics; dyeing and bleaching; instruments;
3 26 soaps; and shampoos, creams, lotions, waxes, and tonics. It
3 27 shall include not less than one thousand four hundred hours of
3 28 supervised practical instruction in the following areas: ~~Scalp~~
3 29 scalp care and shampooing, honing and stropping, shaving,
3 30 haircutting, hairstyling and blow waving, dyeing and
3 31 bleaching, hair body processing, facials, waxing, massage and
3 32 packs, beard and mustache trimming, and hairpieces.

3 33 2. A person licensed under section 157.3 who enrolls in a
3 34 barber school shall be granted full credit for each course
3 35 successfully completed which meets the requirements of the



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4 1 barber school, which shall be credited toward the two thousand
4 2 one hundred hour requirement, and the ten-month period does
4 3 not apply. A person who has been a student in a school of
4 4 cosmetology arts and sciences licensed under chapter 157 may
4 5 enroll in a barber school and shall be granted, at the
4 6 discretion of the school, at least half credit and up to full
4 7 credit for each course successfully completed which meets the
4 8 requirements of the barber school.

4 9 Sec. 7. Section 158.16, Code 2009, is amended to read as
4 10 follows:

4 11 158.16 PENALTY.

4 12 A person convicted of violating any of the provisions of
4 13 this chapter shall be fined not to exceed one ~~hundred~~ thousand
4 14 dollars.

4 15 Sec. 8. Section 691.6C, Code 2009, is amended to read as
4 16 follows:

4 17 691.6C STATE MEDICAL EXAMINER ADVISORY COUNCIL.

4 18 A state medical examiner advisory council is established to
4 19 advise and consult with the state medical examiner on a range
4 20 of issues affecting the organization and functions of the
4 21 office of the state medical examiner and the effectiveness of
4 22 the medical examiner system in the state. Membership of the
4 23 state medical examiner advisory council shall be determined by
4 24 the state medical examiner, in consultation with the director
4 25 of public health, and shall include, but not necessarily be
4 26 limited to, representatives from the office of the attorney
4 27 general, the Iowa county attorneys association, the Iowa
4 28 medical society, the Iowa association of pathologists, the
4 29 Iowa association of county medical examiners, the departments
4 30 of public safety and public health, the statewide emergency
4 31 medical system, and the Iowa funeral directors association.

4 32 The advisory council shall meet ~~on a quarterly or more~~
4 33 ~~frequent basis~~ on a regular basis, and shall be organized and
4 34 function as established by the state medical examiner by rule.

4 35 Sec. 9. Sections 135.30, 148B.8, 155.7, 155.17, and



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5 1 155.18, Code 2009, are repealed.

5 2 EXPLANATION

5 3 This bill makes revisions to various programs under the
5 4 jurisdiction of the department of public health. The bill
5 5 conforms language in Code section 144.39 relating to the
5 6 duties of the state registrar of vital statistics in regard to
5 7 name changes with language in Code chapter 674 relating to
5 8 name changes.

5 9 The bill allows the board of podiatrists to determine the
5 10 duration of a temporary license to accommodate changes in
5 11 podiatric residency program requirements, prevents the risk of
5 12 providing permanent licensure to individuals who do not
5 13 complete an approved residency program, and clarifies
5 14 terminology regarding temporary and permanent licensure.

5 15 The bill strikes antiquated language concerning barber
5 16 apprentices. The definition of the practice of barbering is
5 17 expanded to include the application of waxes. The barber
5 18 instructor license currently must be renewed annually; the
5 19 bill provides for biennial renewal. The maximum penalty for
5 20 violation of any provision of the barber licensing law is
5 21 raised from \$100 to \$1,000.

5 22 The bill revises a current requirement that the state
5 23 medical examiner advisory council meet at least quarterly to
5 24 require the council to meet on a regular basis.

5 25 The bill repeals Code section 135.30, which requires that
5 26 all spectacles be fitted with plastic lenses, laminated
5 27 lenses, heat-treated glass lenses, or glass lenses made impact
5 28 resistant. Federal regulations address impact resistance and
5 29 testing.

5 30 The bill repeals Code section 148B.8, which allows the
5 31 board of physical and occupational therapy to hire its own
5 32 staff. Code sections 147.22 and 147.24 contain language
5 33 relating to board officers and compensation.

5 34 Code sections 155.7, 155.17, and 155.18 are repealed. Code
5 35 chapter 155 relates to the board of nursing home



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6 1 administrators. The repealed Code sections relate to the
6 2 organization of the board, confidential information, and the
6 3 suspension or revocation of a license. These provisions are
6 4 now generally applicable to all boards; set out in Code
6 5 sections 147.21, 147.22, 147.24, and 147.55.
6 6 LSB 1149DP 83
6 7 jr/nh/8.1



Iowa General Assembly
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Senate Study Bill 1094

SENATE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON KREIMAN)

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the admissibility of medical records and bills
- 2 in civil cases.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1738SC 83
- 5 rh/rj/14



Iowa General Assembly
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Senate Study Bill 1094 continued

PAG LIN

1 1 Section 1. NEW SECTION. 622.4 ADMISSIBILITY OF MEDICAL
1 2 RECORDS AND BILLS.
1 3 1. In a civil action in which a plaintiff claims that
1 4 health care treatment was necessitated or will be necessitated
1 5 by the events giving rise to the claim or in which the
1 6 plaintiff is seeking medical, hospital, or disability
1 7 benefits, any party may offer the records and billing
1 8 statements of a care provider who provided such treatment, or
1 9 portions thereof, into evidence. Such records may include
1 10 letters or reports by the care provider, including those made
1 11 in connection with the action, that include opinions by the
1 12 care provider regarding the plaintiff's diagnosis, prognosis,
1 13 impairment, causation, or future treatment needs and costs.
1 14 2. A party intending to offer records or billing
1 15 statements of a care provider into evidence pursuant to this
1 16 section shall notify all parties of the party's intent to do
1 17 so on or before the party's deadline to designate expert
1 18 witnesses pursuant to court order or rule. The notice shall
1 19 identify the records and billing statements, or portions
1 20 thereof, that the party intends to offer. Not less than
1 21 thirty days before trial, a party shall provide all other
1 22 parties with copies of the records and billing statements, or
1 23 portions thereof, that the party intends to offer in the
1 24 exhibit form in which they will be offered.
1 25 3. a. A record or billing statement offered pursuant to
1 26 this section is admissible without supporting evidence or
1 27 testimony to identify or authenticate the record or billing
1 28 statement and to establish that the record or billing
1 29 statement is a record of a regularly conducted business
1 30 activity.
1 31 b. A record offered pursuant to this section is competent
1 32 evidence to identify or authenticate a record of all of the
1 33 following:
1 34 (1) The existence and treatment of the plaintiff's
1 35 medical, dental, or other health condition and that the



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Senate Study Bill 1094 continued

2 1 treatment described in the record was reasonable and necessary
2 2 to treat the conditions stated.

2 3 (2) The opinions of the care provider as they relate to
2 4 the diagnosis, prognosis, causation, and future treatment
2 5 needs and costs of the plaintiff.

2 6 c. A billing statement offered pursuant to this section is
2 7 competent evidence of the amount and reasonableness of the
2 8 charges for the treatment or materials provided.

2 9 4. This section shall not prohibit a party, including a
2 10 party offering records or billing statements under this
2 11 section, from objecting to the admissibility of records or
2 12 billing statements or portions thereof, or from redacting
2 13 information in such records or billing statements, on any
2 14 other grounds. If the party offering records or billing
2 15 statements under this section has made any redactions thereto,
2 16 the party shall notify all parties about the redactions at the
2 17 time that the records or billing statements are provided in
2 18 exhibit form. A party who objects to the form of a record or
2 19 billing statement or to some or all of its content, or to
2 20 redactions made thereto by the offering party, shall raise the
2 21 objection with the court within ten days of service upon that
2 22 party of the record or billing statement in exhibit form. If
2 23 a party contests the authenticity or identification of a
2 24 record or billing statement offered pursuant to this section,
2 25 or claims that the offered record or billing statement was not
2 26 made in the regular course of the business of the care
2 27 provider, the burden shall be on the objecting party to prove
2 28 such to the court.

2 29 5. The finder of fact may attach whatever weight to
2 30 records and billing statements admitted under this section
2 31 that the finder of fact deems appropriate.

2 32 6. This section shall not be construed to do any of the
2 33 following:

2 34 a. Prohibit any party, including an offering party, from
2 35 examining a care provider by deposition or at trial at that



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3 1 party's expense or from presenting supporting or contrary
3 2 expert testimony.
3 3 b. Impose a duty upon a care provider to provide the care
3 4 provider's opinions in letter or report form, except as
3 5 otherwise required by law.
3 6 c. Alter the rights and limitations of a party or that
3 7 party's legal counsel to communicate with a care provider
3 8 pursuant to section 622.10.
3 9 7. As used in this section, "care provider" means any
3 10 physician or surgeon, physician assistant, advanced registered
3 11 nurse practitioner, mental health professional, dentist,
3 12 chiropractor, or other person who furnishes health care in the
3 13 regular course of business.
3 14 8. This section does not apply to records or billing
3 15 statements of a care provider retained by the plaintiff in
3 16 anticipation of litigation or for trial even though such care
3 17 providers may have provided treatment to the plaintiff.

3 18 EXPLANATION

3 19 This bill relates to the admissibility of medical records
3 20 and billing statements in civil cases.
3 21 The bill provides that in a civil action in which a
3 22 plaintiff claims that health care treatment was necessitated
3 23 or will be necessitated by the events giving rise to the claim
3 24 or in which the plaintiff is seeking medical, hospital, or
3 25 disability benefits, any party may offer the records and
3 26 billing statements of a care provider who provided such
3 27 treatment, or portions thereof, into evidence. Such records
3 28 may include letters or reports by the care provider that
3 29 include opinions by the care provider regarding the
3 30 plaintiff's diagnosis, prognosis, impairment, causation, or
3 31 future treatment needs and costs. The bill defines "care
3 32 provider" as any physician or surgeon, physician assistant,
3 33 advanced registered nurse practitioner, mental health
3 34 professional, dentist, chiropractor, or other person who
3 35 furnishes health care in the regular course of business.



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4 1 The bill provides that a party intending to offer records
4 2 or billing statements of a care provider into evidence shall
4 3 notify all parties of the party's intent to do so on or before
4 4 the party's deadline to designate expert witnesses pursuant to
4 5 court order or rule. The notice shall identify the records
4 6 and billing statements, or portions thereof, that the party
4 7 intends to offer. Not less than 30 days before trial, the
4 8 party shall provide all parties with copies of the records and
4 9 billing statements, or portions thereof, that the party
4 10 intends to offer in the exhibit form in which they will be
4 11 offered.

4 12 The bill provides that a record or billing statement is
4 13 admissible without supporting evidence or testimony to
4 14 identify or authenticate the record or billing statement and
4 15 to establish that the record or billing statement is a record
4 16 of a regularly conducted business activity. A record that is
4 17 offered is competent evidence to identify or authenticate a
4 18 record of all of the existence and treatment of the
4 19 plaintiff's medical, dental, or other health condition and
4 20 that the treatment reflected therein was reasonable and
4 21 necessary to treat the conditions stated and the opinions of
4 22 the care provider as they relate to the diagnosis, prognosis,
4 23 causation, and future treatment needs and costs of the
4 24 plaintiff. A billing statement that is offered is competent
4 25 evidence of the amount and reasonableness of the charges for
4 26 the treatment or materials provided.

4 27 The bill does not prohibit a party from objecting to the
4 28 admissibility of records or statements or portions thereof, or
4 29 from redacting information in such records or statements, on
4 30 any other grounds. If the party offering records or billing
4 31 statements has made any redactions, the party shall notify all
4 32 parties about the redactions at the time that the records or
4 33 billing statements are provided in exhibit form. A party who
4 34 objects to the form of a record or billing statement or to
4 35 some or all of its content, or to redactions made by the



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5 1 offering party, shall raise the objection with the court
5 2 within 10 days of service upon that party of the record or
5 3 billing statement in exhibit form. If a party contests the
5 4 authenticity or identification of a record or billing
5 5 statement offered pursuant to this section, or claims that the
5 6 offered record or billing statement was not made in the
5 7 regular course of the business of the care provider, the
5 8 burden shall be on the objecting party to prove such to the
5 9 court.

5 10 The bill does not prohibit any party from examining a care
5 11 provider by deposition or at trial at that party's expense or
5 12 from presenting supporting or contrary expert testimony, does
5 13 not impose a duty upon a care provider to provide the care
5 14 provider's opinions in letter or report form, and does not
5 15 alter the rights and limitations of a party or that party's
5 16 legal counsel to communicate with a care provider pursuant to
5 17 Code section 622.10.

5 18 The bill does not apply to records or billing statements of
5 19 a care provider retained by the plaintiff in anticipation of
5 20 litigation or for trial even though such care providers may
5 21 have provided treatment to the plaintiff.

5 22 LSB 1738SC 83

5 23 rh/rj/14



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Senate Study Bill 1095

SENATE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON KREIMAN)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

- 1 An Act relating to alcoholic beverage possession or consumption
- 2 including underage possession or consumption and destruction
- 3 of operating while intoxicated records, and providing a
- 4 penalty.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TLSB 1463SC 83
- 7 rh/nh/24



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Senate Study Bill 1095 continued

PAG LIN

1 1 Section 1. Section 123.47, Code 2009, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 1A. Except for the purposes described in
1 4 subsection 2, a person who is the owner or lessee of, or who
1 5 otherwise has control over, property that is not a licensed
1 6 premises, shall not permit any person, knowing or having
1 7 reasonable cause to believe the person to be under legal age,
1 8 to consume or possess on such property any alcoholic liquor,
1 9 wine, or beer.

1 10 Sec. 2. Section 123.47, subsection 3, paragraph a,
1 11 unnumbered paragraph 1, Code 2009, is amended to read as
1 12 follows:

1 13 A person who is under legal age, other than a licensee or
1 14 permittee, who violates this section regarding the purchase of
1 15 or attempt to purchase alcoholic liquor, wine, or beer, or
1 16 possessing or having control of alcoholic liquor, wine, or
1 17 beer, or permitting under legal age consumption or possession
1 18 on certain property, commits the following:

1 19 Sec. 3. Section 123.47, subsection 3, paragraph a,
1 20 subparagraph (1), Code 2009, is amended to read as follows:

1 21 (1) A simple misdemeanor punishable as a scheduled
1 22 violation under section 805.8C, subsection 7. Notwithstanding
1 23 section 903.1, the court, in lieu of ordering payment of a
1 24 scheduled fine, may suspend the fine and order the person
1 25 under legal age to receive a substance abuse evaluation by a
1 26 program licensed to provide services pursuant to section
1 27 125.13.

1 28 Sec. 4. Section 123.47, subsection 4, Code 2009, is
1 29 amended to read as follows:

1 30 4. Except as otherwise provided in subsections 5 and 6, a
1 31 person who is of legal age, other than a licensee or
1 32 permittee, who sells, gives, or otherwise supplies alcoholic
1 33 liquor, wine, or beer to a person who is under legal age in
1 34 violation of this section, or permits under legal age
1 35 consumption or possession on certain property, commits a



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2 1 serious misdemeanor punishable by a minimum fine of five
2 2 hundred dollars.

2 3 Sec. 5. Section 321.12, subsection 4, Code 2009, is
2 4 amended to read as follows:

2 5 4. The director shall not destroy any operating records
2 6 pertaining to arrests or convictions for operating while
2 7 intoxicated, in violation of section 321J.2 or operating
2 8 records pertaining to revocations for violations of section
2 9 321J.2A, ~~except that a conviction or revocation under section~~
~~2 10 321J.2 or 321J.2A that is not subject to 49 C.F.R. } 383 shall~~
~~2 11 be deleted from the operating records twelve years after the~~
~~2 12 date of conviction or the effective date of revocation.~~
~~2 13 Convictions or revocations that are retained in the operating~~
~~2 14 records for more than twelve years under this subsection shall~~
~~2 15 be considered only for purposes of disqualification actions~~
~~2 16 under 49 C.F.R. } 383.~~

2 17 Sec. 6. Section 321J.2, subsection 4, paragraph a, Code
2 18 2009, is amended by striking the paragraph.

2 19 EXPLANATION

2 20 This bill relates to possession or consumption of an
2 21 alcoholic beverage by an under legal age person on certain
2 22 property and destruction of operating while intoxicated
2 23 records.

2 24 Under the bill, a person who is the owner or lessee of, or
2 25 who otherwise has control over, property that is not a
2 26 licensed premises, shall not permit an under legal age person
2 27 to consume or possess an alcoholic beverage on such property.

2 28 The bill does not affect situations involving a person
2 29 under legal age consuming or possessing an alcoholic beverage
2 30 for a permitted purpose under Code section 123.47, subsection
2 31 2.

2 32 For a first offense, a person under legal age who permits
2 33 under legal age consumption or possession in violation of the
2 34 bill commits a simple misdemeanor punishable as a scheduled
2 35 violation under Code section 805.8C, subsection 7; for a



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Senate Study Bill 1095 continued

3 1 second offense a person commits a simple misdemeanor
3 2 punishable by a fine of \$500; and for a third or subsequent
3 3 offense the person commits a simple misdemeanor punishable by
3 4 a fine of \$500 and suspension of the person's motor vehicle
3 5 operating privileges for up to one year.
3 6 The court, for a first offense by a person under legal age,
3 7 may suspend the payment of a scheduled fine and order the
3 8 person under legal age to receive a substance abuse evaluation
3 9 by a program licensed to provide services pursuant to Code
3 10 section 125.13.
3 11 A person of legal age who permits under legal age
3 12 consumption or possession in violation of the bill commits a
3 13 serious misdemeanor punishable by a minimum fine of \$500.
3 14 The bill provides that the director of the department of
3 15 transportation (DOT) shall not destroy any arrest or
3 16 conviction records for persons 21 and over or license
3 17 revocation records for persons under the age of 21, relating
3 18 to operating=while=intoxicated offenses. Current law
3 19 authorizes the DOT to destroy such records that are more than
3 20 12 years old except for certain DOT records of drivers of
3 21 commercial motor vehicles. The bill also eliminates this
3 22 twelve=year look=back provision for determining whether an
3 23 operating=while=intoxicated offense is a second or subsequent
3 24 offense for criminal sentencing or license revocation
3 25 purposes.
3 26 LSB 1463SC 83
3 27 rh/nh/24



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Senate Study Bill 1096

SENATE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON KREIMAN)

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act providing a minimum annual salary for a county attorney,
2 requiring a county to use certain funds to ensure that the
3 minimum salary requirement for a county attorney is satisfied,
4 and providing an effective date.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1464SC 83
7 md/sc/24



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Senate Study Bill 1096 continued

PAG LIN

1 1 Section 1. Section 331.752, subsection 5, Code 2009, is
1 2 amended to read as follows:

1 3 5. The resolution changing the status of a county attorney
1 4 shall state the initial annual salary to be paid to the county
1 5 attorney when the full-time or part-time status is effective.
1 6 The annual salary specified in the resolution shall remain
1 7 effective until changed as provided in section 331.907.

~~1 8 Except in counties having a population of more than two
1 9 hundred thousand, the annual salary of a full-time county
1 10 attorney shall be an amount which is between forty-five
1 11 percent and one hundred percent of the annual salary received
1 12 by a district court judge.~~

1 13 Sec. 2. NEW SECTION. 331.752A MINIMUM SALARY FOR COUNTY
1 14 ATTORNEY.

1 15 The minimum annual salary of a county attorney shall be
1 16 determined based upon the population of the county and
1 17 calculated as a percentage of the annual salary received by a
1 18 district judge as follows:

1 19 1. a. For the fiscal year beginning July 1, 2009, the
1 20 minimum annual salary for a full-time county attorney is
1 21 calculated as follows:

1 22 (1) A county with a population of up to twenty-six
1 23 thousand, sixty percent.

1 24 (2) A county with a population of more than twenty-six
1 25 thousand up to fifty thousand, seventy percent.

1 26 (3) A county with a population of more than fifty thousand
1 27 up to one hundred thousand, eighty percent.

1 28 (4) A county with a population of more than one hundred
1 29 thousand, eighty-five percent.

1 30 b. For the fiscal year beginning July 1, 2010, the minimum
1 31 annual salary for a full-time county attorney is calculated as
1 32 follows:

1 33 (1) A county with a population of up to twenty-six
1 34 thousand, sixty-five percent.

1 35 (2) A county with a population of more than twenty-six



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- 2 1 thousand up to fifty thousand, seventy=five percent.
2 2 (3) A county with a population of more than fifty thousand
2 3 up to one hundred thousand, eighty=five percent.
2 4 (4) A county with a population of more than one hundred
2 5 thousand, ninety percent.
2 6 c. For the fiscal year beginning July 1, 2011, and
2 7 succeeding fiscal years, the minimum annual salary for a
2 8 full=time county attorney is calculated as follows:
2 9 (1) A county with a population of up to twenty=six
2 10 thousand, seventy percent.
2 11 (2) A county with a population of more than twenty=six
2 12 thousand up to fifty thousand, eighty percent.
2 13 (3) A county with a population of more than fifty thousand
2 14 up to one hundred thousand, ninety percent.
2 15 (4) A county with a population of more than one hundred
2 16 thousand, ninety=five percent.
2 17 2. a. For the fiscal year beginning July 1, 2009, the
2 18 minimum annual salary of a part=time county attorney is
2 19 calculated as follows:
2 20 (1) A county with a population of up to twenty=six
2 21 thousand, forty=five percent.
2 22 (2) A county with a population of more than twenty=six
2 23 thousand up to fifty thousand, fifty=five percent.
2 24 (3) A county with a population of more than fifty thousand
2 25 up to one hundred thousand, sixty=five percent.
2 26 (4) A county with a population of more than one hundred
2 27 thousand, seventy=five percent.
2 28 b. For the fiscal year beginning July 1, 2010, the minimum
2 29 annual salary of a part=time county attorney is calculated as
2 30 follows:
2 31 (1) A county with a population of up to twenty=six
2 32 thousand, fifty percent.
2 33 (2) A county with a population of more than twenty=six
2 34 thousand up to fifty thousand, sixty percent.
2 35 (3) A county with a population of more than fifty thousand



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3 1 up to one hundred thousand, seventy percent.

3 2 (4) A county with a population of more than one hundred
3 3 thousand, eighty percent.

3 4 c. For the fiscal year beginning July 1, 2011, and
3 5 succeeding fiscal years, the minimum annual salary of a
3 6 part-time county attorney is calculated as follows:

3 7 (1) A county with a population of up to twenty-six
3 8 thousand, fifty-five percent.

3 9 (2) A county with a population of more than twenty-six
3 10 thousand up to fifty thousand, sixty-five percent.

3 11 (3) A county with a population of more than fifty thousand
3 12 up to one hundred thousand, seventy-five percent.

3 13 (4) A county with a population of more than one hundred
3 14 thousand, eighty-five percent.

3 15 Sec. 3. Section 331.907, subsections 1 and 2, Code 2009,
3 16 are amended to read as follows:

3 17 1. The annual compensation of the auditor, treasurer,
3 18 recorder, sheriff, county attorney, and supervisors shall be
3 19 determined as provided in this section.

3 20 a. The county compensation board annually shall review the
3 21 compensation paid to comparable officers in other counties of
3 22 this state, other states, private enterprise, and the federal
3 23 government.

3 24 b. In setting the salary of the county sheriff, the county
3 25 compensation board shall consider setting the sheriff's salary
3 26 so that it is comparable to salaries paid to professional law
3 27 enforcement administrators and command officers of the state
3 28 patrol, the division of criminal investigation of the
3 29 department of public safety, and city police agencies in this
3 30 state.

3 31 c. In setting the salary of the county attorney, the
3 32 county compensation board shall consider the required minimum
3 33 salary of county attorneys as set forth in section 331.752A.

3 34 d. The county compensation board shall prepare a
3 35 compensation schedule for the elective county officers for the



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4 1 succeeding fiscal year. A recommended compensation schedule
4 2 requires a majority vote of the membership of the county
4 3 compensation board.

4 4 2. At the public hearing held on the county budget as
4 5 provided in section 331.434, the county compensation board
4 6 shall submit its recommended compensation schedule for the
4 7 next fiscal year to the board of supervisors for inclusion in
4 8 the county budget. The board of supervisors shall review the
4 9 recommended compensation schedule for the elected county
4 10 officers and determine the final compensation schedule which
4 11 shall not exceed the compensation schedule recommended by the
4 12 county compensation board. In determining the final
4 13 compensation schedule if the board of supervisors wishes to
4 14 reduce the amount of the recommended compensation schedule,
4 15 the amount of salary increase proposed for each elected county
4 16 officer shall be reduced an equal percentage. However, the
4 17 amount of salary increase for a county attorney shall not be
4 18 reduced by a percentage that would cause the county attorney's
4 19 salary to fall below the applicable minimum amount in section
4 20 331.752A. A copy of the final compensation schedule shall be
4 21 filed with the county budget at the office of the director of
4 22 the department of management. The final compensation schedule
4 23 takes effect on July 1 following its adoption by the board of
4 24 supervisors.

4 25 Sec. 4. Section 602.8107, subsection 4, paragraph c,
4 26 subparagraph (1), Code 2009, is amended to read as follows:

4 27 (1) Forty percent of the amounts collected by the county
4 28 attorney or the person procured or designated by the county
4 29 attorney shall be deposited in the general fund of the county
4 30 if the county attorney has filed the notice required by this
4 31 subsection, unless the county attorney has discontinued
4 32 collection efforts on a particular delinquent amount. Before
4 33 moneys collected by the county attorney or the person
4 34 designated by the county attorney and deposited in the general
4 35 fund of the county can be used for any other purpose, the



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Senate Study Bill 1096 continued

5 1 county shall apply a portion of the amount collected to
5 2 satisfy the county attorney minimum salary requirements under
5 3 section 331.752A.

5 4 Sec. 5. Section 602.8107, subsection 4, paragraph d, Code
5 5 2009, is amended to read as follows:

5 6 d. Any additional moneys collected by an individual county
5 7 after the distributions in paragraph "c" shall be distributed
5 8 by the state court administrator as follows: forty percent of
5 9 any additional moneys collected by the county attorney or the
5 10 person procured or designated by the county attorney shall be
5 11 deposited in the general fund of the county where the moneys
5 12 were collected and shall be used to satisfy the county
5 13 attorney minimum salary requirements under section 331.752A

5 14 before the moneys collected may be used for any other purpose;
5 15 twenty percent of the remaining sixty percent collected by the
5 16 county attorney or the person procured or designated by the
5 17 county attorney shall be deposited with the office of the
5 18 county attorney that collected the moneys; and the remainder
5 19 shall be paid to the clerk of the district court for
5 20 distribution under section 602.8108 or the state court
5 21 administrator may distribute the remainder under section
5 22 602.8108 if the additional moneys have already been received
5 23 by the state court administrator.

5 24 Sec. 6. EFFECTIVE DATE. This Act, being deemed of
5 25 immediate importance, takes effect upon enactment.

5 26 EXPLANATION

5 27 This bill makes changes relating to the salary of county
5 28 attorneys and the use of certain moneys collected by the
5 29 office of county attorney.

5 30 The bill provides a minimum annual salary to be paid to
5 31 county attorneys. Based upon the population of the county in
5 32 which the county attorney serves, the county attorney shall
5 33 receive an amount which is a percentage of the annual salary
5 34 received by a district judge. The minimum salary requirement
5 35 is phased in over three years, beginning with fiscal year



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Senate Study Bill 1096 continued

6 1 2009=2010. The bill addresses both full-time and part-time
6 2 county attorneys.
6 3 The bill requires the county compensation board to consider
6 4 the minimum salary amounts when setting the salary of the
6 5 county attorney. The bill also prohibits a county board of
6 6 supervisors, in determining the final compensation schedule
6 7 for each elected county officer, from reducing a county
6 8 attorney's salary increase below the applicable minimum
6 9 amounts.
6 10 The bill also requires counties to use the moneys deposited
6 11 in the county's general fund, as a result of the collection of
6 12 fines, penalties, court costs, fees, surcharges, and
6 13 restitution by the county attorney under Code section
6 14 602.8107, to satisfy the county attorney minimum salary
6 15 requirements before those moneys may be used for any other
6 16 purpose.
6 17 The bill takes effect upon enactment.
6 18 LSB 1464SC 83
6 19 md/sc/24



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Senate Study Bill 1097

SENATE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON KREIMAN)

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the commission of a criminal offense
- 2 classified as murder in the first degree, and providing a
- 3 penalty.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1686XC 83
- 6 jm/nh/5



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Senate Study Bill 1097 continued

PAG LIN

1 1 Section 1. Section 707.2, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 7. The person kills another person while
1 4 committing an act which is intended to cause serious injury to
1 5 that person.

1 6 EXPLANATION

1 7 This bill relates to the commission of a criminal offense
1 8 classified as murder in the first degree.

1 9 The bill provides that a person who kills another person
1 10 while committing an act which is intended to cause serious
1 11 injury to that person, is guilty of murder in the first
1 12 degree. Murder in the first degree is classified as a class
1 13 "A" felony.

1 14 A class "A" felony is punishable by confinement for life
1 15 without possibility of parole.

1 16 LSB 1686XC 83

1 17 jm/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 26, 2009

Senate Study Bill 1098

SENATE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON KREIMAN)

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to elections or appointments to a county
- 2 magistrate appointing commission.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1465SC 83
- 5 jm/rj/14



Iowa General Assembly
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Senate Study Bill 1098 continued

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1 1 Section 1. Section 602.6502, Code 2009, is amended to read
1 2 as follows:

1 3 602.6502 PROHIBITIONS TO APPOINTMENT.

1 4 A member of a county magistrate appointing commission shall
1 5 not be appointed to the office of magistrate, and shall not be
1 6 nominated for or appointed to the office of district associate
1 7 judge, office of associate juvenile judge, or office of
1 8 associate probate judge. A member of the commission shall not
1 9 be eligible to vote for the appointment or nomination of a
1 10 family member, current law partner, ~~or~~ current business
1 11 partner, or current member of the same office. For purposes
1 12 of this section, "family member" means a spouse, son,
1 13 daughter, brother, sister, uncle, aunt, first cousin, nephew,
1 14 niece, father-in-law, mother-in-law, son-in-law,
1 15 daughter-in-law, brother-in-law, sister-in-law, father,
1 16 mother, stepfather, stepmother, stepson, stepdaughter,
1 17 stepbrother, stepsister, half brother, or half sister.

1 18 Sec. 2. Section 602.6503, subsection 2, Code 2009, is
1 19 amended by striking the subsection.

1 20 Sec. 3. Section 602.6504, subsection 2, Code 2009, is
1 21 amended to read as follows:

1 22 2. A Notwithstanding section 39.11 or any other law or
1 23 rule to the contrary, a county attorney shall not may be
1 24 elected to the commission.

1 25 EXPLANATION

1 26 This bill relates to the election or appointment to a
1 27 county magistrate appointing commission.

1 28 The bill strikes a provision in Code chapter 602
1 29 prohibiting the board of supervisors from appointing an
1 30 attorney or an active law enforcement officer to serve as a
1 31 commissioner on a magistrate appointing commission.

1 32 The bill also provides that a county attorney may be
1 33 elected to serve on a county magistrate appointing commission.
1 34 Current law prohibits a county attorney from being elected to
1 35 the commission.



**Iowa General Assembly
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January 26, 2009**

Senate Study Bill 1098 continued

2 1 The bill makes a commissioner of a county magistrate
2 2 appointment commission ineligible to vote for the appointment
2 3 or nomination of a current member of the commissioner's same
2 4 office. Current law provides that a commissioner is
2 5 ineligible to vote for the appointment or nomination of a
2 6 family member, current law partner, or current business
2 7 partner.
2 8 A county magistrate commission appoints the magistrates
2 9 authorized for each county pursuant to Code section 602.6403.
2 10 A county magistrate commission consists of a district judge,
2 11 three commissioners appointed by the county supervisors, and
2 12 two commissioners elected by the attorneys residing in the
2 13 county.
2 14 LSB 1465SC 83
2 15 jm/rj/14