



Iowa General Assembly
Daily Bills, Amendments, Study Bills, LSA Fiscal Notes & Bill Analysis
February 06, 2007

House Amendment 1041

PAG LIN

1 1 Amend Senate File 61, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, line 22, by inserting after the word
1 4 <student> the following: <, teacher, or other school
1 5 employee>.
1 6 #2. Page 1, line 24, by inserting after the word
1 7 <student> the following: <, teacher, or other school
1 8 employee>.
1 9 #3. Page 1, line 27, by inserting after the word
1 10 <student> the following: <, teacher, or other school
1 11 employee>.
1 12 #4. Page 1, line 28, by inserting after the word
1 13 <student's> the following: <, teacher's, or other
1 14 school employee's>.
1 15 #5. Page 1, line 30, by inserting after the word
1 16 <student's> the following: <, teacher's, or other
1 17 school employee's>.
1 18 #6. Page 1, line 32, by inserting after the word
1 19 <performance> the following: <or a teacher's or other
1 20 school employee's ability to perform the person's
1 21 job>.
1 22 #7. Page 2, line 1, by striking the words <of the
1 23 student>.
1 24 #8. Page 2, line 8, by inserting after the word
1 25 <students> the following: <, teachers, or other
1 26 school employees>.
1 27 #9. Page 3, line 32, by inserting after the word
1 28 <students> the following: <, teachers, or other
1 29 school employees>.
1 30 #10. By renumbering as necessary.
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1 34 HORBACH of Tama
1 35 SF 61.313 82
1 36 kh/cf/6765
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House Amendment 1042

PAG LIN

1 1 Amend House File 245 as follows:

1 2 #1. Page 1, line 6, by inserting after the word

1 3 <center.> the following: <The departments of

1 4 education and human services shall submit a joint

1 5 report each December to the governor and general

1 6 assembly concerning implementation of the requirement

1 7 in this paragraph concerning invasive pneumococcal

1 8 disease by schools and child care centers. The report

1 9 shall include information concerning the numbers of

1 10 the children who were not in compliance with the

1 11 requirement until there was intervention with the

1 12 children's parent, guardian, or custodian and the

1 13 numbers who were in compliance without intervention.>

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1 17 L. MILLER of Scott

1 18 HF 245.701 82

1 19 jp/gg/6055

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House Amendment 1043

PAG LIN

1 1 Amend the amendment, H=1033, to Senate File 61, as
1 2 passed by the Senate, as follows:
1 3 #1. Page 1, line 4, by striking the word <and> and
1 4 inserting the following: <or>.
1 5
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1 7
1 8 MASCHER of Johnson
1 9 SF 61.534 82
1 10 kh/je/6768
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House Amendment 1044

PAG LIN

1 1 Amend the amendment, H=1026, to Senate File 61, as
1 2 passed by the Senate, as follows:
1 3 #1. Page 1, line 15, by striking the word
1 4 <partners> and inserting the following:
1 5 <participants>.
1 6
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1 8
1 9 MASCHER of Johnson
1 10 SF 61.533 82
1 11 kh/je/6766
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House Amendment 1045

PAG LIN

1 1 Amend Senate File 61, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, line 22, by striking the words <the
1 4 same and mean>.
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1 8 MASCHER of Johnson
1 9 SF 61.314 82
1 10 kh/cf/6769
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House Amendment 1046

PAG LIN

1 1 Amend Senate File 61, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 4, by striking line 14 and inserting the
1 4 following: <collect only data on harassment and
1 5 bullying incidences which result in suspension or
1 6 expulsion.>
1 7 #2. Page 4, lines 20 and 21, by striking the words
1 8 <, as specified by the department,>.
1 9
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1 11
1 12 RAECKER of Polk
1 13 SF 61.212 82
1 14 kh/es/6770
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Iowa General Assembly
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House File 232

HOUSE FILE
BY HUNTER

(COMPANION TO LSB 1707SS
BY BEALL)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to restraint requirements for motor vehicle
- 2 occupants and making a penalty applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1707HH 82
- 5 dea/je/5



Iowa General Assembly
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House File 232 continued

PAG LIN

1 1 Section 1. Section 321.445, subsection 2, unnumbered
1 2 paragraph 1, Code 2007, is amended to read as follows:
1 3 2. The driver and ~~front seat~~ occupants of a type of motor
1 4 vehicle that is subject to registration in Iowa, except a
1 5 motorcycle or a motorized bicycle, shall each wear a properly
1 6 adjusted and fastened safety belt or safety harness any time
1 7 the vehicle is in forward motion on a street or highway in
1 8 this state except that a child under eleven years of age shall
1 9 be secured as required under section 321.446.
1 10 Sec. 2. Section 321.445, subsection 2, paragraphs a, b,
1 11 and f, Code 2007, are amended to read as follows:
1 12 a. The driver or ~~front seat~~ occupants of a motor vehicle
1 13 which is not required to be equipped with safety belts or
1 14 safety harnesses.
1 15 b. The driver and ~~front seat~~ occupants of a motor vehicle
1 16 who are actively engaged in work which requires them to alight
1 17 from and reenter the vehicle at frequent intervals, providing
1 18 the vehicle does not exceed twenty-five miles per hour between
1 19 stops.
1 20 f. ~~Front seat occupants~~ Occupants of an authorized
1 21 emergency vehicle while they are being transported in an
1 22 emergency. However, this exemption does not apply to the
1 23 driver of the authorized emergency vehicle.
1 24 Sec. 3. Section 321.445, subsection 3, Code 2007, is
1 25 amended to read as follows:
1 26 3. The driver and ~~front seat~~ passengers may be each
1 27 charged separately for improperly used or nonused equipment
1 28 under subsection 2. The owner of the motor vehicle may be
1 29 charged for equipment violations under subsection 1.
1 30 Sec. 4. Section 321.445, subsection 5, Code 2007, is
1 31 amended to read as follows:
1 32 5. The department shall adopt rules pursuant to chapter
1 33 17A providing exceptions from application of subsections 1 and
1 34 2 for ~~front~~ seats and ~~front seat~~ passengers of motor vehicles
1 35 owned, leased, rented, or primarily used by persons with



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House File 232 continued

2 1 physical disabilities who use collapsible wheelchairs.

2 2 EXPLANATION

2 3 This bill requires the driver and all occupants of a motor
2 4 vehicle to wear a seat belt or safety harness while the
2 5 vehicle is in forward motion on a street or highway.

2 6 Currently, only the driver and front seat passengers are
2 7 required to wear seat belts or safety harnesses. Restraint
2 8 requirements do not apply to the driver and occupants of a
2 9 motor vehicle that is not required to be equipped with seat
2 10 belts or safety harnesses, persons who are engaged in work
2 11 that requires frequent stops to exit and reenter the vehicle,
2 12 letter carriers, bus passengers, persons with a certified
2 13 physical or medical exemption, and occupants being transported
2 14 in an emergency vehicle. The department of transportation
2 15 shall adopt rules providing exceptions from seat belt
2 16 requirements for motor vehicles owned, leased, rented, or
2 17 primarily used by persons who use collapsible wheelchairs.
2 18 Separate provisions that apply for children under 11 years of
2 19 age are not affected by the bill.

2 20 A violation of seat belt or restraint requirements is a
2 21 scheduled violation subject to a fine of \$25. Seat belt and
2 22 restraint violations are not a factor in establishing grounds
2 23 for license suspension or identifying a person as a habitual
2 24 violator.

2 25 LSB 1707HH 82

2 26 dea:nh/je/5



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House File 233

HOUSE FILE
BY QUIRK and DRAKE

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

A BILL FOR

- 1 An Act relating to the construction bidding procedures Act by
- 2 modifying procedures and requirements for letting public
- 3 improvement contracts, and making corrections.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1909HH 82
- 6 eg/gg/14



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House File 233 continued

PAG LIN

1 1 Section 1. Section 26.3, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. If the estimated total cost of a public improvement
1 4 exceeds the competitive bid threshold of one hundred thousand
1 5 dollars, or the adjusted competitive bid threshold established
1 6 in section 314.1B, the governmental entity shall advertise for
1 7 sealed bids for the proposed public improvement by publishing
1 8 a notice to bidders ~~as provided in section 362.3.~~ The notice
1 9 to bidders shall be published as provided in section 362.3,
1 10 except that the notice shall be published more than twenty
1 11 days but not more than forty-five days before the date for
1 12 filing bids. Additionally, the governmental entity may
1 13 publish a notice in a relevant contractor organization
1 14 publication and a relevant contractor plan room service with
1 15 statewide circulation, provided that a notice is posted on a
1 16 website sponsored by either a governmental entity or a
1 17 statewide association that represents the governmental entity.
1 18 ~~The notice to bidders shall be published more than twenty days~~
~~1 19 but not more than forty-five days before the date for filing~~
~~1 20 bids.~~
1 21 Sec. 2. Section 26.8, subsection 1, Code 2007, is amended
1 22 to read as follows:
1 23 1. Each bidder shall accompany its bid with a bid security
1 24 as security that the successful bidder will enter into a
1 25 contract for the work bid upon and will furnish after the
1 26 award of contract a corporate surety bond, acceptable to the
1 27 governmental entity, for the faithful performance of the
1 28 contract, in an amount equal to one hundred percent of the
1 29 amount of the contract. The bid security shall be in an
1 30 amount fixed by the governmental entity, and shall be in the
1 31 form of a cashier's check or certified check drawn on a
1 32 state-chartered or federally chartered bank, or a certified
1 33 share draft drawn on a state-chartered or federally chartered
1 34 credit union, or the governmental entity may provide for a
1 35 bidder's bond with corporate surety satisfactory to the



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House File 233 continued

2 1 governmental entity. The ~~bid~~ bidder's bond shall contain no
2 2 conditions except as provided in this section.

2 3 Sec. 3. Section 26.10, unnumbered paragraph 1, Code 2007,
2 4 is amended to read as follows:

2 5 The governmental entity shall open, announce the amount of
2 6 the bids, and file all proposals received, at the time and
2 7 place specified in the notice to bidders. The governmental
2 8 entity may, by resolution, award the contract for the public
2 9 improvement to the bidder submitting the lowest responsive,
2 10 responsible bid, determined as provided in section 26.9, or
2 11 the governmental entity may reject all bids received, fix a
2 12 new date for receiving bids, and order publication of a new
2 13 notice to bidders. The governmental entity shall retain the
2 14 bid security furnished by the successful bidder until the
2 15 approved contract form has been executed, ~~and~~ a bond has been
2 16 filed by the bidder guaranteeing the performance of the
2 17 contract, and the contract and bond, have been approved by the
2 18 governmental entity. The provisions of chapter 573, where
2 19 applicable, apply to contracts awarded under this chapter.

2 20 Sec. 4. Section 26.11, Code 2007, is amended to read as
2 21 follows:

2 22 26.11 DELEGATION OF AUTHORITY.

2 23 When bids are required for any public improvement, the
2 24 governmental entity may delegate, by motion, resolution, or
2 25 policy to the city manager, clerk, engineer, or other public
2 26 officer, as applicable, the duty of receiving and opening bids
2 27 and announcing the results. The officer shall report the
2 28 results of the bidding with the officer's recommendations to
2 29 the next regular meeting of the governmental entity's
2 30 governing body or at a special meeting called for that
2 31 purpose.

2 32 Sec. 5. Section 26.13, subsection 3, Code 2007, is amended
2 33 to read as follows:

2 34 3. If labor and materials are yet to be provided at the
2 35 time of the request for the release of the retained funds



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House File 233 continued

3 1 ~~labor or materials are yet to be provided~~ is made, an amount
3 2 equal to two hundred percent of the value of the labor or
3 3 materials yet to be provided, as determined by the
3 4 governmental entity's or the department's authorized contract
3 5 representative, may be withheld until such labor or materials
3 6 are provided. For purposes of this section, "authorized
3 7 contract representative" means the person chosen by the
3 8 governmental entity or the department to represent its
3 9 interests or the person designated in the contract as the
3 10 party representing the governmental entity's or the
3 11 department's interest regarding administration and oversight
3 12 of the project.

3 13 Sec. 6. Section 26.14, Code 2007, is amended to read as
3 14 follows:

3 15 26.14 COMPETITIVE QUOTATIONS FOR PUBLIC IMPROVEMENT
3 16 CONTRACTS.

3 17 1. Competitive quotations shall be required for a public
3 18 improvement having an estimated total cost that exceeds the
3 19 applicable threshold amount provided in this section, but is
3 20 less than the competitive bid threshold established in section
3 21 26.3.

3 22 2. Unless the threshold ~~amount is~~ amounts are adjusted
3 23 pursuant to section 314.1B, the ~~competitive quotation~~
3 24 following threshold amounts shall ~~be as follows~~ apply:

3 25 a. Sixty=seven thousand dollars for a county, including a
3 26 county hospital.

3 27 b. Fifty=one thousand dollars for a city having a
3 28 population of fifty thousand or more.

3 29 c. Fifty=one thousand dollars for a school district having
3 30 a population of fifty thousand or more.

3 31 d. Fifty=one thousand dollars for an aviation authority
3 32 created within a city having a population of fifty thousand or
3 33 more.

3 34 e. Thirty=six thousand dollars for a city having a
3 35 population of less than fifty thousand, for a school district



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House File 233 continued

4 1 having a population of less than fifty thousand, and for any
4 2 other governmental entity.

4 3 f. The threshold amount applied to a city applies to a
4 4 city hospital.

4 5 3. a. When a competitive quotation is required, the
4 6 governmental entity shall make a good faith effort to obtain
4 7 quotations for the work from at least two contractors
4 8 regularly engaged in such work prior to letting a contract.
4 9 Quotations may be obtained from contractors after the
4 10 governmental entity provides a description of the work to be
4 11 performed, including the plans and specifications prepared by
4 12 an architect or engineer, if required under chapter 542B or
4 13 544A, and an opportunity to inspect the work site. The
4 14 contractor shall include in the quotation the price for labor,
4 15 materials, equipment, and supplies required to perform the
4 16 work. If the work can be performed by an employee or
4 17 employees of the governmental entity, the governmental entity
4 18 may file a quotation for the work to be performed in the same
4 19 manner as a contractor. If the governmental entity receives
4 20 no quotations after making a good faith effort to obtain
4 21 quotations from at least two contractors regularly engaged in
4 22 such work, the governmental entity may negotiate a contract
4 23 with a contractor regularly engaged in such work.

4 24 b. The governmental entity shall designate the time,
4 25 place, and manner for filing quotations, which may be received
4 26 by mail, facsimile, or electronic mail. The governmental
4 27 entity shall award the contract to the contractor submitting
4 28 the lowest responsive, responsible quotation subject to
4 29 section 26.9, or the governmental entity may reject all of the
4 30 quotations. The unconditional acceptance and approval of the
4 31 lowest responsive, responsible quotation shall constitute the
4 32 award of a contract. The governmental entity shall record the
4 33 approved quotation in its meeting minutes. ~~Quotations~~ The
4 34 contractor awarded the contract shall not commence work until
4 35 the contractor's performance and payment bond has been



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House File 233 continued

5 1 approved by the governmental entity. A governmental entity
5 2 may delegate the authority to award a contract, to execute a
5 3 contract, to authorize work to proceed under a contract, or to
5 4 approve the contractor's performance and payment bond to an
5 5 officer or employee of the governmental entity. A quotation
5 6 approved outside a meeting of the governing body of a
5 7 governmental entity shall be included in the minutes of the
5 8 next regular or special meeting of the governing body. ~~The~~
~~5 9 governmental entity shall award the contract to the contractor~~
~~5 10 submitting the lowest responsive, responsible quotation~~
~~5 11 subject to section 26.9, or the governmental entity may reject~~
~~5 12 all of the quotations.~~

5 13 c. If a public improvement may be performed by an employee
5 14 of the governmental entity, the amount of estimated sales and
5 15 fuel tax and the premium cost for the performance and payment
5 16 bond which a contractor identifies in its quotation shall be
5 17 deducted from the contractor's price for determining the
5 18 lowest responsible ~~bidder~~ quotation. If no quotations are
5 19 received to perform the work, or if the governmental entity's
5 20 estimated cost to do the work with its employee is less than
5 21 the lowest responsive, responsible quotation received, the
5 22 governmental entity may authorize its employee or employees to
5 23 perform the work.

5 24 Sec. 7. NEW SECTION. 26.14A ALTERNATIVE PROCEDURES.

5 25 1. When competitive quotations are required under section
5 26 26.14 for a public improvement, the governmental entity may
5 27 proceed, in lieu of competitive quotations, as if the
5 28 estimated total cost of the public improvement exceeds the
5 29 competitive bid threshold under section 26.3.

5 30 2. If the total estimated cost of the public improvement
5 31 does not warrant either competitive quotations under section
5 32 26.14 or competitive bidding under section 26.3, the
5 33 governmental entity may nevertheless proceed with competitive
5 34 quotations or competitive bidding for the public improvement.

5 35 Sec. 8. Section 380.4, unnumbered paragraph 1, Code 2007,



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House File 233 continued

6 1 is amended to read as follows:

6 2 Passage of an ordinance, amendment, or resolution requires
6 3 a majority vote of all of the members of the council, except
6 4 when the mayor may vote to break a tie vote in a city with an
6 5 even number of council members, as provided in section 372.4.
6 6 Passage of a motion requires a majority vote of a quorum of
6 7 the council. A resolution must be passed to spend public
6 8 funds in excess of ~~twenty-five~~ one hundred thousand dollars on
6 9 ~~any one~~ a public improvement project, or to accept public
6 10 improvements and facilities upon their completion. Each
6 11 council member's vote on a measure must be recorded. A
6 12 measure which fails to receive sufficient votes for passage
6 13 shall be considered defeated.

6 14 Sec. 9. Section 384.20, unnumbered paragraph 3, Code 2007,
6 15 is amended to read as follows:

6 16 "Continuing appropriation" means the unexpended portion of
6 17 the cost of public improvements, as defined in section ~~26.3~~
6 18 26.2, which cost was adopted through a public hearing pursuant
6 19 to section 26.12 and was included in an adopted or amended
6 20 budget of a city. A continuing appropriation does not expire
6 21 at the conclusion of a fiscal year. A continuing
6 22 appropriation continues until the public improvement is
6 23 completed, but expenditures under the continuing appropriation
6 24 shall not exceed the resources available for paying for the
6 25 public improvement.

6 26 Sec. 10. Section 384.23, Code 2007, is amended to read as
6 27 follows:

6 28 384.23 CONSTRUCTION OF WORDS "AND" AND "OR."

6 29 As used in divisions III to ~~VI~~ V of this chapter, the use
6 30 of the conjunctive "and" includes the disjunctive "or" and the
6 31 use of the disjunctive "or" includes the conjunctive "and,"
6 32 unless the context clearly indicates otherwise.

6 33 Sec. 11. Section 384.37, subsection 17, Code 2007, is
6 34 amended to read as follows:

6 35 17. "Proposal" means a legal bid on work advertised for a



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House File 233 continued

7 1 public improvement under ~~division VI of this~~ chapter 26.

7 2 Sec. 12. Section 384.53, Code 2007, is amended to read as
7 3 follows:

7 4 384.53 PROCEDURES TO LET CONTRACT.

7 5 Contract letting procedures shall be as provided in
7 6 ~~division VI of this~~ chapter 26. The council may award any
7 7 number of contracts for construction of any public
7 8 improvement.

7 9 Sec. 13. Section 386.6, subsection 6, Code 2007, is
7 10 amended to read as follows:

7 11 6. If the council orders the construction of the
7 12 improvement, it shall proceed to let contracts therefor in
7 13 accordance with chapter ~~384, division VI~~ 26.

7 14 Sec. 14. Section 386.7, subsection 3, Code 2007, is
7 15 amended to read as follows:

7 16 3. If the council orders the construction of the
7 17 self-liquidating improvement, contracts for it shall be let in
7 18 accordance with ~~division VI of~~ chapter ~~384~~ 26.

7 19 EXPLANATION

7 20 This bill amends Code chapter 26 to:

7 21 1. Correct wording and organization of sentences in
7 22 several sections of the bill.

7 23 2. Allow the results of competitive bidding and approved
7 24 competitive quotations to be reported, in addition to regular
7 25 meetings, at a special meeting of the governing body.

7 26 3. Determine the lowest responsible quotation for a public
7 27 improvement to be performed by an employee of the governmental
7 28 entity, by requiring a contractor to deduct the premium cost
7 29 for a performance and payment bond from the contractor's
7 30 price.

7 31 4. Provide some additional procedures that a governmental
7 32 entity may follow. Pursuant to Code section 26.14, as
7 33 amended, if a governmental entity receives no quotations after
7 34 having made a good faith effort to obtain quotations from at
7 35 least two contractors, the governmental entity may negotiate a



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House File 233 continued

8 1 contract with an appropriate contractor. Also, a new Code
8 2 section 26.14A provides that a governmental entity may proceed
8 3 with a competitive quotation or competitive bidding procedure
8 4 even when the total estimated cost of the public improvement
8 5 does not warrant such additional procedures.

8 6 The bill also amends Code section 380.4 to provide that a
8 7 city council must pass a resolution to spend public funds in
8 8 excess of \$100,000 on a public improvement project.

8 9 The bill corrects references for contract=letting
8 10 procedures, formerly under Code chapter 384, to the new Code
8 11 chapter 26.

8 12 LSB 1909HH 82

8 13 eg:rj/gg/14



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House File 234

HOUSE FILE
BY MAY

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

A BILL FOR

1 An Act relating to postsecondary tuition status and delayed
2 payment of tuition and fees at community colleges and state
3 universities for veterans and members of the state and federal
4 military forces.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 1368YH 82
7 kh/je/5



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House File 234 continued

PAG LIN

1 1 Section 1. Section 260C.14, subsection 2, Code 2007, is
1 2 amended to read as follows:

1 3 2. Have authority to determine tuition rates for
1 4 instruction.

1 5 a. Tuition for residents of Iowa shall not exceed the
1 6 lowest tuition rate per semester, or the equivalent, charged
1 7 by an institution of higher education under the state board of
1 8 regents for a full-time resident student. However, except for
1 9 students enrolled under chapter 261C, if a local school
1 10 district pays tuition for a resident pupil of high school age,
1 11 the limitation on tuition for residents of Iowa shall not
1 12 apply, the amount of tuition shall be determined by the board
1 13 of directors of the community college with the consent of the
1 14 local school board, and the pupil shall not be included in the
1 15 full-time equivalent enrollment of the community college for
1 16 the purpose of computing general aid to the community college.

1 17 b. Tuition for nonresidents of Iowa shall not be less than
1 18 the marginal cost of instruction of a student attending the
1 19 college.

1 20 c. A lower tuition for nonresidents may be permitted under
1 21 a reciprocal tuition agreement between a merged area and an
1 22 educational institution in another state, if the agreement is
1 23 approved by the director.

1 24 d. A person who is a nonresident and who is a veteran as
1 25 defined in section 35.1, subsection 2, or a member of the Iowa
1 26 national guard or reserve forces of the United States, or who
1 27 is a member of the armed forces of the United States or the
1 28 army national guard of the United States or the air national
1 29 guard of the United States and who is ordered to state active
1 30 duty or federal service, as defined in section 29A.1, shall be
1 31 considered a resident for purposes of determining the person's
1 32 tuition rate.

1 33 e. Late fees or other late charges shall not be assessed
1 34 against a veteran, as defined in section 35.1, subsection 2,
1 35 who is eligible to receive federal educational assistance and



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2 1 who has applied for that assistance but not yet received it,
2 2 nor shall the veteran be prevented from registering for a
2 3 subsequent term because of outstanding tuition charges that
2 4 arise from delayed federal payments. The board may request
2 5 payment without delay of the amount of tuition that exceeds
2 6 the expected federal educational assistance and may require
2 7 payment of the full amount of tuition owed by the veteran
2 8 within thirty days of receipt of the expected federal
2 9 educational assistance.

2 10 f. The board may designate that a portion of the tuition
2 11 moneys collected from students be used for student aid
2 12 purposes.

2 13 Sec. 2. Section 262.9, subsection 29, Code 2007, is
2 14 amended to read as follows:

2 15 29. ~~Direct~~ Develop and adopt rules which direct the
2 16 institutions of higher education under its control to ~~adopt~~ do
2 17 the following:

2 18 a. Adopt a policy to offer not less than the following
2 19 options to a student who is a member of the Iowa national
2 20 guard or reserve forces of the United States and who is
2 21 ordered to state ~~military service~~ active duty or federal
2 22 service ~~or duty~~, as defined in section 29A.1:

2 23 ~~a.~~ (1) Withdraw from the student's entire registration
2 24 and receive a full refund of tuition and mandatory fees.

2 25 ~~b.~~ (2) Make arrangements with the student's instructors
2 26 for course grades, or for incompletes that shall be completed
2 27 by the student at a later date. If such arrangements are
2 28 made, the student's registration shall remain intact and
2 29 tuition and mandatory fees shall be assessed for the courses
2 30 in full.

2 31 ~~c.~~ (3) Make arrangements with only some of the student's
2 32 instructors for grades, or for incompletes that shall be
2 33 completed by the student at a later date. If such
2 34 arrangements are made, the registration for those courses
2 35 shall remain intact and tuition and mandatory fees shall be



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3 1 assessed for those courses. Any course for which arrangements
3 2 cannot be made for grades or incompletes shall be considered
3 3 dropped and the tuition and mandatory fees for the course
3 4 refunded.

3 5 b. Consider a person, for purposes of determining the
3 6 person's tuition rate, to be a resident if the person is a
3 7 veteran as defined in section 35.1, subsection 2, or a member
3 8 of the Iowa national guard or reserve forces of the United
3 9 States, or who is a member of the armed forces of the United
3 10 States or the army national guard of the United States or the
3 11 air national guard of the United States and who is ordered to
3 12 state active duty or federal service, as defined in section
3 13 29A.1.

3 14 c. Establish that late fees or other late charges shall
3 15 not be assessed against a veteran, as defined in section 35.1,
3 16 subsection 2, who is eligible to receive federal educational
3 17 assistance and who has applied for that assistance but not yet
3 18 received it. The policy shall also provide that the veteran
3 19 shall not be prevented from registering for a subsequent term
3 20 because of outstanding tuition charges that arise from delayed
3 21 federal payments. A university may request payment without
3 22 delay of the amount of tuition that exceeds the expected
3 23 federal educational assistance and may require payment of the
3 24 full amount of tuition owed by the veteran within thirty days
3 25 of receipt of the expected federal educational assistance.

3 26 EXPLANATION

3 27 This bill provides that a veteran or person on active duty
3 28 in the national guard, reserves, or in the armed forces of the
3 29 United States is to be considered a resident for purposes of
3 30 determining the person's tuition rate at a community college
3 31 or state university.

3 32 The bill also provides that community colleges and state
3 33 universities cannot charge fees or other late charges to a
3 34 veteran, nor can the veteran's registration be prevented if
3 35 the veteran is eligible for federal educational assistance and



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4 1 has applied for the assistance but not yet received it.
4 2 However, the bill permits the institutions to request of the
4 3 veteran payment of the amount of tuition that exceeds the
4 4 expected federal assistance and may require full payment from
4 5 a veteran within 30 days of the veteran's receipt of the
4 6 expected federal assistance.
4 7 LSB 1368YH 82
4 8 kh:sc/je/5



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HOUSE FILE
 BY DANDEKAR, THOMAS, HOFFMAN,
 MAY, LUKAN, and KRESSIG

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

A BILL FOR

1 An Act relating to moneys appropriated to the department of
 2 economic development for regional tourism marketing purposes.
 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 4 TLSB 1961YH 82
 5 tm/es/88



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1 1 Section 1. Section 99F.11, subsection 3, paragraph e,
1 2 subparagraph (2), as enacted by 2006 Iowa Acts, chapter 1151,
1 3 section 6, is amended to read as follows:

1 4 (2) One-half of the moneys remaining after the
1 5 appropriation in subparagraph (1) is appropriated to the
1 6 community development division of the department of economic
1 7 development for the purposes of regional tourism marketing.
1 8 The moneys appropriated in this subparagraph shall be
1 9 disbursed to the department in quarterly allotments. However,
1 10 none of the moneys appropriated under this subparagraph shall
1 11 be used for administrative purposes.

1 12 EXPLANATION

1 13 This bill relates to moneys appropriated to the department
1 14 of economic development for regional tourism marketing
1 15 purposes.

1 16 In 2006, Code section 99F.11, subsection 3, concerning the
1 17 distribution of gambling tax revenues from gambling games at
1 18 excursion gambling boats and racetracks, was amended effective
1 19 July 1, 2007. The Act provided that eight-tenths of 1 percent
1 20 of the tax revenues are deposited in the county endowment fund
1 21 and the remaining amount of the 1 percent amount, less
1 22 \$520,000, is split evenly, with half appropriated to the
1 23 community development division of the department of economic
1 24 development for regional tourism marketing, and half
1 25 appropriated to the state general fund.

1 26 The bill provides that the appropriations to the department
1 27 of economic development are to be disbursed to the department
1 28 in quarterly allotments.

1 29 LSB 1961YH 82

1 30 tm:rj/es/88



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House File 236

HOUSE FILE
BY QUIRK

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

A BILL FOR

1 An Act establishing statewide licensure of electricians and
2 installers, providing for inspections, establishing fees, and
3 providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1601HH 82
6 rn/cf/24



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1 1 Section 1. NEW SECTION. 103.1 DEFINITIONS.
1 2 As used in this chapter, unless the context otherwise
1 3 requires:
1 4 1. "Apprentice electrician" means any person who as such
1 5 person's principal occupation is engaged in learning and
1 6 assisting in the installation, alteration, and repair of
1 7 electrical wiring, apparatus, and equipment as an employee of
1 8 a person licensed under this chapter, and who is licensed by
1 9 the board and is progressing toward completion of an
1 10 apprenticeship training program registered by the bureau of
1 11 apprenticeship and training of the United States department of
1 12 labor. For purposes of this chapter, persons who are not
1 13 engaged in the installation, alteration, or repair of
1 14 electrical wiring, apparatus, and equipment, either inside or
1 15 outside buildings, shall not be considered apprentice
1 16 electricians.
1 17 2. "Board" means the electrical examining board created
1 18 under section 103.2.
1 19 3. "Class A journeyman electrician" means a person having
1 20 the necessary qualifications, training, experience, and
1 21 technical knowledge to wire for or install electrical wiring,
1 22 apparatus, and equipment and to supervise apprentice
1 23 electricians and who is licensed by the board.
1 24 4. "Class A master electrician" means a person having the
1 25 necessary qualifications, training, experience, and technical
1 26 knowledge to properly plan, lay out, and supervise the
1 27 installation of electrical wiring, apparatus, and equipment
1 28 for light, heat, power, and other purposes and who is licensed
1 29 by the board.
1 30 5. "Class B journeyman electrician" means a person having
1 31 the necessary qualifications, training, experience, and
1 32 technical knowledge to wire for or install electrical wiring,
1 33 apparatus, and equipment who meets and is subject to the
1 34 restrictions of section 103.12.
1 35 6. "Class B master electrician" means a person having the



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2 1 necessary qualifications, training, experience, and technical
2 2 knowledge to properly plan, lay out, and supervise the
2 3 installation of electrical wiring, apparatus, and equipment
2 4 who meets and is subject to the restrictions of section
2 5 103.10.
2 6 7. "Commercial installation" means an installation
2 7 intended for commerce, but does not include a residential
2 8 installation.
2 9 8. "Electrical contractor" means a person who is licensed
2 10 by the board as either a class A or class B master electrician
2 11 and who is also registered with the state of Iowa as a
2 12 contractor.
2 13 9. "Industrial installation" means an installation
2 14 intended for use in the manufacture or processing of products
2 15 involving systematic labor or habitual employment and includes
2 16 installations in which agricultural or other products are
2 17 habitually or customarily processed or stored for others,
2 18 either by buying or reselling on a fee basis.
2 19 10. "Inspector" means a person certified as an electrical
2 20 inspector upon such reasonable conditions as may be adopted by
2 21 the board. The board may permit more than one class of
2 22 electrical inspector.
2 23 11. "Life safety installer" means a person who is
2 24 certified at level two or higher by the national institute for
2 25 certification in engineering technology (NICET), who is
2 26 qualified to oversee the installation of life safety systems,
2 27 including fire alarm, security, and nurse call systems, and
2 28 who is licensed by the board.
2 29 12. "New electrical installation" means the installation
2 30 of electrical wiring, apparatus, and equipment for light,
2 31 heat, power, and other purposes.
2 32 13. "Public use building or facility" means any building
2 33 or facility designated for public use, including all property
2 34 owned and occupied or designated for use by the state of Iowa.
2 35 14. "Residential installation" means an installation



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3 1 intended for a single-family or two-family residential
3 2 dwelling or a multifamily residential dwelling not larger than
3 3 a four-family dwelling.

3 4 15. "Routine maintenance" means the repair or replacement
3 5 of existing electrical apparatus or equipment of the same size
3 6 and type for which no changes in wiring are made.

3 7 16. "Special electrician" means a person having the
3 8 necessary qualifications, training, and experience in wiring
3 9 or installing special classes of electrical wiring, apparatus,
3 10 equipment, or installations which shall include irrigation
3 11 system wiring, disconnecting and reconnecting of existing air
3 12 conditioning and refrigeration, and sign installation and who
3 13 is licensed by the board.

3 14 17. "Unclassified person" means any person, other than an
3 15 apprentice electrician or other person licensed under this
3 16 chapter, who, as such person's principal occupation, is
3 17 engaged in learning and assisting in the installation,
3 18 alteration, and repair of electrical wiring, apparatus, and
3 19 equipment as an employee of a person licensed under this
3 20 chapter, and who is licensed by the board as an unclassified
3 21 person. For purposes of this chapter, persons who are not
3 22 engaged in the installation, alteration, or repair of
3 23 electrical wiring, apparatus, and equipment, either inside or
3 24 outside buildings, shall not be considered unclassified
3 25 persons.

3 26 Sec. 2. NEW SECTION. 103.2 ELECTRICAL EXAMINING BOARD
3 27 CREATED.

3 28 1. An electrical examining board is created within the
3 29 division of state fire marshal of the department of public
3 30 safety. The board shall consist of eleven voting members
3 31 appointed by the governor and subject to senate confirmation,
3 32 all of whom shall be residents of this state.

3 33 2. The members shall be as follows:

3 34 a. Two members shall be journeyman electricians, one a
3 35 member of an electrical workers union covered under a



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4 1 collective bargaining agreement and one not a member of a
4 2 union.
4 3 b. Two members shall be master electricians or electrical
4 4 contractors, one of whom is a contractor signed to a
4 5 collective bargaining agreement or a master electrician
4 6 covered under a collective bargaining agreement and one of
4 7 whom is a nonunion contractor or a master electrician who is
4 8 not a member of a union.
4 9 c. One member shall be an electrical inspector.
4 10 d. Two members, one a union member covered under a
4 11 collective bargaining agreement and one a nonunion member,
4 12 shall not be a member of any of the aforementioned groups and
4 13 shall represent the general public.
4 14 e. One member shall be the state fire marshal or a
4 15 representative of the state fire marshal's office.
4 16 f. One member shall be a local building official employed
4 17 by a political subdivision to perform electrical inspections
4 18 for that political subdivision.
4 19 g. One member shall represent a public utility.
4 20 h. One member shall be an engineer licensed pursuant to
4 21 chapter 542B with a background in electrical engineering.
4 22 3. The public members of the board shall be allowed to
4 23 participate in administrative, clerical, or ministerial
4 24 functions incident to giving a licensure examination, but
4 25 shall not determine the content of the examination or
4 26 determine the correctness of the answers. Professional
4 27 associations or societies composed of licensed electricians
4 28 may recommend to the governor the names of potential board
4 29 members whose profession is representative of that association
4 30 or society. However, the governor is not bound by the
4 31 recommendations. A board member shall not be required to be a
4 32 member of any professional electrician association or society.
4 33 Sec. 3. NEW SECTION. 103.3 TERMS OF OFFICE == EXPENSES
4 34 == COUNSEL.
4 35 1. Appointments to the board, other than the state fire



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5 1 marshal or a representative of the state fire marshal's
5 2 office, shall be for three-year staggered terms and shall
5 3 commence and end as provided by section 69.19. The most
5 4 recently appointed state fire marshal, or a representative of
5 5 the state fire marshal's office, shall be appointed to the
5 6 board on an ongoing basis. Vacancies shall be filled for the
5 7 unexpired term by appointment of the governor and shall be
5 8 subject to senate confirmation. Members shall serve no more
5 9 than three terms or nine years, whichever is least.

5 10 2. Members of the board are entitled to receive all actual
5 11 expenses incurred in the discharge of their duties within the
5 12 limits of funds appropriated to the board. Each member of the
5 13 board may also be eligible to receive compensation as provided
5 14 in section 7E.6.

5 15 3. The board shall be entitled to the counsel and services
5 16 of the attorney general. The board may compel the attendance
5 17 of witnesses, pay witness fees and mileage, take testimony and
5 18 proofs, and administer oaths concerning any matter within its
5 19 jurisdiction.

5 20 Sec. 4. NEW SECTION. 103.4 ORGANIZATION OF THE BOARD.

5 21 The board shall elect annually from its members a
5 22 chairperson and a vice chairperson, and shall hire and provide
5 23 staff to assist the board in administering this chapter. An
5 24 executive secretary designated by the board shall report to
5 25 the state fire marshal for purposes of routine board
5 26 administrative functions, and shall report directly to the
5 27 board for purposes of execution of board policy such as
5 28 application of licensing criteria and processing of
5 29 applications. The board shall hold at least one meeting
5 30 quarterly at the location of the board's principal office, and
5 31 meetings shall be called at other times by the chairperson or
5 32 four members of the board. At any meeting of the board, a
5 33 majority of members constitutes a quorum.

5 34 Sec. 5. NEW SECTION. 103.5 OFFICIAL SEAL == BYLAWS.

5 35 The board shall adopt and have an official seal which shall



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6 1 be affixed to all certificates of licensure granted.
6 2 Sec. 6. NEW SECTION. 103.6 POWERS AND DUTIES.
6 3 The board shall:
6 4 1. Adopt rules pursuant to chapter 17A and in doing so
6 5 shall be governed by the minimum standards set forth in the
6 6 most current publication of the national electrical code
6 7 issued and adopted by the national fire protection
6 8 association, and amendments to the code, which code and
6 9 amendments shall be filed in the offices of the secretary of
6 10 state and the board and shall be a public record. The board
6 11 shall adopt rules reflecting updates to the code and
6 12 amendments to the code. The board shall promulgate and adopt
6 13 rules establishing wiring standards that protect public safety
6 14 and health and property and that apply to all electrical
6 15 wiring which is installed subject to this chapter.
6 16 2. Revoke, suspend, or refuse to renew any license granted
6 17 pursuant to this chapter when the licensee:
6 18 a. Fails or refuses to pay any examination, license, or
6 19 renewal fee required by law.
6 20 b. Is an electrical contractor and fails or refuses to
6 21 provide and keep in force a public liability insurance policy
6 22 as required by the board.
6 23 c. Violates any political subdivision's inspection
6 24 ordinances.
6 25 The board may, in its discretion, revoke, suspend, or
6 26 refuse to renew any license granted pursuant to this chapter
6 27 when the licensee violates any provision of the national
6 28 electrical code as adopted pursuant to subsection 1, this
6 29 chapter, or any rule adopted pursuant to this chapter.
6 30 3. Adopt rules for continuing education requirements for
6 31 each classification of licensure established pursuant to this
6 32 chapter, and adopt all rules, not inconsistent with the law,
6 33 necessary for the proper performance of the duties of the
6 34 board.
6 35 4. Provide for the amount and collection of fees for



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7 1 inspection and other services.

7 2 Sec. 7. NEW SECTION. 103.7 ELECTRICIAN AND INSTALLER
7 3 LICENSING AND INSPECTION FUND.

7 4 An electrician and installer licensing and inspection fund
7 5 is created in the state treasury as a separate fund under the
7 6 control of the board. All licensing, examination, renewal,
7 7 and inspection fees shall be deposited into the fund and
7 8 retained by and for the use of the board. Expenditures from
7 9 the fund shall be approved by the sole authority of the board.
7 10 Amounts deposited into the fund shall be considered repayment
7 11 receipts as defined in section 8.2. Notwithstanding section
7 12 8.33, any balance in the fund on June 30 of each fiscal year
7 13 shall not revert to the general fund of the state, but shall
7 14 remain available for the purposes of this chapter in
7 15 subsequent fiscal years. Notwithstanding section 12C.7,
7 16 subsection 2, interest or earnings on moneys deposited in the
7 17 fund shall be credited to the fund.

7 18 Sec. 8. NEW SECTION. 103.8 PLAN, LAY OUT, OR SUPERVISE
7 19 CERTAIN ACTIVITIES == LICENSE REQUIRED == EXCEPTIONS.

7 20 Except as provided in sections 103.13 and 103.14, no person
7 21 shall, for another, plan, lay out, or supervise the
7 22 installation of wiring, apparatus, or equipment for electrical
7 23 light, heat, power, and other purposes unless the person is
7 24 licensed by the board as an electrical contractor, a class A
7 25 master electrician, or a class B master electrician.

7 26 Sec. 9. NEW SECTION. 103.9 ELECTRICAL CONTRACTOR
7 27 LICENSE.

7 28 1. An applicant for an electrical contractor license shall
7 29 either be or employ a licensed class A or class B master
7 30 electrician, and be registered with the state of Iowa as a
7 31 contractor.

7 32 2. A contractor who holds a class B master electrician
7 33 license shall be licensed subject to the restrictions of
7 34 section 103.10.

7 35 Sec. 10. NEW SECTION. 103.10 CLASS A MASTER ELECTRICIAN



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8 1 LICENSE == QUALIFICATIONS == CLASS B MASTER ELECTRICIAN
8 2 LICENSE.
8 3 1. An applicant for a class A master electrician license
8 4 shall have at least one year's experience, acceptable to the
8 5 board, as a licensed class A or class B journeyman
8 6 electrician.
8 7 2. In addition, an applicant shall obtain a score of at
8 8 least seventy-five percent on an examination prescribed and
8 9 administered by the board based upon the most recent national
8 10 electrical code adopted pursuant to section 103.6 and upon
8 11 electrical theory.
8 12 3. a. An applicant who can provide proof acceptable to
8 13 the board that the applicant has been working in the
8 14 electrical business and involved in planning for, laying out,
8 15 supervising, and installing electrical wiring, apparatus, or
8 16 equipment for light, heat, and power prior to 1990 may be
8 17 granted a class B master electrician license without taking an
8 18 examination. An applicant who is issued a class B master
8 19 electrician license pursuant to this section shall not be
8 20 authorized to plan, lay out, or supervise the installation of
8 21 electrical wiring, apparatus, and equipment in a political
8 22 subdivision which, prior to or after the effective date of
8 23 this section of this Act, establishes licensing standards
8 24 which preclude such work by class B master electricians in the
8 25 political subdivision. The board shall adopt rules
8 26 establishing procedures relating to the restriction of a class
8 27 B master electrician license pursuant to this subsection.
8 28 b. A class B master electrician may become licensed as a
8 29 class A master electrician upon successful passage of the
8 30 examination prescribed in subsection 2.
8 31 4. A person licensed to plan, lay out, or supervise the
8 32 installation of electrical wiring, apparatus, or equipment for
8 33 light, heat, power, and other purposes and supervise
8 34 apprentice electricians by a political subdivision preceding
8 35 the effective date of this section of this Act pursuant to a
9 1 supervised written examination, and who is currently engaged
9 2 in the electrical contracting industry, shall be issued an
9 3 applicable statewide license corresponding to that licensure
9 4 as a class A master electrician or electrical contractor. The
9 5 board shall adopt by rule certain criteria for city
9 6 examination standards satisfactory to fulfill this
9 7 requirement.
9 8 Sec. 11. NEW SECTION. 103.11 WIRING OR INSTALLING ==
9 9 SUPERVISING APPRENTICES == LICENSE REQUIRED == QUALIFICATIONS.
9 10 1. Except as provided in section 103.13, no person shall,
9 11 for another, wire for or install electrical wiring, apparatus,
9 12 or equipment, or supervise an apprentice electrician or
9 13 unclassified person, unless the person is licensed by the
9 14 board as an electrical contractor, a class A master
9 15 electrician, a class B master electrician, or a life safety
9 16 installer, or is licensed as a class A journeyman electrician,
9 17 a class B journeyman electrician, or a life safety installer
9 18 and is employed by an electrical contractor, a class A master
9 19 electrician, a class B master electrician, or a life safety
9 20 installer.
9 21 2. For purposes of this section, the holder of a life



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9 22 safety installer license shall only supervise those
9 23 apprentices engaged in the installation of fire alarm
9 24 equipment and apparatus operating at fifty volts or less.
9 25 Sec. 12. NEW SECTION. 103.12 CLASS A JOURNEYMAN
9 26 ELECTRICIAN LICENSE QUALIFICATIONS == CLASS B JOURNEYMAN
9 27 ELECTRICIAN LICENSE.
9 28 1. An applicant for a class A journeyman electrician
9 29 license shall have successfully completed an apprenticeship
9 30 training program registered by the bureau of apprenticeship
9 31 and training of the United States department of labor in
9 32 accordance with the standards established by that department.
9 33 An applicant may petition the board to receive a waiver of
9 34 this requirement. The board shall determine a level of on=
9 35 the=job experience as an unclassified person sufficient to



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10 1 qualify for a waiver.

10 2 2. In addition, an applicant shall obtain a score of at
10 3 least seventy-five percent on an examination prescribed and
10 4 administered by the board based upon the most recent national
10 5 electrical code adopted pursuant to section 103.6 and upon
10 6 electrical theory.

10 7 3. a. An applicant who can provide proof acceptable to
10 8 the board that the applicant has been employed as a journeyman
10 9 electrician since 1990 may be granted a class B journeyman
10 10 electrician license without taking an examination. An
10 11 applicant who is issued a class B journeyman electrician
10 12 license pursuant to this section shall not be authorized to
10 13 wire for or install electrical wiring, apparatus, and
10 14 equipment in a political subdivision which, prior to or after
10 15 the effective date of this section of this Act, establishes
10 16 licensing standards which preclude such work by class B
10 17 journeyman electricians in the political subdivision. The
10 18 board shall adopt rules establishing procedures relating to
10 19 the restriction of a class B journeyman electrician license
10 20 pursuant to this subsection.

10 21 b. A class B journeyman electrician may become licensed as
10 22 a class A journeyman electrician upon successful passage of
10 23 the examination prescribed in subsection 2.

10 24 4. A person licensed to wire for or install electrical
10 25 wiring, apparatus, or equipment or supervise an apprentice
10 26 electrician by a political subdivision preceding the effective
10 27 date of this section of this Act pursuant to a supervised
10 28 written examination, and who is currently engaged in the
10 29 electrical contracting industry with at least four years'
10 30 experience, shall be issued an applicable statewide license
10 31 corresponding to that licensure as a class A journeyman
10 32 electrician or a class B journeyman electrician. The board
10 33 shall adopt by rule certain criteria for city examination
10 34 standards satisfactory to fulfill this requirement.

10 35 Sec. 13. NEW SECTION. 103.13 SPECIAL ELECTRICIAN LICENSE



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11 1 == QUALIFICATIONS.

11 2 The board shall by rule provide for the issuance of special
11 3 electrician licenses authorizing the licensee to engage in a
11 4 limited class or classes of electrical work, which class or
11 5 classes shall be specified on the license. Each licensee
11 6 shall have experience, acceptable to the board, in each such
11 7 limited class of work for which the person is licensed.

11 8 Sec. 14. NEW SECTION. 103.14 LIFE SAFETY INSTALLER
11 9 LICENSE.

11 10 1. A person not otherwise licensed pursuant to this
11 11 chapter shall not plan, lay out, or install electrical wiring,
11 12 apparatus, and equipment for components of life safety
11 13 systems. A person authorized to plan, lay out, or install
11 14 electrical wiring, apparatus, and equipment for components of
11 15 life safety systems that operate at fifty volts or less by a
11 16 political subdivision on the effective date of this section of
11 17 this Act shall be issued an applicable statewide license
11 18 corresponding to that authorization as a life safety
11 19 installer.

11 20 2. On or after the effective date of this section of this
11 21 Act, any person to be licensed as a life safety installer to
11 22 plan, lay out, and install electrical wiring, apparatus, and
11 23 equipment for components of life safety systems shall have at
11 24 least two years' experience, acceptable to the board, in
11 25 planning, laying out, and installing life safety systems.

11 26 3. In addition to the requirements of subsections 1 and 2,
11 27 an applicant for a life safety installer license shall obtain
11 28 a score of at least seventy-five percent on a level two or
11 29 higher examination prescribed and administered by the board
11 30 based on the most recent national institute for certification
11 31 in engineering technology requirements.

11 32 4. A person licensed as a class A or class B master
11 33 electrician, or a class A or class B journeyman electrician,
11 34 who has not successfully passed the examination prescribed in
11 35 subsection 3 shall be authorized to install electrical wiring,



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12 1 apparatus, and equipment for components of life safety systems
12 2 if their work is approved by a person who is licensed as a
12 3 life safety installer.

12 4 Sec. 15. NEW SECTION. 103.15 APPRENTICE ELECTRICIAN ==
12 5 UNCLASSIFIED PERSON.

12 6 1. A person shall be licensed by the board and pay a
12 7 licensing fee to work as an apprentice electrician while
12 8 participating in an apprenticeship training program registered
12 9 by the bureau of apprenticeship and training of the United
12 10 States department of labor in accordance with the standards
12 11 established by that department. A person is eligible for
12 12 licensure as an apprentice electrician for only one
12 13 apprenticeship, which shall be limited to six years from the
12 14 date of licensure, unless extended by the board upon a finding
12 15 that a hardship existed which prevented completion of the
12 16 apprenticeship program. Such licensure shall entitle the
12 17 licensee to act as an apprentice to an electrical contractor,
12 18 a class A master electrician, a class B master electrician, a
12 19 class A journeyman electrician, or a class B journeyman
12 20 electrician as provided in subsection 3.

12 21 2. A person shall be licensed as an unclassified person by
12 22 the board to perform electrical work if the work is performed
12 23 under the personal supervision of a person actually licensed
12 24 to perform such work and the licensed and unclassified persons
12 25 are employed by the same employer. After one hundred
12 26 continuous days of employment as a nonlicensed unclassified
12 27 person, the unclassified person must receive a license from
12 28 the board. Licensed persons shall not permit unclassified
12 29 persons to perform electrical work except under the personal
12 30 supervision of a person actually licensed to perform such
12 31 work. Unclassified persons shall not supervise the
12 32 performance of electrical work or make assignments of
12 33 electrical work to unclassified persons. Electrical
12 34 contractors employing unclassified persons performing
12 35 electrical work shall maintain records establishing compliance



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13 1 with this section, which shall designate all unclassified
13 2 persons performing electrical work.
13 3 3. Apprentice electricians and unclassified persons shall
13 4 do no electrical wiring except under the direct personal on=
13 5 the=job supervision and control and in the immediate presence
13 6 of a licensee pursuant to this chapter. Such supervision
13 7 shall include both on=the=job training and related classroom
13 8 training as approved by the board. The licensee may employ or
13 9 supervise apprentice electricians and unclassified persons at
13 10 a ratio not to exceed three apprentice electricians and
13 11 unclassified persons to one licensee, except that such ratio
13 12 and the other requirements of this section shall not apply to
13 13 apprenticeship classroom training.

13 14 4. For purposes of this section, "the direct personal on=
13 15 the=job supervision and control and in the immediate presence
13 16 of a licensee" shall mean the licensee and the apprentice
13 17 electrician or unclassified person shall be working at the
13 18 same project location but shall not require that the licensee
13 19 and apprentice electrician or unclassified person be within
13 20 sight of one another at all times.

13 21 5. An apprentice electrician shall not install, alter, or
13 22 repair electrical equipment except as provided in this
13 23 section, and the licensee employing or supervising an
13 24 apprentice electrician shall not authorize or permit such
13 25 actions by the apprentice electrician.

13 26 Sec. 16. NEW SECTION. 103.16 LICENSE EXAMINATIONS.

13 27 1. Examinations for licensure shall be given as often as
13 28 deemed necessary by the board, but no less than one time per
13 29 month. The scope of the examinations and the methods of
13 30 procedure shall be prescribed by the board. The examinations
13 31 given by the board shall be the experior assessment
13 32 examination, or a successor examination approved by the board,
13 33 or an examination prepared by a third=party testing service
13 34 which is substantially equivalent to the experior assessment
13 35 examination, or a successor examination approved by the board.



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14 1 2. An examination may be given by representatives of the
14 2 board. As soon as practicable after the close of each
14 3 examination, a report shall be filed in the office of the
14 4 secretary of the board by the board. The report shall show
14 5 the action of the board upon each application and the
14 6 secretary of the board shall notify each applicant of the
14 7 result of the applicant's examination. Applicants who fail
14 8 the examination once shall be allowed to take the examination
14 9 at the next scheduled time. Thereafter, the applicant shall
14 10 be allowed to take the examination at the discretion of the
14 11 board. An applicant who has failed the examination may
14 12 request, in writing, information from the board concerning the
14 13 applicant's examination grade and subject areas or questions
14 14 which the applicant failed to answer correctly, except that if
14 15 the board administers a uniform, standardized examination, the
14 16 board shall only be required to provide the examination grade
14 17 and such other information concerning the applicant's
14 18 examination results which are available to the board.

14 19 Sec. 17. NEW SECTION. 103.17 DISCLOSURE OF CONFIDENTIAL
14 20 INFORMATION == CRIMINAL PENALTY.

14 21 A member of the board shall not disclose information
14 22 relating to the following:

- 14 23 1. Criminal history or prior misconduct of an applicant.
- 14 24 2. Information relating to the contents of an examination.
- 14 25 3. Information relating to examination results other than
14 26 a final score except for information about the results of an
14 27 examination given to the person who took the examination.

14 28 A member of the board who willfully communicates or seeks
14 29 to communicate such information, and any person who willfully
14 30 requests, obtains, or seeks to obtain such information, is
14 31 guilty of a simple misdemeanor.

14 32 Sec. 18. NEW SECTION. 103.18 LICENSE RENEWAL ==
14 33 CONTINUING EDUCATION.

14 34 In order to renew a class A master electrician, class B
14 35 master electrician, class A journeyman electrician, or class B



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15 1 journeyman electrician license issued pursuant to this
15 2 chapter, the licensee shall be required to complete eighteen
15 3 contact hours of continuing education courses approved by the
15 4 board during the three-year period for which a license is
15 5 granted. The contact hours shall include a minimum of six
15 6 contact hours studying the national electrical code described
15 7 in section 103.6, and the remaining contact hours may include
15 8 study of electrical circuit theory, blueprint reading,
15 9 transformer and motor theory, electrical circuits and devices,
15 10 control systems, programmable controllers, and microcomputers
15 11 or any other study of electrical-related material that is
15 12 approved by the board. Any additional hours studying the
15 13 national electrical code shall be acceptable. For purposes of
15 14 this section, "contact hour" means fifty minutes of classroom
15 15 attendance at an approved course under a qualified instructor
15 16 approved by the board.

15 17 Sec. 19. NEW SECTION. 103.19 LICENSES == EXPIRATION ==
15 18 APPLICATION == FEES.

15 19 1. Licenses issued pursuant to this chapter shall expire
15 20 every three years, with the exception of licenses for
15 21 apprentice electricians and unclassified persons, which shall
15 22 expire on an annual basis. All license applications shall
15 23 include the applicant's social security number. The board
15 24 shall establish the fees to be payable for examination and
15 25 license issuance and renewal in amounts not to exceed the
15 26 following:

15 27 a. For examinations:

15 28 (1) Class A master electrician, one hundred twenty-five
15 29 dollars.

15 30 (2) Class A journeyman electrician, sixty dollars.

15 31 (3) Life safety installer, sixty dollars.

15 32 b. For each year of the three-year license period for
15 33 issuance and renewal:

15 34 (1) Electrical contractor, one hundred twenty-five
15 35 dollars.



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16 1 (2) Class A master electrician, class B master
16 2 electrician, one hundred twenty-five dollars.
16 3 (3) Class A journeyman electrician, class B journeyman
16 4 electrician, life safety installer, or special electrician,
16 5 twenty-five dollars.
16 6 c. For apprentice electricians, twenty dollars.
16 7 2. The holder of an expired license may renew the license
16 8 for a period of three months from the date of expiration upon
16 9 payment of the license fee plus ten percent of the renewal fee
16 10 for each month or portion thereof past the expiration date.
16 11 All holders of licenses expired for more than three months
16 12 shall apply for a new license.
16 13 Sec. 20. NEW SECTION. 103.20 LICENSEE STATUS ==
16 14 EMPLOYMENT == DEATH.
16 15 1. Individuals performing electrical work in a capacity
16 16 for which licensure is required pursuant to this chapter shall
16 17 be employed by the authority or company obtaining a permit for
16 18 the performance of such work, and shall possess a valid
16 19 license issued by the board.
16 20 2. Upon the death of an electrical contractor, a class A
16 21 master electrician, a class B master electrician, or a life
16 22 safety installer, the board may permit a representative to
16 23 carry on the business of the decedent for a period not to
16 24 exceed six months for the purpose of completing work under
16 25 contract to comply with this chapter. Such representative
16 26 shall furnish all public liability and property damage
16 27 insurance required by the board.
16 28 Sec. 21. NEW SECTION. 103.21 LICENSES WITHOUT
16 29 EXAMINATION == RECIPROCITY WITH OTHER STATES.
16 30 To the extent that any other state which provides for the
16 31 licensing of electricians provides for similar action, the
16 32 board may grant licenses, without examination, of the same
16 33 grade and class to an electrician who has been licensed by
16 34 such other state for at least one year, upon payment by the
16 35 applicant of the required fee, and upon the board being



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17 1 furnished with proof that the qualifications of the applicant
17 2 are equal to the qualifications of holders of similar licenses
17 3 in this state.

17 4 Sec. 22. NEW SECTION. 103.22 CHAPTER INAPPLICABILITY.

17 5 The provisions of this chapter shall not:

17 6 1. Apply to a person licensed as an engineer pursuant to
17 7 chapter 542B or registered as an architect pursuant to chapter
17 8 544A providing consultations and developing plans concerning
17 9 electrical installations who is exclusively engaged in the
17 10 practice of the person's profession.

17 11 2. Require employees of municipal corporations, electric
17 12 membership or cooperative associations, public utility
17 13 corporations, rural water associations or districts,
17 14 railroads, telecommunications companies, franchised cable
17 15 television operators, or commercial or industrial companies
17 16 performing manufacturing, installation, and repair work for
17 17 such employer to hold licenses while acting within the scope
17 18 of their employment.

17 19 3. Require any person doing work for which a license would
17 20 otherwise be required under this chapter to hold a license
17 21 issued under this chapter if the person is the holder of a
17 22 valid license issued by any political subdivision, so long as
17 23 the person makes electrical installations only in the
17 24 jurisdictional limits of such political subdivision and such
17 25 license issued by the political subdivision meets the
17 26 requirements of this chapter.

17 27 4. Apply to the installation, maintenance, repair, or
17 28 alteration of vertical transportation or passenger conveyors,
17 29 elevators, moving walks, dumbwaiters, stagelifts, manlifts, or
17 30 appurtenances thereto beyond the terminals of the controllers.
17 31 The licensing of elevator contractors or constructors shall
17 32 not be considered a part of the licensing requirements of this
17 33 chapter.

17 34 5. Require a license of any person who engages any
17 35 electrical appliance where approved electrical outlets are



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18 1 already installed.

18 2 6. Prohibit an owner of property from performing work on
18 3 the owner's principal residence, if such residence is an
18 4 existing dwelling rather than new construction and is not
18 5 larger than a single-family dwelling, or farm property,
18 6 excluding commercial or industrial installations or
18 7 installations in public use buildings or facilities, or
18 8 require such owner to be licensed under this chapter. In
18 9 order to qualify for inapplicability pursuant to this
18 10 subsection, a residence shall qualify for the homestead tax
18 11 exemption.

18 12 7. Require that any person be a member of a labor union in
18 13 order to be licensed.

18 14 8. Apply to a person who is qualified pursuant to
18 15 administrative rules relating to the storage and handling of
18 16 liquefied petroleum gases while engaged in installing,
18 17 servicing, testing, replacing, or maintaining propane gas
18 18 utilization equipment, or gas piping systems of which the
18 19 equipment is a part, and related or connected accessory
18 20 systems or equipment necessary to the operation of the
18 21 equipment.

18 22 9. Apply to a person who meets the requirements for a well
18 23 contractor pursuant to administrative rules while engaged in
18 24 installing, servicing, testing, replacing, or maintaining a
18 25 well or well equipment, or piping systems of which the
18 26 equipment is a part, and related or connected accessory
18 27 systems or equipment necessary to the operation of the
18 28 equipment.

18 29 Sec. 23. NEW SECTION. 103.23 ELECTRICAL INSTALLATIONS ==
18 30 SUBJECT TO INSPECTION.

18 31 The inspection and enforcement provisions of this chapter
18 32 shall apply to the following:

18 33 1. All new electrical installations for commercial or
18 34 industrial applications, including installations both inside
18 35 and outside of buildings, and for public use buildings and
19 1 facilities and any installation at the request of the owner.

19 2 2. All new electrical installations for residential
19 3 applications in excess of single-family residential
19 4 applications.

19 5 3. All new electrical installations for single-family
19 6 residential applications requiring new electrical service
19 7 equipment.

19 8 4. Existing electrical installations observed during
19 9 inspection which constitute an electrical hazard. Existing
19 10 installations shall not be deemed to constitute an electrical
19 11 hazard if the wiring when originally installed was installed
19 12 in accordance with the electrical code in force at the time of
19 13 installation and has been maintained in that condition.

19 14 Sec. 24. NEW SECTION. 103.24 STATE INSPECTION ==
19 15 INAPPLICABILITY IN CERTAIN POLITICAL SUBDIVISIONS ==
19 16 ELECTRICAL INSPECTORS == CERTIFICATE OF QUALIFICATION.

19 17 1. No person other than the holder of an electrical
19 18 inspector's certificate of qualification shall be appointed to
19 19 act as an electrical inspector and to enforce this chapter as
19 20 an electrical inspector and to enforce this chapter or any
19 21 applicable resolution or ordinance within the inspector's



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19 22 jurisdiction. The board shall establish by rule standards for
19 23 the certification and decertification of state electrical
19 24 inspectors, and certified electrical inspector continuing
19 25 education requirements.

19 26 2. State inspection shall not apply within the
19 27 jurisdiction of any political subdivision which, pursuant to
19 28 section 103.29, provides by resolution or ordinance standards
19 29 of electrical wiring and its installation that are not less
19 30 than those prescribed by the board or by this chapter and
19 31 which further provides by resolution or ordinance for the
19 32 inspection of electrical installations within the limits of
19 33 such subdivision by a certified electrical inspector. A copy
19 34 of the certificate of each electrical inspector shall be
19 35 provided to the board by the political subdivision issuing the



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20 1 certificate.
20 2 3. State inspection shall not apply to routine
20 3 maintenance.
20 4 Sec. 25. NEW SECTION. 103.25 REQUEST FOR INSPECTION ==
20 5 FEES.
20 6 At or before commencement of any installation required to
20 7 be inspected by the board, the licensee or owner making such
20 8 installation shall submit to the state fire marshal's office a
20 9 request for inspection. The board shall prescribe the methods
20 10 by which the request may be submitted, which may include
20 11 electronic submission or through a form prescribed by the
20 12 board that can be submitted either through the mail or by a
20 13 fax transmission. The board shall also prescribe methods by
20 14 which inspection fees can be paid, which may include
20 15 electronic methods of payment. If the board or the state fire
20 16 marshal's office becomes aware that a person has failed to
20 17 file a necessary request for inspection, the board or the
20 18 state fire marshal's office shall send a written notification
20 19 by certified mail that the request must be filed within
20 20 fourteen days. Any person filing a late request for
20 21 inspection shall pay a delinquency fee in an amount to be
20 22 determined by the board. Failure to file a late request
20 23 within fourteen days shall be subject to a civil penalty to be
20 24 determined by the board by rule.
20 25 Sec. 26. NEW SECTION. 103.26 CONDEMNATION ==
20 26 DISCONNECTION == OPPORTUNITY TO CORRECT NONCOMPLIANCE.
20 27 If the inspector finds that any installation or portion of
20 28 an installation is not in compliance with accepted standards
20 29 of construction for safety to health and property, based upon
20 30 minimum standards set forth in the local electrical code or
20 31 the national electrical code adopted by the board pursuant to
20 32 section 103.6, the inspector shall by written order condemn
20 33 the installation or noncomplying portion or order service to
20 34 such installation disconnected and shall send a copy of such
20 35 order to the board and the electrical utility supplying power



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21 1 involved. If the installation or the noncomplying portion is
21 2 such as to seriously and proximately endanger human health or
21 3 property, the order of the inspector when approved by the
21 4 inspector's superior shall require immediate condemnation and
21 5 disconnection by the applicant. In all other cases, the order
21 6 of the inspector shall establish a reasonable period of time
21 7 for the installation to be brought into compliance with
21 8 accepted standards of construction for safety to health and
21 9 property prior to the effective date established in such order
21 10 for condemnation or disconnection.

21 11 Sec. 27. NEW SECTION. 103.27 CONDEMNATION OR
21 12 DISCONNECTION ORDER == SERVICE.

21 13 1. A copy of each condemnation or disconnection order
21 14 shall be served personally or by regular mail upon the
21 15 property owner at the property owner's last known address, the
21 16 licensee making the installation, and such other persons as
21 17 the board by rule may direct.

21 18 2. The electrical utility supplying power shall be served
21 19 with a copy of any order which requires immediate
21 20 disconnection or prohibits energizing an installation.

21 21 Sec. 28. NEW SECTION. 103.28 CERTIFICATE OF SAFE
21 22 OPERATION == DISMISSAL OF CONDEMNATION OR DISCONNECTION ORDER.

21 23 1. No electrical installation subject to inspection by the
21 24 board shall be newly connected or reconnected for use until
21 25 the electrical inspector has filed with the electrical utility
21 26 supplying power a certificate stating that the electrical
21 27 inspector has approved such energization.

21 28 2. If the electrical inspector determines that an
21 29 electrical installation subject to inspection by the board is
21 30 not in compliance with accepted standards of construction for
21 31 safety to health and property, based upon minimum standards
21 32 adopted by the board pursuant to this chapter, the inspector
21 33 shall issue a correction order. A correction order made
21 34 pursuant to this section shall be served personally or by
21 35 United States mail only upon the licensee making the



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22 1 installation. The correction order shall order the licensee
22 2 to make the installation comply with the standards, noting
22 3 specifically what changes are required. The order shall
22 4 specify a date, not more than seventeen calendar days from the
22 5 date of the order, when a new inspection shall be made. When
22 6 the installation is brought into compliance to the
22 7 satisfaction of the inspector, the inspector shall file with
22 8 the electrical utility supplying power a certificate stating
22 9 that the electrical inspector has approved energization.

22 10 3. An electrical utility supplier may refuse service
22 11 without liability for such refusal until the provisions of
22 12 this section have been met.

22 13 Sec. 29. NEW SECTION. 103.29 POLITICAL SUBDIVISIONS ==
22 14 INSPECTIONS == AUTHORITY OF POLITICAL SUBDIVISIONS.

22 15 1. A political subdivision performing electrical
22 16 inspections prior to December 31, 2007, shall continue to
22 17 perform such inspections. After December 31, 2012, a
22 18 political subdivision may choose to discontinue performing its
22 19 own inspections and permit the board to have jurisdiction over
22 20 inspections in the political subdivision. If a political
22 21 subdivision seeks to discontinue its own inspections prior to
22 22 December 31, 2012, the political subdivision shall petition
22 23 the board. If a unanimous vote of the board finds that a
22 24 political subdivision's inspections are inadequate by reason
22 25 of misfeasance, malfeasance, or nonfeasance, the board may
22 26 suspend or revoke the political subdivision's authority to
22 27 perform its own inspections. A political subdivision not
22 28 performing electrical inspections prior to December 31, 2007,
22 29 may make provision for inspection of electrical installations
22 30 within its jurisdiction, in which case it shall keep on file
22 31 with the board copies of its current inspection ordinances or
22 32 resolutions and electrical codes.

22 33 2. A political subdivision performing electrical
22 34 inspections pursuant to subsection 1 prior to December 31,
22 35 2007, may maintain a different supervision ratio than the



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23 1 ratio of three apprentice electricians and unclassified
23 2 persons to one licensee specified in section 103.15,
23 3 subsection 3, but may not exceed that ratio. A political
23 4 subdivision which begins performing electrical inspections
23 5 after December 31, 2007, shall maintain the specified
23 6 three-to-one ratio unless the board approves a petition by the
23 7 political subdivision for a lower ratio. A political
23 8 subdivision which discontinues performing electrical
23 9 inspections and permits the board to have jurisdiction over
23 10 inspections shall maintain the specified three-to-one
23 11 supervision ratio, and may not petition for a lower ratio
23 12 unless the political subdivision subsequently resumes
23 13 performing electrical inspections.

23 14 3. A political subdivision that performs electrical
23 15 inspections may set appropriate permit fees to pay for such
23 16 inspections. A political subdivision shall not require any
23 17 person holding a license from the board to pay any license fee
23 18 or take any examination if the person holds a current license
23 19 issued by the board which is of a classification equal to or
23 20 greater than the classification needed to do the work
23 21 proposed. Any such political subdivision may provide a
23 22 requirement that each person doing electrical work within the
23 23 jurisdiction of such political subdivision have on file with
23 24 the political subdivision a copy of the current license issued
23 25 by the board or such other evidence of such license as may be
23 26 provided by the board.

23 27 4. A political subdivision is authorized to determine what
23 28 work may be performed by a class B licensee within the
23 29 jurisdictional limits of the political subdivision.

23 30 5. A political subdivision that performs electrical
23 31 inspections shall act as the authority having jurisdiction for
23 32 electrical inspections and for amending the national
23 33 electrical code adopted by the board pursuant to section 103.6
23 34 for work performed within the jurisdictional limits of the
23 35 political subdivision, provided those inspections and



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24 1 amendments conform to the requirements of this chapter. Any
24 2 action by a political subdivision with respect to amendments
24 3 to the national electrical code shall be filed with the board
24 4 prior to enforcement by the political subdivision, and shall
24 5 not be less stringent than the minimum standards established
24 6 by the board by rule.

24 7 6. A political subdivision may grant a variance or
24 8 interpret the national electrical code in a manner which
24 9 deviates from a standard interpretation on an exception basis
24 10 for a one-time installation or planned installation so long as
24 11 such a variance or interpretation does not present an
24 12 electrical hazard or danger to life or property. Any action
24 13 by a political subdivision with respect to such a variance or
24 14 interpretation shall be filed with the board immediately
24 15 following such action.

24 16 Sec. 30. NEW SECTION. 103.30 INSPECTIONS NOT REQUIRED.

24 17 Nothing in this chapter shall be construed to require the
24 18 work of employees of municipal corporations, railroads,
24 19 electric membership or cooperative associations, public
24 20 utility corporations, rural water associations or districts,
24 21 or telecommunications systems to be inspected while acting
24 22 within the scope of their employment.

24 23 Sec. 31. NEW SECTION. 103.31 SUPPLIER OF ELECTRICAL
24 24 SERVICE == LIABILITY.

24 25 Upon inspection and approval by any certified inspector,
24 26 all liability upon any supplier of electrical service for
24 27 subsequent damage or loss arising from any installation shall
24 28 be terminated, except for any acts of gross negligence by such
24 29 supplier.

24 30 Sec. 32. NEW SECTION. 103.32 STATE INSPECTION
24 31 PROCEDURES.

24 32 1. An inspection shall be made within three business days
24 33 of the submission of a request for an inspection as provided
24 34 in section 103.25. When necessary, circuits may be energized
24 35 by the authorized installer prior to inspection but the



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25 1 installation shall remain subject to condemnation and
25 2 disconnection.

25 3 2. Where wiring is to be concealed, the inspector must be
25 4 notified within a reasonable time to complete rough-in
25 5 inspections prior to concealment, exclusive of Saturdays,
25 6 Sundays, and holidays. If wiring is concealed before rough-in
25 7 inspections without adequate notice having been given to the
25 8 inspector, the person responsible for having enclosed the
25 9 wiring shall be responsible for all costs resulting from
25 10 uncovering and replacing the cover material.

25 11 3. State inspection procedures and policies shall be
25 12 established by the board. The state fire marshal, or the
25 13 state fire marshal's designee, shall enforce the procedures
25 14 and policies, and enforce the provisions of the national
25 15 electrical code adopted by the board.

25 16 4. Except when an inspection reveals that an installation
25 17 or portion of an installation is not in compliance with
25 18 accepted standards of construction for safety to health and
25 19 property, based upon minimum standards set forth in the local
25 20 electrical code or the national electrical code adopted by the
25 21 board pursuant to section 103.6, such that an order of
25 22 condemnation or disconnection is warranted pursuant to section
25 23 103.26, an inspector shall not add to, modify, or amend a
25 24 construction plan as originally approved by the state fire
25 25 marshal in the course of conducting an inspection. The state
25 26 fire marshal shall establish by rule procedures to ensure the
25 27 uniform and consistent application and enforcement of the
25 28 national electrical code by each individual performing
25 29 inspections pursuant to this chapter.

25 30 Sec. 33. NEW SECTION. 103.33 STATE INSPECTION FEES.

25 31 1. All state electrical inspection fees shall be due and
25 32 payable to the board at or before commencement of the
25 33 installation and shall be forwarded with the request for
25 34 inspection. Inspection fees provided in this section shall
25 35 not apply within the jurisdiction of any political subdivision



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26 1 if the political subdivision has adopted an ordinance or
26 2 resolution pursuant to this chapter.
26 3 2. The board shall establish the fees for inspections in
26 4 amounts not to exceed:
26 5 a. For each separate inspection of an installation,
26 6 replacement, alteration, or repair, twenty-five dollars.
26 7 b. For services, change of services, temporary services,
26 8 additions, alterations, or repairs on either primary or
26 9 secondary services as follows:
26 10 (1) Zero to one hundred ampere capacity, twenty-five
26 11 dollars plus five dollars per branch circuit or feeder.
26 12 (2) One hundred one to two hundred ampere capacity,
26 13 thirty-five dollars plus five dollars per branch circuit or
26 14 feeder.
26 15 (3) For each additional one hundred ampere capacity or
26 16 fraction thereof, twenty dollars plus five dollars per branch
26 17 circuit or feeder.
26 18 c. For field irrigation system inspections, sixty dollars
26 19 for each unit inspected.
26 20 d. For the first reinspection required as a result of a
26 21 correction order, fifty dollars; a second reinspection
26 22 required as a result of noncompliance with the same correction
26 23 order, seventy-five dollars; and subsequent reinspections
26 24 associated with the same correction order, one hundred dollars
26 25 for each reinspection.
26 26 3. When an inspection is requested by an owner, the
26 27 minimum fee shall be thirty dollars plus five dollars per
26 28 branch circuit or feeder. The fee for fire and accident
26 29 inspections shall be computed at the rate of forty-seven
26 30 dollars per hour, and mileage and other expenses shall be
26 31 reimbursed as provided by the office of the state fire
26 32 marshal.
26 33 4. For installations requiring more than six months in the
26 34 process of construction and in excess of three hundred dollars
26 35 total inspection fees, the persons responsible for the



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27 1 installation may, after a minimum filing fee of one hundred
27 2 dollars, pay a prorated fee for each month and submit it with
27 3 an order for payment initiated by the electrical inspector.
27 4 Sec. 34. NEW SECTION. 103.34 CONDEMNATION OR
27 5 DISCONNECTION ORDERS == APPEALS == DISPOSITION OF ORDERS
27 6 PENDING APPEAL.
27 7 1. Any person aggrieved by a condemnation or disconnection
27 8 order issued by the state fire marshal's office may appeal
27 9 from the order by filing a written notice of appeal with the
27 10 board within ten days after the date the order was served upon
27 11 the owner or within ten days after the order was filed with
27 12 the board, whichever is later.
27 13 2. Upon receipt of the notice of appeal from a
27 14 condemnation or disconnection order because the electrical
27 15 installation is proximately dangerous to health or property,
27 16 the order appealed from shall not be stayed unless
27 17 countermanded by the board.
27 18 3. Upon receipt of notice of appeal from a condemnation or
27 19 disconnection order because the electrical installation is not
27 20 in compliance with accepted standards of construction for
27 21 safety to health and property, the order appealed from shall
27 22 be stayed until final decision of the board and the board
27 23 shall notify the property owner and the electrical contractor,
27 24 class A master electrician, class B master electrician, fire
27 25 alarm installer, or special electrician making the
27 26 installation. The power supplier shall also be notified in
27 27 those instances in which the order has been served on such
27 28 supplier.
27 29 Sec. 35. NEW SECTION. 103.35 APPEAL PROCEDURES.
27 30 1. Upon receipt of a notice of appeal, the chairperson or
27 31 executive secretary of the board may designate a hearing
27 32 officer from among the board members to hear the appeal or may
27 33 set the matter for hearing before the full board at its next
27 34 regular meeting. A majority of the board shall make the
27 35 decision.



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28 1 2. Upon receiving the notice of appeal, the board shall
28 2 notify all persons served with the order appealed from. Such
28 3 persons may join in the hearing and give testimony in their
28 4 own behalf. The board shall set the hearing date on a date
28 5 not more than fourteen days after receipt of the notice of
28 6 appeal unless otherwise agreed by the interested parties and
28 7 the board.

28 8 Sec. 36. NEW SECTION. 103.36 SUSPENSION, REVOCATION, OR
28 9 REPRIMAND.

28 10 The board, by a simple majority vote of the entire board,
28 11 may suspend for a period not exceeding two years, or revoke
28 12 the certificate of licensure of, or reprimand any licensee who
28 13 is found guilty of any of the following acts or offenses:

28 14 1. Fraud in procuring a certificate of licensure.

28 15 2. Professional incompetency.

28 16 3. Knowingly making misleading, deceptive, untrue, or
28 17 fraudulent representations in the practice of the licensee's
28 18 profession or engaging in unethical conduct or practice
28 19 harmful to the public. Proof of actual injury need not be
28 20 established.

28 21 4. Habitual intoxication or addiction to the use of drugs.

28 22 5. Conviction of a felony under the laws of the United
28 23 States, this state, any other state, territory, or possession
28 24 of the United States, the District of Columbia, or any foreign
28 25 country. A copy of the record of conviction or plea of guilty
28 26 is conclusive evidence of such conviction.

28 27 6. Revocation or suspension of licensure, or other
28 28 disciplinary action by the licensing authority of another
28 29 state, territory, or possession of the United States, the
28 30 District of Columbia, or any foreign country. A certified
28 31 copy of the record or order of suspension, revocation, or
28 32 other disciplinary action is prima facie evidence of such
28 33 fact.

28 34 7. Fraud in representations as to skill or ability.

28 35 8. Use of untruthful or improbable statements in
29 1 advertisements.

29 2 9. Willful or repeated violations of this chapter.

29 3 Sec. 37. NEW SECTION. 103.37 PROCEDURE.

29 4 Proceedings for any action under section 103.36 shall be
29 5 commenced by filing with the board written charges against the
29 6 accused. Upon the filing of charges, the board shall conduct
29 7 an investigation into the charges. The board shall designate
29 8 a time and place for a hearing, and shall notify the accused
29 9 of this action and furnish the accused a copy of all charges
29 10 at least thirty days prior to the date of the hearing. The
29 11 accused has the right to appear personally or by counsel, to
29 12 cross-examine witnesses, or to produce witnesses in defense.

29 13 Sec. 38. NEW SECTION. 103.38 INJUNCTION.

29 14 Any person who is not legally authorized to practice in
29 15 this state according to this chapter, who practices, or in
29 16 connection with the person's name, uses any designation
29 17 tending to imply or designate the person as authorized to
29 18 practice in this state according to this chapter, may be
29 19 restrained by permanent injunction.

29 20 Sec. 39. NEW SECTION. 103.39 CRIMINAL VIOLATIONS.

29 21 A person who violates a permanent injunction issued



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29 22 pursuant to section 103.38 or presents or attempts to file as
29 23 the person's own the certificate of licensure of another, or
29 24 who gives false or forged evidence of any kind to the board in
29 25 obtaining a certificate of licensure, or who falsely
29 26 impersonates another practitioner of like or different name,
29 27 or who uses or attempts to use a revoked certificate of
29 28 licensure, is guilty of a fraudulent practice under chapter
29 29 714.

29 30 Sec. 40. NEW SECTION. 103.40 CIVIL PENALTY.

29 31 1. In addition to any other penalties provided for in this
29 32 chapter, the board may by order impose a civil penalty upon a
29 33 person who is not licensed under this chapter and who does any
29 34 of the following:

29 35 a. Is employed in a capacity in which the person engages



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30 1 in or offers to engage in the activities authorized pursuant
30 2 to this chapter.
30 3 b. Uses or employs the words "electrical contractor",
30 4 "class A master electrician", "class B master electrician",
30 5 "class A journeyman electrician", "class B journeyman
30 6 electrician", or "life safety installer", or implies
30 7 authorization to provide or offer those services, or otherwise
30 8 uses or advertises any title, word, figure, sign, card,
30 9 advertisement, or other symbol or description tending to
30 10 convey the impression that the person is an "electrical
30 11 contractor", "class A master electrician", "class B master
30 12 electrician", "class A journeyman electrician", "class B
30 13 journeyman electrician", or "life safety installer".
30 14 c. Gives false or forged evidence of any kind to the board
30 15 or any member of the board in obtaining or attempting to
30 16 obtain a certificate of licensure.
30 17 d. Falsely impersonates any individual licensed pursuant
30 18 to this chapter.
30 19 e. Uses or attempts to use an expired, suspended, revoked,
30 20 or nonexistent certificate of licensure.
30 21 f. Knowingly aids or abets an unlicensed person who
30 22 engages in any activity identified in this subsection.
30 23 2. A civil penalty imposed shall not exceed one thousand
30 24 dollars for each offense. Each day of a continued violation
30 25 constitutes a separate offense, except that offenses resulting
30 26 from the same or common facts or circumstances shall be
30 27 considered a single offense.
30 28 3. In determining the amount of a civil penalty to be
30 29 imposed, the board may consider any of the following:
30 30 a. Whether the amount imposed will be a substantial
30 31 economic deterrent to the violation.
30 32 b. The circumstances leading to the violation.
30 33 c. The severity of the violation and the risk of harm to
30 34 the public.
30 35 d. The economic benefits gained by the violator as a



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31 1 result of noncompliance.

31 2 e. The interest of the public.

31 3 4. Before issuing an order under this section, the board
31 4 shall provide the person written notice and the opportunity to
31 5 request a hearing on the record. The hearing must be
31 6 requested within thirty days of the issuance of the notice and
31 7 shall be conducted in the same manner as provided in section
31 8 103.37.

31 9 5. The board, in connection with a proceeding under this
31 10 section, may issue subpoenas to compel the attendance and
31 11 testimony of witnesses and the disclosure of evidence, and may
31 12 request the attorney general to bring an action to enforce the
31 13 subpoena.

31 14 6. A person aggrieved by the imposition of a civil penalty
31 15 under this section may seek judicial review in accordance with
31 16 section 17A.19.

31 17 7. If a person fails to pay a civil penalty within thirty
31 18 days after entry of an order under subsection 1, or if the
31 19 order is stayed pending an appeal within ten days after the
31 20 court enters a final judgment in favor of the board, the board
31 21 shall notify the attorney general. The attorney general may
31 22 commence an action to recover the amount of the penalty,
31 23 including reasonable attorney fees and costs.

31 24 8. An action to enforce an order under this section may be
31 25 joined with an action for an injunction.

31 26 Sec. 41. EFFECTIVE DATES. Sections 1 through 5, section
31 27 6, subsections 1 and 6, and section 17 of this Act, being
31 28 deemed of immediate importance, take effect upon enactment.
31 29 Sections 23 through 35 of this Act take effect January 1,
31 30 2009. The remaining sections and subsections of this Act take
31 31 effect January 1, 2008.

31 32 EXPLANATION

31 33 This bill provides for a statewide system of licensure for
31 34 electricians and life safety installers, provisions regarding
31 35 electrical inspections, and specifies related licensing and



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32 1 inspection fees. The new statewide licensure system
32 2 supplements current licensure of electricians on a city-by=
32 3 city basis, permitting electricians to practice on a
32 4 statewide, as well as local, basis.
32 5 The bill provides for the creation of an 11-member
32 6 electrical examining board within the state fire marshal
32 7 division of the department of public safety.
32 8 The bill establishes several powers and duties relating to
32 9 the activities of the board. The board shall be authorized to
32 10 adopt rules to administer the chapter, and in so doing shall
32 11 be governed by the minimum standards set forth in the national
32 12 electrical code issued and adopted by the national fire
32 13 protection association. The rules shall establish wiring
32 14 standards that protect public safety and health and property
32 15 and that apply to all electrical wiring installed pursuant to
32 16 the chapter. Additional powers and duties of the board
32 17 include the ability to revoke, suspend, or refuse to renew any
32 18 license under specified circumstances, to adopt rules for
32 19 continuing education requirements, and to specify fee levels
32 20 and collection procedures.
32 21 The bill creates an electrician and installer licensing and
32 22 inspection fund in the state treasury as a separate fund under
32 23 the control of the board. The bill provides that all
32 24 licensing, registration, examination, renewal, and inspection
32 25 fees deposited or paid into the fund are appropriated and made
32 26 available to the board, and that the balance shall not revert
32 27 to the general fund.
32 28 The bill provides that in order to, for another, plan, lay
32 29 out, or supervise the installation of electrical wiring,
32 30 apparatus, or equipment for light, heat, or power, an
32 31 individual must be licensed by the board as an electrical
32 32 contractor, a class A master electrician, or a class B master
32 33 electrician, as defined in the bill. The bill provides that
32 34 an applicant for an electrical contractor license shall either
32 35 be or employ a licensed class A or class B master electrician,



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33 1 and be registered with the state of Iowa as a contractor.
33 2 The bill provides that an applicant for a class A master
33 3 electrician license shall have at least one year's experience,
33 4 acceptable to the board, as a licensed class A or class B
33 5 journeyman electrician, and obtain a score of at least 75
33 6 percent on an examination prescribed and administered by the
33 7 board. An applicant who establishes that they have been
33 8 working in the electrical business and involved in planning
33 9 for, laying out, supervising, and installing electrical
33 10 wiring, apparatus, or equipment for light, heat, and power
33 11 prior to 1990 may be granted a class B master electrician
33 12 license without being tested, valid unless a political
33 13 subdivision establishes standards not permitting such work by
33 14 a class B master electrician. Additionally, the bill states
33 15 that a person licensed to plan, lay out, or supervise the
33 16 installation of electrical wiring, apparatus, or equipment for
33 17 light, heat, power, and other purposes by a political
33 18 subdivision preceding the effective date of the applicable
33 19 section of the bill pursuant to a supervised written
33 20 examination and who is currently engaged in the electrical
33 21 contracting industry, shall be issued an applicable
33 22 corresponding statewide license with the board adopting by
33 23 rule criteria for political subdivision examination standards.
33 24 The bill provides that a person shall not, for another,
33 25 wire for or install electrical wiring, apparatus, or
33 26 equipment, or supervise an apprentice electrician or
33 27 unclassified person, unless licensed by the board as an
33 28 electrical contractor, a class A master electrician, a class B
33 29 master electrician, or a life safety installer, or is licensed
33 30 as a class A or B journeyman electrician or life safety
33 31 installer and employed by an electrical contractor, class A or
33 32 B master electrician, or a life safety installer as defined in
33 33 the bill.
33 34 The bill provides that an applicant for a class A
33 35 journeyman electrician license shall have successfully



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34 1 completed an apprenticeship training program and have obtained
34 2 a score of at least 75 percent on an examination prescribed
34 3 and administered by the board. An applicant who can provide
34 4 proof that they have been employed as a journeyman electrician
34 5 since 1990 can be granted a class B journeyman electrician
34 6 license without being tested subject to political subdivision
34 7 restrictions similar to those applicable for class B master
34 8 electricians. The bill provides that a person licensed to
34 9 wire for or install electrical wiring, electrical apparatus,
34 10 or electrical equipment or supervise an apprentice electrician
34 11 by a political subdivision preceding the effective date of the
34 12 applicable section of the bill pursuant to a supervised
34 13 written examination, and who is currently engaged in the
34 14 electrical contracting industry with at least four years'
34 15 experience, shall be issued an applicable corresponding
34 16 statewide license, with the board adopting rules for criteria
34 17 for city examination standards.

34 18 The bill provides for a special electrician license
34 19 authorizing the licensee to engage in a limited class or
34 20 classes of electrical work. Additionally, the bill provides
34 21 for the licensing of a life safety installer. The bill
34 22 provides that a person authorized to plan, lay out, or install
34 23 electrical wiring, electrical apparatus, and electrical
34 24 equipment for components of life safety systems that operate
34 25 at 50 volts or less by a political subdivision on the
34 26 applicable section of the bill's effective date shall be
34 27 issued an applicable statewide license corresponding to that
34 28 authorization, and that on or after the effective date of the
34 29 applicable section of the bill, a person licensed as a life
34 30 safety installer to plan, lay out, and install electrical
34 31 wiring, electrical apparatus, and electrical equipment for
34 32 components of life safety systems shall have at least two
34 33 years' experience, acceptable to the board, in planning,
34 34 laying out, and installing life safety systems. Additionally,
34 35 the bill specifies that an applicant for a life safety



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35 1 installer license shall obtain a score of at least 75 percent
35 2 on an examination prescribed and administered by the board.
35 3 The bill provides that a person licensed as a class A or class
35 4 B master electrician, or a class A or class B journeyman
35 5 electrician, who has not successfully passed the examination
35 6 shall be authorized to install electrical wiring, apparatus,
35 7 and equipment for components of life safety systems if their
35 8 work is approved by a person who is licensed as a life safety
35 9 installer.

35 10 The bill additionally includes provisions pertaining to
35 11 apprentice electricians and unclassified persons employed by
35 12 licensees. The bill provides that a person shall be licensed
35 13 to work as an apprentice electrician while participating in an
35 14 apprenticeship training program, and that a person is eligible
35 15 as an apprentice electrician for only one apprenticeship,
35 16 which shall be limited to six years from the date of licensure
35 17 unless extended for hardship. A person shall be licensed as
35 18 an unclassified person to perform electrical work if the work
35 19 is performed under the personal supervision of a person
35 20 actually licensed to perform such work and the licensed and
35 21 unclassified persons are employed by the same employer. The
35 22 bill provides that apprentice electricians and unclassified
35 23 persons shall do no electrical wiring except under the direct
35 24 personal on-the-job supervision and control in specified
35 25 ratios in the immediate presence of a licensee pursuant to the
35 26 bill. The bill provides that an unlicensed unclassified
35 27 person must obtain licensure as an unclassified person within
35 28 100 days of continuous employment.

35 29 The bill specifies the types of licensing examinations and
35 30 specifies examination frequencies and procedures. The bill
35 31 provides a criminal penalty of a simple misdemeanor for a
35 32 board member who discloses listed confidential information
35 33 relating to applicants and examinations.

35 34 The bill provides that with respect to class A master
35 35 electricians, class B master electricians, class A journeyman



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36 1 electricians, and class B journeyman electricians, licenses
36 2 shall expire every three years, and specifies examination,
36 3 issuance, and renewal fees for the various classifications of
36 4 licensure. The bill also provides that to renew a license,
36 5 the licensee shall be required to complete 18 contact hours of
36 6 continuing education courses approved by the board per three=
36 7 year of licensure. The contact hours shall include a minimum
36 8 of six contact hours studying the national electrical code.
36 9 With respect to apprentice electricians and unclassified
36 10 persons, the bill provides that licenses shall expire
36 11 annually.

36 12 The bill provides for the continuation of business by a
36 13 licensee by a representative for a period of six months
36 14 following the licensee's death, and provides for reciprocity
36 15 with other states. The bill specifies that individuals
36 16 performing electrical work in a capacity for which licensure
36 17 is required shall be employed by the authority or company
36 18 obtaining a permit for the performance of such work, and shall
36 19 possess a valid license issued by the board. The bill
36 20 contains a chapter inapplicability section, including
36 21 inapplicability to a person licensed as an engineer or
36 22 architect providing consultations and developing plans
36 23 concerning electrical installations while exclusively engaged
36 24 in the practice of their profession, and employees of
36 25 specified entities while acting within the scope of their
36 26 employment. The bill provides that persons who hold a valid
36 27 license issued by any political subdivision are not required
36 28 to obtain state licensure, so long as they make electrical
36 29 installations only in the jurisdictional limits of that
36 30 political subdivision and the license issued by the political
36 31 subdivision meets the requirements of the bill. Further, the
36 32 bill's provisions shall not apply to vertical transportation
36 33 or passenger conveyors, elevators, moving walks, dumbwaiters,
36 34 stagelifts, manlifts, or appurtenances, shall not require a
36 35 license of any person who engages any electrical appliance



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37 1 where approved electrical outlets are already installed,
37 2 prohibit an owner of property from performing work on the
37 3 owner's principal residence under specified circumstances, or
37 4 require that any person be a member of a labor union in order
37 5 to be licensed. Additionally, the bill is inapplicable to
37 6 persons qualified pursuant to administrative rules relating to
37 7 the storage and handling of liquefied petroleum gases while
37 8 engaged in specified activities, and to persons meeting
37 9 administrative rule requirements for well contractors while
37 10 engaged in specified tasks.

37 11 The bill specifies inspection procedures and requirements
37 12 applicable to all new electrical installations for commercial
37 13 or industrial applications, including installations both
37 14 inside and outside of buildings, and for public use buildings
37 15 and facilities and any installation at the request of the
37 16 owner, all new electrical installations for residential
37 17 applications in excess of single-family residential
37 18 applications, all new electrical installations for single=
37 19 family residential applications requiring new electrical
37 20 service equipment, and existing electrical installations
37 21 observed during inspection which constitute an electrical
37 22 hazard, with the caveat that existing installations shall not
37 23 be deemed to constitute an electrical hazard if the wiring
37 24 when originally installed was installed in accordance with the
37 25 electrical code in force at the time of installation and has
37 26 been maintained in that condition.

37 27 The bill provides that state inspection shall not apply
37 28 within the jurisdiction of any political subdivision which
37 29 provides by resolution or ordinance standards of electrical
37 30 wiring and its installation that are not less than those
37 31 prescribed by the board or by the Code chapter established by
37 32 the bill and which further provides by resolution or ordinance
37 33 for the inspection of electrical installations within the
37 34 limits of such subdivision by a certified electrical
37 35 inspector. The bill provides that only the holder of an



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38 1 electrical inspector's certificate of qualification shall be
38 2 appointed to act as electrical inspector, and provides that
38 3 the board shall establish by rule standards for the
38 4 certification and decertification of state electrical
38 5 inspectors, and certified electrical inspector continuing
38 6 education requirements.

38 7 The bill specifies procedures relating to a request for
38 8 inspection at or before commencement of any installation
38 9 required to be inspected, and provides penalties for the
38 10 failure to do so. The bill provides that if an inspector
38 11 finds that any installation or portion of an installation is
38 12 not in compliance with accepted standards of construction for
38 13 safety to health and property, the inspector may issue written
38 14 condemnation orders, or orders for disconnection, with the
38 15 immediacy of such orders and opportunities to remedy the
38 16 noncompliance varying with the extent to which the
38 17 noncompliance is found to be a serious and proximate danger to
38 18 human health and property. The bill provides that before an
38 19 electrical installation subject to inspection is either newly
38 20 connected or reconnected, there must be filed with the
38 21 electrical utility supplying power a certificate by the
38 22 inspector stating that the conditions of the installation are
38 23 safe for energization. The bill specifies additional
38 24 procedures relating to inspections for new installations, and
38 25 provides that when an installation is brought into compliance
38 26 to the satisfaction of the inspector, the inspector shall file
38 27 with the electrical utility supplying power a certificate
38 28 stating that the electrical inspector has approved
38 29 energization.

38 30 The bill provides that all political subdivisions
38 31 performing electrical inspections prior to December 31, 2007,
38 32 shall continue performing them. The bill states that after
38 33 December 31, 2012, a political subdivision may choose to
38 34 discontinue performing its own inspections and permit the
38 35 board to have jurisdiction over inspections. A political
39 1 subdivision may petition the board to discontinue performing
39 2 its own inspections prior to December 31, 2012, and authority
39 3 may be revoked by the board if by unanimous vote the board
39 4 finds just cause as specified in the bill. The bill also
39 5 provides that a political subdivision not performing
39 6 electrical inspections prior to December 31, 2007, may make
39 7 provision for inspection of electrical installations within
39 8 its jurisdiction. The bill provides that a political
39 9 subdivision that performs electrical inspections may set
39 10 appropriate permit fees, and that a political subdivision
39 11 shall not require payment of any license fee or the taking of
39 12 any examination if a person holds a current license issued by
39 13 the board which is of a classification equal to or greater
39 14 than the classification needed to do the work proposed.
39 15 However, a political subdivision may require the filing of a
39 16 copy of the current license issued by the board or such other
39 17 evidence of such license.

39 18 The bill provides that a political subdivision performing
39 19 electrical inspections prior to December 31, 2007, may
39 20 maintain a different supervision ratio than the ratio of three
39 21 apprentice electricians and unclassified persons to one



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39 22 licensee specified in Code section 103.15, subsection 3, but
39 23 may not exceed that ratio. If a political subdivision begins
39 24 performing electrical inspections after December 31, 2007, the
39 25 bill provides that the three-to-one ratio applies unless a
39 26 petition by the political subdivision for a lower ratio is
39 27 approved by the board. The bill provides that a political
39 28 subdivision which discontinues performing electrical
39 29 inspections and permits the board to have jurisdiction over
39 30 inspections shall maintain the three-to-one ratio and may not
39 31 petition for a lower one unless the political subdivision
39 32 subsequently resumes performing electrical inspections. The
39 33 bill permits a political subdivision to determine what work
39 34 may be performed by a class B licensee within the
39 35 jurisdictional limits of the political subdivision, and states



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40 1 that any action by a political subdivision with respect to
40 2 amendments to the national electrical code adopted by the
40 3 board shall be filed with the board prior to enforcement by
40 4 the political subdivision, and shall not be less than the
40 5 minimum standards established by the board by rule.
40 6 Additionally, the bill provides that a political subdivision
40 7 may grant a variance or interpret the national electrical code
40 8 in a manner which deviates from a standard interpretation on
40 9 an exception basis for a one-time installation or planned
40 10 installation so long as such a variance or interpretation does
40 11 not present an electrical hazard or danger to life or
40 12 property.

40 13 The bill specifies instances where inspections shall not be
40 14 required, specifies state inspection procedures, establishes
40 15 inspection and reinspection fees, and provides that such fees
40 16 shall not apply within the jurisdiction of any political
40 17 subdivision if the political subdivision has adopted an
40 18 ordinance or resolution as previously explained regarding
40 19 conducting its own inspections. The bill states that except
40 20 when an inspection reveals that an order of condemnation or
40 21 disconnection is warranted, an inspector shall not add to,
40 22 modify, or amend a construction plan as originally approved by
40 23 the state fire marshal in the course of conducting an
40 24 inspection, and that the national electrical code shall be
40 25 uniformly and consistently applied and enforced by all
40 26 inspectors. The bill additionally provides that the state
40 27 fire marshal, or the state fire marshal's designee, shall
40 28 enforce the procedures and policies determined by the board,
40 29 and the provisions of the national electrical code adopted by
40 30 the board.

40 31 The bill provides for an appeal process, and provides
40 32 suspension, revocation, reprimand, and penalty provisions.

40 33 Provisions of the bill relating primarily to definitions
40 34 and the establishment of the electrician examining board take
40 35 effect upon enactment. Provisions relating primarily to



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- 41 1 establishing the various categories of licensure take effect
- 41 2 January 1, 2008. Provisions relating primarily to inspections
- 41 3 take effect January 1, 2009.
- 41 4 LSB 1601HH 82
- 41 5 rn:nh/cf/24.1



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House File 237 - Introduced

HOUSE FILE
BY FORD

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act making an appropriation for drug courts.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2209HH 82
- 4 jm/es/88



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House File 237 - Introduced continued

PAG LIN

1 1 Section 1. DRUG COURTS. There is appropriated from the
 1 2 healthy Iowans tobacco trust created in section 12.65 to the
 1 3 department of corrections for the fiscal year beginning July
 1 4 1, 2007, and ending June 30, 2008, the following amount, or so
 1 5 much thereof as is necessary, to be allocated as necessary by
 1 6 the department for the following purpose:

1 7 For each of the judicial district departments of
 1 8 correctional services for operating and maintaining drug
 1 9 courts:
 1 10 \$ 1,698,030

EXPLANATION

1 12 This bill makes an appropriation for drug courts.
 1 13 The bill appropriates \$1.698 million from the healthy
 1 14 Iowans tobacco trust to the department of corrections for the
 1 15 fiscal year 2007=2008, to be allocated to the judicial
 1 16 district department of correctional services for operating and
 1 17 maintaining drug courts.

1 18 LSB 2209HH 82

1 19 jm:nh/es/88



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House File 238 - Introduced

HOUSE FILE
BY ROBERTS

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

A BILL FOR

1 An Act providing for the determination of partisan balance on
2 boards and commissions and including an applicability
3 provision.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TL5B 2186YH 82
6 ec/es/88



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House File 238 - Introduced continued

PAG LIN

1 1 Section 1. Section 69.16, unnumbered paragraph 1, Code
1 2 2007, is amended to read as follows:
1 3 All appointive boards, commissions, and councils of the
1 4 state established by the Code if not otherwise provided by law
1 5 shall be bipartisan in their composition. ~~No~~ A person shall
1 6 ~~not~~ be appointed or reappointed to any board, commission, or
1 7 council established by the Code if the effect of that
1 8 appointment or reappointment would cause the number of members
1 9 of the board, commission, or council belonging to one eligible
1 10 political party to be greater exceed by more than one-half the
~~1 11 membership~~ one the members of the board, commission, or
1 12 council plus one belonging to another eligible political
1 13 party. For purposes of this section, an eligible political
1 14 party is a political party, as defined in section 43.2, that
1 15 has one of the two highest numbers of registered voters in
1 16 this state. The political party to which a person belongs for
1 17 purposes of this section shall be determined prior to the date
1 18 of the person's appointment or reappointment, based on the
1 19 party registration, if any, of the person as of the date of
1 20 the most recent general election, the date of the most recent
1 21 primary election, or the date the person becomes eligible to
1 22 register to vote, whichever is latest.

1 23 Sec. 2. APPLICABILITY. This Act is applicable to
1 24 appointments or reappointments made on or after the effective
1 25 date of this Act to appointive boards, commissions, and
1 26 councils subject to Code section 69.16.

1 27 EXPLANATION
1 28 This bill concerns the determination of partisan balance
1 29 for appointive boards, commissions, and councils. The bill
1 30 provides that the number of members of an appointive board,
1 31 commission, or council of one eligible political party shall
1 32 not exceed by more than one the number of members from another
1 33 eligible political party. Under current law, the number of
1 34 members of such a body belonging to one political party shall
1 35 not be greater than one-half of the membership of the body.



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House File 238 - Introduced continued

2 1 The bill defines an eligible political party as a party
2 2 that has one of the two highest numbers of registered voters
2 3 in the state. In addition, the political party of a person to
2 4 be appointed or reappointed is determined based upon the
2 5 person's party registration as of the most recent general
2 6 election, most recent primary election, or the date the person
2 7 became eligible to vote, whichever is latest. The bill
2 8 provides that this change applies to appointments and
2 9 reappointments made on or after the effective date of the
2 10 bill.

2 11 LSB 2186YH 82

2 12 ec:rj/es/88



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House File 239 - Introduced

HOUSE FILE
BY FORD

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

A BILL FOR

- 1 An Act making an appropriation for legal services for persons in
- 2 poverty grants.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2208HH 82
- 5 jm/je/5



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House File 239 - Introduced continued

PAG LIN

1 1 Section 1. LEGAL SERVICES FOR PERSONS IN POVERTY GRANTS.
 1 2 There is appropriated from the general fund of the state to
 1 3 the department of justice for the fiscal year beginning July
 1 4 1, 2007, and ending June 30, 2008, the following amount, or so
 1 5 much thereof as is necessary, to be used for the purpose
 1 6 designated:
 1 7 For legal services for persons in poverty grants as
 1 8 provided in section 13.34:
 1 9 \$ 1,200,000
 1 10 EXPLANATION
 1 11 This bill makes an appropriation for legal services for
 1 12 persons in poverty grants.
 1 13 The bill appropriates \$1.2 million from the general fund of
 1 14 the state to the department of justice for FY 2007=2008 to be
 1 15 used for legal services for persons in poverty grants.
 1 16 LSB 2208HH 82
 1 17 jm:nh/je/5



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House File 240 - Introduced

HOUSE FILE
BY FORD

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

A BILL FOR

- 1 An Act requiring the state department of transportation to
- 2 conduct a review of aviation security measures necessary to
- 3 prevent terrorism.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 2193YH 82
- 6 eg/es/88



Iowa General Assembly
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House File 240 - Introduced continued

PAG LIN

1 1 Section 1. STATE DEPARTMENT OF TRANSPORTATION REVIEW OF
1 2 AVIATION SECURITY MEASURES. The administrator for aeronautics
1 3 and public transit within the state department of
1 4 transportation shall review existing policies and procedures
1 5 to determine if more stringent security measures are necessary
1 6 to prevent the spread of terrorism through the use of aircraft
1 7 and aircraft transportation infrastructures. The review shall
1 8 include but is not limited to an assessment of private
1 9 aviation services, pilot training within the state including
1 10 training to fly crop dusters, and background checks on pilots.
1 11 The administrator shall consult with other states and the
1 12 proper federal agencies when conducting the review. The
1 13 administrator shall issue findings based upon the review and
1 14 file the findings with the general assembly by November 30,
1 15 2008.

1 16 EXPLANATION

1 17 This bill directs the state department of transportation's
1 18 aeronautics administrator to conduct a review of security
1 19 measures needed to prevent terrorism via an aircraft. The
1 20 review shall consider private aviation services, pilot
1 21 training, training to fly crop dusters, and pilot background
1 22 checks. The administrator must consult with other states and
1 23 federal agencies. The administrator is to file the findings
1 24 of the review with the general assembly by November 30, 2008.

1 25 LSB 2193YH 82

1 26 eg:nh/es/88



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House File 241 - Introduced

HOUSE FILE
BY TYMESON

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

A BILL FOR

- 1 An Act relating to procedures for voluntary annexation.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1849HH 82
- 4 eg/gg/14



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House File 241 - Introduced continued

PAG LIN

1 1 Section 1. Section 368.7, subsection 1, paragraphs a and
1 2 f, Code 2007, are amended to read as follows:
1 3 a. All of the owners of land in a territory adjoining a
1 4 city may apply in writing to the council of the adjoining city
1 5 requesting annexation of the territory. Territory comprising
1 6 railway right-of-way or territory comprising not more than
1 7 twenty percent of the owners of the land area may be included
1 8 in the application without the consent of the owner to avoid
1 9 creating an island or to create more uniform boundaries.
1 10 Public land may be included in the territory to be annexed.
1 11 However, the area of the territory that is public land
1 12 included without the written consent of the agency with
1 13 jurisdiction over the public land shall not be used to
1 14 determine the percentage of ~~territory~~ the owners of the land
1 15 area that is included with the consent of the owner and
1 16 without the consent of the owner.

1 17 f. An annexation including territory comprising not more
1 18 than twenty percent of the owners of the land area without
1 19 consent of the property owners is not complete without
1 20 approval by four-fifths of the members of the city development
1 21 board after a hearing for all affected property owners and the
1 22 county. When considering such an annexation application, the
1 23 board may request that the annexing city provide information
1 24 on the amount of land located in the annexing city that is
1 25 currently vacant or undeveloped and whether municipal services
1 26 are being provided to current residents of the annexing city.

1 27 EXPLANATION

1 28 To avoid creating an island or to create more uniform
1 29 boundaries, an application for voluntary annexation may
1 30 include land of owners who do not consent to the annexation.
1 31 Under current law, land comprising not more than 20 percent of
1 32 the land area may be included in the application without
1 33 consent of the owners. Under this bill, land comprising not
1 34 more than 20 percent of the owners of the land area may be
1 35 included in the application. An annexation comprising not



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- 2 1 more than 20 percent of the owners of the land area without
- 2 2 consent is subject to approval by the city development board.
- 2 3 LSB 1849HH 82
- 2 4 eg:sc/gg/14



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House File 242 - Introduced

HOUSE FILE
BY FOEGE and PAULSEN

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

A BILL FOR

- 1 An Act relating to voluntary annexation and municipal services
- 2 requirements.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2278HH 82
- 5 eg/es/88



Iowa General Assembly
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House File 242 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 368.7B MUNICIPAL SERVICES.
1 2 1. The notice of application for annexation and public
1 3 hearing that is required in section 368.7 shall include
1 4 information from the annexing city as follows:
1 5 a. A description of existing municipal services, including
1 6 but not limited to water supply, sewage disposal, and fire and
1 7 police protection provided to the territory to be annexed.
1 8 b. A plan for extending municipal services to be provided
1 9 by the annexing city to the annexed territory within three
1 10 years of July 1 of the fiscal year in which city taxes are
1 11 first collected against property in the annexed territory.
1 12 2. Prior to expiration of the three-year period
1 13 established in this section, the annexing city shall submit a
1 14 report to the city development board describing the status of
1 15 the provision of municipal services identified in the plan.
1 16 If the city fails to provide municipal services, or fails to
1 17 show substantial and continuing progress in providing
1 18 municipal services to the annexed territory, the board may
1 19 initiate proceedings to sever the annexed territory from the
1 20 city. The board shall notify the city of the severance
1 21 proceedings and shall hold a public hearing on the proposed
1 22 severance. The board shall give notice of the hearing in the
1 23 same manner as required in section 368.7. The board may order
1 24 severance of all or a portion of the territory and the order
1 25 to sever is not subject to approval at an election. A city
1 26 may request that the board allow up to an additional three
1 27 years to provide municipal services if good cause is shown.
1 28 As an alternative to severance of the territory, the board may
1 29 impose a moratorium on additional annexation by the city until
1 30 the city complies with its plan for extending municipal
1 31 services to the annexed territory.

1 32 EXPLANATION

1 33 This bill applies the municipal services requirements of
1 34 involuntary annexations to voluntary annexations. Pursuant to
1 35 Code section 368.7, the city is required to give notice of an



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House File 242 - Introduced continued

2 1 application for voluntary annexation and public hearing. The
2 2 bill requires that this notice provide information from the
2 3 annexing city regarding existing and future municipal
2 4 services.
2 5 The annexing city must have a plan for extending municipal
2 6 services to an annexed territory within three years of July 1
2 7 of the fiscal year in which city taxes are first collected
2 8 against property in the annexed territory. The bill requires
2 9 the city to report to the city development board on the city's
2 10 progress in providing municipal services as identified in the
2 11 plan. The board may order a severance of annexed territory or
2 12 impose a moratorium on future annexation of territory if the
2 13 city fails to provide such services.
2 14 LSB 2278HH 82
2 15 eg:sc/es/88



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House File 243

HOUSE FILE
BY WESSEL=KROESCHELL

(COMPANION TO SF 27 BY HATCH)

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

A BILL FOR

1 An Act creating a program to provide financial assistance for
2 postsecondary education for young adults who were involved
3 with the state's foster care program.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TL5B 1063HH 82
6 jp/sh/8



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House File 243 continued

PAG LIN

1 1 Section 1. Section 261.2, subsection 6, Code 2007, is
1 2 amended to read as follows:
1 3 6. Develop and implement, in cooperation with the
1 4 department of human services and the judicial branch, a
1 5 program to assist juveniles who are sixteen years of age or
1 6 older and who have a case permanency plan under chapter 232 or
1 7 237 or are otherwise under the jurisdiction of chapter 232 in
1 8 applying for federal and state aid available for higher
1 9 education. The commission shall also develop and implement
1 10 the Iowa foster care education and training program in
1 11 accordance with section 261.6.

1 12 Sec. 2. NEW SECTION. 261.6 IOWA FOSTER CARE EDUCATION
1 13 AND TRAINING PROGRAM.

1 14 1. The commission shall develop and implement, in
1 15 cooperation with the department of human services and the
1 16 judicial branch, the Iowa foster care education and training
1 17 program in accordance with this section.

1 18 2. The program shall provide financial assistance for
1 19 postsecondary education or training to persons who have a high
1 20 school diploma or a high school equivalency diploma under
1 21 chapter 259A, are age eighteen through twenty-four, and are
1 22 described by any of the following:

1 23 a. On the date the person reached age eighteen or during
1 24 the thirty calendar days preceding or succeeding that date,
1 25 the person was in a licensed foster care placement pursuant to
1 26 a court order entered under chapter 232 under the care and
1 27 custody of the department of human services or juvenile court
1 28 services.

1 29 b. On the date the person reached age eighteen or during
1 30 the thirty calendar days preceding or succeeding that date,
1 31 the person was under a court order under chapter 232 to live
1 32 with a relative or other suitable person.

1 33 c. The person was in a licensed foster care placement
1 34 pursuant to an order entered under chapter 232 prior to being
1 35 legally adopted after reaching age sixteen.



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House File 243 continued

2 1 3. The program requirements shall include but are not
2 2 limited to all of the following:

2 3 a. Program assistance shall cover a program participant's
2 4 expenses associated with attending an approved postsecondary
2 5 education or training program. The expenses shall include
2 6 tuition and fees, books and supplies, child care,
2 7 transportation, housing, and other expenses approved by the
2 8 commission. If a participant is attending on less than a
2 9 full-time basis, assistance provisions shall be designed to
2 10 cover tuition and fees and books and supplies, and assistance
2 11 for other expenses shall be prorated to reflect the hours
2 12 enrolled.

2 13 b. If the approved education or training program is more
2 14 than one year in length, the program assistance may be
2 15 renewed. To renew the assistance, the participant must
2 16 annually reapply for the program and meet the academic
2 17 progress standards of the postsecondary educational
2 18 institution or make satisfactory progress toward completion of
2 19 the training program.

2 20 c. A person shall be less than age twenty-three upon both
2 21 the date of the person's initial application for the program
2 22 and the start date of the education or training program for
2 23 which the assistance is provided. Eligibility for program
2 24 assistance shall end upon the participant reaching age
2 25 twenty-five.

2 26 d. Assistance under the program shall not be used to
2 27 supplant other available assistance to address postsecondary
2 28 education and training program expenses for which a
2 29 participant is eligible.

2 30 e. The commission shall implement assistance provisions in
2 31 a manner to ensure that the total amount of assistance
2 32 provided under the program remains within the funding
2 33 available for the program.

2 34 EXPLANATION

2 35 This bill creates a program under the purview of the



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House File 243 continued

3 1 college student aid commission to provide financial assistance
3 2 for postsecondary education or training for young adults age
3 3 18 through 24 who were involved with the state's foster care
3 4 program. A young adult must apply for the program and
3 5 commence the education or training prior to becoming age 23.

3 6 Code section 261.2, relating to the duties of the
3 7 commission, is amended to include the responsibility for
3 8 developing and implementing the program within the list of the
3 9 commission's duties.

3 10 The program's provisions are codified in new Code section
3 11 261.6. The commission is required to develop and implement
3 12 the program in cooperation with the department of human
3 13 services and the judicial branch.

3 14 To be eligible for the program, a participant must have a
3 15 high school diploma or high school equivalency certificate and
3 16 be described by one of the following: when the person reached
3 17 age 18 or within 30 days preceding or succeeding that date the
3 18 person was under court order for placement in a licensed
3 19 foster care placement or with a relative or other suitable
3 20 adult, or the person was in a licensed foster care placement
3 21 pursuant to an order entered under Code chapter 232 prior to
3 22 being legally adopted after reaching age 16.

3 23 Assistance under the program shall cover a program
3 24 participant's expenses associated with attending an approved
3 25 postsecondary education or training program. These expenses
3 26 include tuition and fees, books and supplies, child care,
3 27 transportation, housing, and other expenses approved by the
3 28 commission. For a participant attending less than full-time,
3 29 assistance other than tuition, fees, books, and supplies is
3 30 required to be prorated.

3 31 Program assistance is available for more than one year
3 32 provided a participant reapplies annually and meets the
3 33 academic progress standards of the postsecondary educational
3 34 institution or makes satisfactory progress toward completion
3 35 of the training program.



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House File 243 continued

4 1 Assistance under the program cannot be used to supplant
4 2 other available assistance for which a participant is
4 3 eligible.
4 4 The commission is required to implement the program in a
4 5 manner so that the total assistance provided under the program
4 6 remains within the funding available for the program.
4 7 LSB 1063HH 82
4 8 jp:nh/sh/8



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House File 244

HOUSE FILE
BY WESSEL=KROESCHELL

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

A BILL FOR

- 1 An Act relating to criminal sentencing by repealing certain
- 2 penalties for controlled substances offenses and requiring
- 3 judicial officer training.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1889HH 82
- 6 jm/es/88



Iowa General Assembly
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House File 244 continued

PAG LIN

1 1 Section 1. Section 124.401E, subsection 3, Code 2007, is
1 2 amended to read as follows:

1 3 3. If a court sentences a person for the person's second
1 4 or subsequent conviction for delivery or possession with
1 5 intent to deliver a controlled substance under section
1 6 124.401, subsection 1, and the controlled substance is
1 7 amphetamine, its salts, isomers, or salts of its isomers, or
1 8 methamphetamine, its salts, isomers, or salts of its isomers,
1 9 the court, in addition to any other authorized penalties,
1 10 shall sentence the person to imprisonment in accordance with
1 11 section 124.401, subsection 1, ~~and the person shall serve the~~
~~1 12 minimum period of confinement as required by section 124.413.~~

1 13 Sec. 2. Section 124.406, subsection 1, paragraph a, Code
1 14 2007, is amended to read as follows:

1 15 a. Unlawfully distributes or possesses with intent to
1 16 distribute a substance listed in schedule I or II to a person
1 17 under eighteen years of age commits a class "B" felony ~~and~~
~~1 18 shall serve a minimum term of confinement of five years.~~

~~1 19 However, if the substance was distributed in or on, or within~~
~~1 20 one thousand feet of, the real property comprising a public or~~
~~1 21 private elementary or secondary school, public park, public~~
~~1 22 swimming pool, public recreation center, or on a marked school~~
~~1 23 bus, the person shall serve a minimum term of confinement of~~
~~1 24 ten years.~~

1 25 Sec. 3. Section 124.406, subsection 2, paragraph a, Code
1 26 2007, is amended to read as follows:

1 27 a. Unlawfully distributes or possesses with the intent to
1 28 distribute a counterfeit substance listed in schedule I or II,
1 29 or a simulated controlled substance represented to be a
1 30 substance classified in schedule I or II, to a person under
1 31 eighteen years of age commits a class "B" felony. ~~However, if~~
~~1 32 the substance was distributed in or on, or within one thousand~~
~~1 33 feet of, the real property comprising a public or private~~
~~1 34 elementary or secondary school, public park, public swimming~~
~~1 35 pool, public recreation center, or on a marked school bus, the~~



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~~House File 244 continued~~

~~2 1 person shall serve a minimum term of confinement of ten years.~~

2 2 Sec. 4. Section 232.45, subsection 14, unnumbered
2 3 paragraph 1, Code 2007, is amended to read as follows:

2 4 If a child who is alleged to have delivered, manufactured,
2 5 or possessed with intent to deliver or manufacture, a
2 6 controlled substance except marijuana, as defined in chapter
2 7 124, is waived to district court for prosecution, the
2 8 ~~mandatory minimum sentence provided in section 124.413 shall~~
~~2 9 not be imposed if a conviction is had; however, each child~~
2 10 ~~convicted of such an offense shall be confined for not less~~
2 11 ~~than thirty days in a secure facility if convicted.~~

2 12 Sec. 5. Section 602.1203, Code 2007, is amended to read as
2 13 follows:

2 14 602.1203 PERSONNEL CONFERENCES == TRAINING.

2 15 1. The chief justice may order conferences of judicial
2 16 officers or court employees on matters relating to the
2 17 administration of justice or the affairs of the judicial
2 18 branch.

2 19 2. For judges and other court employees who handle cases
2 20 involving children and family law, the chief justice shall
2 21 require regular training concerning mental or emotional
2 22 disorders which may afflict children and the impact children
2 23 with such disorders have upon their families.

2 24 3. The chief justice shall also require regular training
2 25 for judges concerning criminal justice issues and sentencing
2 26 options for defendants.

2 27 Sec. 6. Section 901.5, subsection 10, paragraph a, Code
2 28 2007, is amended to read as follows:

2 29 a. A controlled substance offense under section 124.401,
2 30 ~~124.401A~~, 124.402, or 124.403.

2 31 Sec. 7. Section 901.10, subsection 1, Code 2007, is
2 32 amended to read as follows:

2 33 1. A court sentencing a person for the person's first
2 34 conviction under section 124.406, ~~124.413~~, or 902.7 may, at
2 35 its discretion, sentence the person to a term less than



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House File 244 continued

3 1 provided by the statute if mitigating circumstances exist and
3 2 those circumstances are stated specifically in the record.
3 3 Sec. 8. Section 901.10, subsection 2, Code 2007, is
3 4 amended by striking the subsection.
3 5 Sec. 9. Section 903A.5, subsection 1, Code 2007, is
3 6 amended to read as follows:
3 7 1. An inmate shall not be discharged from the custody of
3 8 the director of the Iowa department of corrections until the
3 9 inmate has served the full term for which the inmate was
3 10 sentenced, less earned time and other credits earned and not
3 11 forfeited, unless the inmate is pardoned or otherwise legally
3 12 released. Earned time accrued and not forfeited shall apply
3 13 to reduce a mandatory minimum sentence being served pursuant
3 14 to section ~~124.406, 124.413,~~ 902.7, 902.8, ~~902.8A,~~ or 902.11.
3 15 An inmate shall be deemed to be serving the sentence from the
3 16 day on which the inmate is received into the institution. If
3 17 an inmate was confined to a county jail or other correctional
3 18 or mental facility at any time prior to sentencing, or after
3 19 sentencing but prior to the case having been decided on
3 20 appeal, because of failure to furnish bail or because of being
3 21 charged with a nonbailable offense, the inmate shall be given
3 22 credit for the days already served upon the term of the
3 23 sentence. However, if a person commits any offense while
3 24 confined in a county jail or other correctional or mental
3 25 health facility, the person shall not be granted jail credit
3 26 for that offense. Unless the inmate was confined in a
3 27 correctional facility, the sheriff of the county in which the
3 28 inmate was confined shall certify to the clerk of the district
3 29 court from which the inmate was sentenced and to the
3 30 department of corrections' records administrator at the Iowa
3 31 medical and classification center the number of days so
3 32 served. The department of corrections' records administrator,
3 33 or the administrator's designee, shall apply jail credit as
3 34 ordered by the court of proper jurisdiction or as authorized
3 35 by this section and section 907.3, subsection 3.



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House File 244 continued

4 1 Sec. 10. Sections 124.401A, 124.401C, 124.413, and 902.8A,
4 2 Code 2007, are repealed.

4 3 EXPLANATION

4 4 This bill relates to mandatory minimum penalties for
4 5 certain controlled substances offenses and judicial officer
4 6 training.

4 7 The bill repeals Code section 124.401A, which provides for
4 8 an additional term of confinement of five years if a person is
4 9 convicted of a drug-related offense within 1,000 feet of a
4 10 school, public park, public swimming pool, public recreation
4 11 center, or marked school bus.

4 12 The bill repeals Code section 124.401C, which provides for
4 13 an additional term of confinement of five years if a person
4 14 manufactures methamphetamines in the presence of a minor.

4 15 The bill repeals Code section 124.413 requiring a person,
4 16 if convicted of a controlled substance-related offense under
4 17 Code section 124.401, subsection 1, to serve a minimum term of
4 18 confinement equal to one-third of the maximum sentence.

4 19 The bill repeals Code section 902.8A requiring a person, if
4 20 convicted of an amphetamine or methamphetamine-related offense
4 21 under Code section 124.401D, to serve a minimum term of
4 22 confinement of 10 years.

4 23 The bill requires regular training for judges concerning
4 24 criminal justice-related issues and sentencing options for
4 25 defendants.

4 26 LSB 1889HH 82

4 27 jm:nh/es/88



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House File 245 - Introduced

HOUSE FILE
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 6)

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

A BILL FOR

- 1 An Act requiring invasive pneumococcal disease immunization for
- 2 children enrolling in licensed child care centers.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1737HV 82
- 5 jp/es/88



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House File 245 - Introduced continued

PAG LIN

1 1 Section 1. Section 139A.8, subsection 2, paragraph b, Code
1 2 2007, is amended to read as follows:
1 3 b. Evidence of adequate immunization against haemophilus
1 4 influenza B and invasive pneumococcal disease shall be
1 5 required prior to enrollment in any licensed child care
1 6 center.

1 7 EXPLANATION

1 8 This bill requires an invasive pneumococcal disease
1 9 immunization for children enrolled in a licensed child care
1 10 center. The bill includes requirement in Code section 139A.8,
1 11 relating to immunization requirements for children
1 12 administered by the Iowa department of public health.
1 13 Existing exemption provisions relating to health risk and
1 14 religious belief remain applicable to the new requirement.
1 15 LSB 1737HV 82
1 16 jp:nh/es/88



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House Resolution 14 - Introduced

PAG LIN

1 1 HOUSE RESOLUTION NO. ____
1 2 BY MAY, BAILEY, QUIRK, CHAMBERS,
1 3 TYMESON, ALONS, and KAUFMANN
1 4 A Resolution supporting the Fisher House Foundation in
1 5 its efforts to assist families of injured military
1 6 members and veterans.
1 7 WHEREAS, Fisher Houses are homes built and donated
1 8 by the Fisher House Foundation to provide a temporary
1 9 residence for families of patients receiving medical
1 10 care at major military and veterans administration
1 11 (VA) medical centers; and
1 12 WHEREAS, there are currently 35 Fisher Houses
1 13 located on 18 military installations and eight VA
1 14 medical centers; and
1 15 WHEREAS, since the inception of the program in
1 16 1990, Fisher Houses have provided more than 2 million
1 17 days of lodging to more than 100,000 families of
1 18 injured military members and veterans; and
1 19 WHEREAS, the Fisher House Foundation is a
1 20 not-for-profit organization that relies upon private
1 21 and public support to construct and maintain Fisher
1 22 Houses; NOW THEREFORE,
1 23 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
1 24 That the House of Representatives expresses its
1 25 support for the work done by the Fisher House
1 26 Foundation in providing needed assistance to families
1 27 of injured military members and veterans and urges all
1 28 Iowans to support the foundation.
1 29 LSB 1372YH 82
1 30 ec:nh/es/88



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House Resolution 15 - Introduced

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1 1 HOUSE RESOLUTION NO. ____
1 2 BY SMITH
1 3 A Resolution honoring the contributions made by
1 4 Stephen J. Frese in researching and writing about the
1 5 history of Iowa and its people.
1 6 WHEREAS, on June 16, 2006, Stephen J. Frese
1 7 received the National History Day David Van Tassel
1 8 Founders Award for his historical paper entitled,
1 9 "From Emancipation to Equality: Alexander Clark's
1 10 Stand for Civil Rights in Iowa"; and
1 11 WHEREAS, by writing about Alexander Clark, Stephen
1 12 J. Frese has recorded and preserved the contribution
1 13 of this great Iowan, who served as the first
1 14 Ambassador to Liberia; and
1 15 WHEREAS, Stephen J. Frese received the award while
1 16 a junior attending Marshalltown High School and was
1 17 selected over 2,000 nationwide high school applicants
1 18 in this competition; and
1 19 WHEREAS, Stephen J. Frese received this award as
1 20 the culmination of his five-year effort in the
1 21 National History Day Program, after previously
1 22 receiving one silver and four gold medals; and
1 23 WHEREAS, Stephen J. Frese has always focused his
1 24 historical writings on the history of Iowa and often
1 25 on little-known Iowa history; and
1 26 WHEREAS, Stephen J. Frese has contributed articles
1 27 to publications including History Teacher Journal,
1 28 Iowa Heritage Illustrated, and History Channel
1 29 Magazine; NOW THEREFORE,
1 30 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,



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House Resolution 15 - Introduced continued

2 1 That the House of Representatives congratulates
2 2 Stephen J. Frese on receiving the National History Day
2 3 David Van Tassel Founders Award and honors this young
2 4 Iowan, in whom this state takes great pride, and
2 5 expresses that honor and pride with the passage of
2 6 this resolution.
2 7 LSB 2331HH 82
2 8 jr:rj/gg/14



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House Study Bill 161

PAG LIN

1 1 Section 1. NEW SECTION. 514C.23 ENTERAL FORMULAS ==
1 2 COVERAGE.
1 3 1. Except as provided in subsections 4 and 5, and
1 4 notwithstanding the uniformity of treatment requirements of
1 5 section 514C.6, a contract, policy, or plan providing for
1 6 third-party payment or prepayment of health or medical
1 7 expenses shall not exclude or restrict benefits for enteral
1 8 formulas for home use for which a practitioner licensed by law
1 9 to prescribe and administer prescription drugs has issued a
1 10 written order, if such contract, policy, or plan provides
1 11 benefits for other outpatient prescription drugs or devices.
1 12 Such written order must state that the enteral formula is
1 13 medically necessary for the patient.
1 14 2. For purposes of this section, "enteral formula" means
1 15 enteral formulas which have been proven effective for the
1 16 treatment of inborn errors of metabolism with a dietary
1 17 restriction, which if left untreated will cause
1 18 malnourishment, chronic physical disability, mental
1 19 retardation, or death. "Enteral formula" includes low-protein
1 20 medical food and metabolic formula prescribed for persons
1 21 diagnosed with inborn errors of metabolism with a dietary
1 22 restriction. The commissioner, by rule, shall further define
1 23 enteral formula.
1 24 3. a. This section applies to the following classes of
1 25 third-party payment provider contracts, policies, or plans
1 26 delivered, issued for delivery, continued, or renewed in this
1 27 state on or after January 1, 2008:
1 28 (1) Individual or group accident and sickness insurance
1 29 providing coverage on an expense-incurred basis.
1 30 (2) Any individual or group hospital or medical service
1 31 contract issued pursuant to chapter 509, 514, or 514A.
1 32 (3) Any individual or group health maintenance
1 33 organization contract regulated under chapter 514B.
1 34 (4) A plan established pursuant to chapter 509A for public
1 35 employees.



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House Study Bill 161 continued

2 1 (5) An organized delivery system licensed by the director
2 2 of public health.

2 3 b. This section shall not apply to accident=only,
2 4 specified disease, short=term hospital or medical, hospital
2 5 confinement indemnity, credit, dental, vision, Medicare
2 6 supplement, long=term care, basic hospital and medical=
2 7 surgical expense coverage as defined by the commissioner,
2 8 disability income insurance coverage, coverage issued as a
2 9 supplement to liability insurance, workers' compensation or
2 10 similar insurance, or automobile medical payment insurance.

2 11 4. An individual or group contract, policy, or plan
2 12 subject to the requirements of this section shall not impose
2 13 an annual deductible on enteral formula coverage benefits that
2 14 is greater than two thousand five hundred dollars per year for
2 15 each family covered and shall not impose an aggregate annual
2 16 limit for enteral formula coverage benefits that is less than
2 17 twelve thousand five hundred dollars per year for each family
2 18 covered.

2 19 5. An individual or group contract, policy, or plan
2 20 subject to the requirements of this section shall provide, at
2 21 a minimum, enteral formula coverage benefits to each male
2 22 insured until that individual reaches the age of twenty=one
2 23 years old or until that individual ceases to be enrolled as a
2 24 full=time student, as defined in section 261.102, whichever
2 25 occurs later, and shall provide, at a minimum, enteral formula
2 26 coverage benefits to each female insured until that individual
2 27 reaches the age of forty=five years old.

2 28 Sec. 2. NEW SECTION. 514C.24 AUDIOLOGICAL SERVICES AND
2 29 HEARING AIDS FOR CHILDREN == COVERAGE.

2 30 1. Notwithstanding the uniformity of treatment
2 31 requirements of section 514C.6, a contract, policy, or plan
2 32 providing for third=party payment or prepayment of health or
2 33 medical expenses shall provide minimum coverage benefits for
2 34 audiological services and hearing aids for children, including
2 35 but not limited to the following classes of third=party



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House Study Bill 161 continued

3 1 payment provider contracts, policies, or plans delivered,
3 2 issued for delivery, continued, or renewed in this state on or
3 3 after January 1, 2008:
3 4 a. Individual or group accident and sickness insurance
3 5 providing coverage on an expense-incurred basis.
3 6 b. An individual or group hospital or medical service
3 7 contract issued pursuant to chapter 509, 514, or 514A.
3 8 c. An individual or group health maintenance organization
3 9 contract regulated under chapter 514B.
3 10 d. An individual or group Medicare supplemental policy,
3 11 unless coverage pursuant to such policy is preempted by
3 12 federal law.
3 13 e. A plan established pursuant to chapter 509A for public
3 14 employees.
3 15 2. This section shall not apply to accident-only,
3 16 specified disease, short-term hospital or medical, hospital
3 17 confinement indemnity, credit, dental, vision, long-term care,
3 18 basic hospital and medical-surgical expense coverage as
3 19 defined by the commissioner, disability income insurance
3 20 coverage, coverage issued as a supplement to liability
3 21 insurance, workers' compensation or similar insurance, or
3 22 automobile medical payment insurance.
3 23 3. As used in this section, "minimum coverage for
3 24 audiological services and hearing aids for children" means
3 25 coverage that includes at a minimum both of the following:
3 26 a. Coverage for hearing aids that are prescribed, filled
3 27 and dispensed by a licensed audiologist for children up to
3 28 eighteen years of age.
3 29 b. Coverage for an ear mold and a hearing aid for each
3 30 hearing-impaired ear payable every twenty-four months for
3 31 children up to eighteen years of age and coverage for up to
3 32 four additional ear molds per year for children up to three
3 33 years of age.
3 34 4. The commissioner of insurance shall adopt rules
3 35 pursuant to chapter 17A as necessary to administer this



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House Study Bill 161 continued

4 1 section.
4 2 Sec. 3. NEW SECTION. 514C.25 HUMAN PAPILLOMA VIRUS
4 3 VACCINATIONS == COVERAGE.
4 4 1. Notwithstanding the uniformity of treatment
4 5 requirements of section 514C.6, a contract, policy, or plan
4 6 providing for third-party payment or prepayment of health or
4 7 medical expenses that provides coverage benefits for any
4 8 vaccination or immunization shall provide coverage benefits
4 9 for vaccinations for the human papilloma virus, to each female
4 10 insured who is nine years of age or older until that
4 11 individual reaches twenty-six years of age, including but not
4 12 limited to the following classes of third-party payment
4 13 provider contracts, policies, or plans delivered, issued for
4 14 delivery, continued, or renewed in this state on or after
4 15 January 1, 2008:
4 16 a. Individual or group accident and sickness insurance
4 17 providing coverage on an expense-incurred basis.
4 18 b. An individual or group hospital or medical service
4 19 contract issued pursuant to chapter 509, 514, or 514A.
4 20 c. An individual or group health maintenance organization
4 21 contract regulated under chapter 514B.
4 22 d. An individual or group Medicare supplemental policy,
4 23 unless coverage pursuant to such policy is preempted by
4 24 federal law.
4 25 e. A plan established pursuant to chapter 509A for public
4 26 employees.
4 27 2. This section shall not apply to accident only,
4 28 specified disease, short-term hospital or medical, hospital
4 29 confinement indemnity, credit, dental, vision, long-term care,
4 30 basic hospital and medical=surgical expense coverage as
4 31 defined by the commissioner, disability income insurance
4 32 coverage, coverage issued as a supplement to liability
4 33 insurance, workers' compensation or similar insurance, or
4 34 automobile medical payment insurance.
4 35 3. As used in this section, "human papilloma virus" means



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House Study Bill 161 continued

5 1 the human papilloma virus as defined by the centers for
5 2 disease control and prevention of the United States department
5 3 of health and human services.

5 4 4. The commissioner of insurance shall adopt rules
5 5 pursuant to chapter 17A as necessary to administer this
5 6 section.

5 7 EXPLANATION

5 8 This bill requires insurers offering certain individual or
5 9 group health insurance contracts, policies, or plans in the
5 10 state to provide coverage for certain enteral formulas,
5 11 audiological services and hearing aids for children, and
5 12 vaccinations for human papilloma virus.

5 13 The provisions of the bill are applicable to third-party
5 14 payment provider contracts, policies, or plans delivered,
5 15 issued for delivery, continued, or renewed in this state on or
5 16 after January 1, 2008.

5 17 The commissioner of insurance is required to adopt rules
5 18 under Code chapter 17A to administer the provisions of the
5 19 bill.

5 20 ENTERAL FORMULAS. New Code section 514C.23 requires
5 21 specified individual and group health insurance contracts,
5 22 policies, or plans that provide coverage for outpatient
5 23 prescription drugs or devices to also provide coverage for
5 24 certain enteral formulas that have been prescribed by a
5 25 licensed medical practitioner for the treatment of inborn
5 26 errors of metabolism with a dietary restriction which if left
5 27 untreated will cause malnourishment, chronic physical
5 28 disability, mental retardation, or death.

5 29 The bill prohibits imposition of an annual deductible on
5 30 enteral formula coverage benefits that exceeds \$2,500 per year
5 31 for each family covered or an aggregate annual limit for such
5 32 benefits that is less than \$12,500 per year for each family.

5 33 The bill requires that the benefits must be provided, at a
5 34 minimum, to each male insured until that individual reaches 21
5 35 years of age or ceases to be enrolled as a full-time student,



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6 1 whichever occurs later, and to each female insured until that
6 2 individual reaches the age of 45.

6 3 AUDIOLOGICAL SERVICES AND HEARING AIDS FOR CHILDREN. New
6 4 Code section 514C.24 requires specified individual and group
6 5 health insurance contracts, policies, or plans that provide
6 6 coverage for third-party payment or prepayment of health or
6 7 medical expenses to provide minimum coverage for audiological
6 8 services and hearing aids for children.

6 9 The bill provides that "minimum coverage for audiological
6 10 services and hearing aids for children" must include, at a
6 11 minimum, coverage for hearing aids that are prescribed,
6 12 filled, and dispensed by a licensed audiologist for children
6 13 up to 18 years of age, coverage for an ear mold and a hearing
6 14 aid for each hearing-impaired ear payable every 24 months for
6 15 children up to 18 years of age, and coverage for up to four
6 16 additional ear molds per year for children up to three years
6 17 of age.

6 18 HUMAN PAPILLOMA VIRUS VACCINATIONS. New Code section
6 19 514C.25 requires specified individual and group health
6 20 insurance contracts, policies, or plans that provide coverage
6 21 of any vaccinations or immunizations to provide coverage of
6 22 vaccinations for the human papilloma virus to each female
6 23 insured who is nine years of age until that individual reaches
6 24 26 years of age.

6 25 The bill defines "human papilloma virus" to mean the human
6 26 papilloma virus as defined by the centers for disease control
6 27 and prevention of the United States department of health and
6 28 human services.

6 29 LSB 1631YC 82

6 30 av:rj/cf/24



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1 1 Section 1. NEW SECTION. 514C.23 ENTERAL FORMULAS ==
1 2 COVERAGE.
1 3 1. Except as provided in subsections 4 and 5, and
1 4 notwithstanding the uniformity of treatment requirements of
1 5 section 514C.6, a contract, policy, or plan providing for
1 6 third-party payment or prepayment of health or medical
1 7 expenses shall not exclude or restrict benefits for enteral
1 8 formulas for home use for which a practitioner licensed by law
1 9 to prescribe and administer prescription drugs has issued a
1 10 written order, if such contract, policy, or plan provides
1 11 benefits for other outpatient prescription drugs or devices.
1 12 Such written order must state that the enteral formula is
1 13 medically necessary for the patient.
1 14 2. For purposes of this section, "enteral formula" means
1 15 enteral formulas which have been proven effective for the
1 16 treatment of inborn errors of metabolism with a dietary
1 17 restriction, which if left untreated will cause
1 18 malnourishment, chronic physical disability, mental
1 19 retardation, or death. "Enteral formula" includes low-protein
1 20 medical food and metabolic formula prescribed for persons
1 21 diagnosed with inborn errors of metabolism with a dietary
1 22 restriction. The commissioner, by rule, shall further define
1 23 enteral formula.
1 24 3. a. This section applies to the following classes of
1 25 third-party payment provider contracts, policies, or plans
1 26 delivered, issued for delivery, continued, or renewed in this
1 27 state on or after January 1, 2008:
1 28 (1) Individual or group accident and sickness insurance
1 29 providing coverage on an expense-incurred basis.
1 30 (2) Any individual or group hospital or medical service
1 31 contract issued pursuant to chapter 509, 514, or 514A.
1 32 (3) Any individual or group health maintenance
1 33 organization contract regulated under chapter 514B.
1 34 (4) A plan established pursuant to chapter 509A for public
1 35 employees.



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2 1 (5) An organized delivery system licensed by the director
2 2 of public health.

2 3 b. This section shall not apply to accident-only,
2 4 specified disease, short-term hospital or medical, hospital
2 5 confinement indemnity, credit, dental, vision, Medicare
2 6 supplement, long-term care, basic hospital and medical=
2 7 surgical expense coverage as defined by the commissioner,
2 8 disability income insurance coverage, coverage issued as a
2 9 supplement to liability insurance, workers' compensation or
2 10 similar insurance, or automobile medical payment insurance.

2 11 4. An individual or group contract, policy, or plan
2 12 subject to the requirements of this section shall not impose
2 13 an annual deductible on enteral formula coverage benefits that
2 14 is greater than two thousand five hundred dollars per year for
2 15 each family covered and shall not impose an aggregate annual
2 16 limit for enteral formula coverage benefits that is less than
2 17 twelve thousand five hundred dollars per year for each family
2 18 covered.

2 19 5. An individual or group contract, policy, or plan
2 20 subject to the requirements of this section shall provide, at
2 21 a minimum, enteral formula coverage benefits to each male
2 22 insured until that individual reaches the age of twenty-one
2 23 years old or until that individual ceases to be enrolled as a
2 24 full-time student, as defined in section 261.102, whichever
2 25 occurs later, and shall provide, at a minimum, enteral formula
2 26 coverage benefits to each female insured until that individual
2 27 reaches the age of forty-five years old.

2 28 Sec. 2. NEW SECTION. 514C.24 AUDIOLOGICAL SERVICES AND
2 29 HEARING AIDS FOR CHILDREN == COVERAGE.

2 30 1. Notwithstanding the uniformity of treatment
2 31 requirements of section 514C.6, a contract, policy, or plan
2 32 providing for third-party payment or prepayment of health or
2 33 medical expenses shall provide minimum coverage benefits for
2 34 audiological services and hearing aids for children, including
2 35 but not limited to the following classes of third-party



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3 1 payment provider contracts, policies, or plans delivered,
3 2 issued for delivery, continued, or renewed in this state on or
3 3 after January 1, 2008:
3 4 a. Individual or group accident and sickness insurance
3 5 providing coverage on an expense-incurred basis.
3 6 b. An individual or group hospital or medical service
3 7 contract issued pursuant to chapter 509, 514, or 514A.
3 8 c. An individual or group health maintenance organization
3 9 contract regulated under chapter 514B.
3 10 d. An individual or group Medicare supplemental policy,
3 11 unless coverage pursuant to such policy is preempted by
3 12 federal law.
3 13 e. A plan established pursuant to chapter 509A for public
3 14 employees.
3 15 2. This section shall not apply to accident-only,
3 16 specified disease, short-term hospital or medical, hospital
3 17 confinement indemnity, credit, dental, vision, long-term care,
3 18 basic hospital and medical-surgical expense coverage as
3 19 defined by the commissioner, disability income insurance
3 20 coverage, coverage issued as a supplement to liability
3 21 insurance, workers' compensation or similar insurance, or
3 22 automobile medical payment insurance.
3 23 3. As used in this section, "minimum coverage for
3 24 audiological services and hearing aids for children" means
3 25 coverage that includes at a minimum both of the following:
3 26 a. Coverage for hearing aids that are prescribed, filled
3 27 and dispensed by a licensed audiologist for children up to
3 28 eighteen years of age.
3 29 b. Coverage for an ear mold and a hearing aid for each
3 30 hearing-impaired ear payable every twenty-four months for
3 31 children up to eighteen years of age and coverage for up to
3 32 four additional ear molds per year for children up to three
3 33 years of age.
3 34 4. The commissioner of insurance shall adopt rules
3 35 pursuant to chapter 17A as necessary to administer this



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4 1 section.
4 2 Sec. 3. NEW SECTION. 514C.25 HUMAN PAPILLOMA VIRUS
4 3 VACCINATIONS == COVERAGE.
4 4 1. Notwithstanding the uniformity of treatment
4 5 requirements of section 514C.6, a contract, policy, or plan
4 6 providing for third-party payment or prepayment of health or
4 7 medical expenses that provides coverage benefits for any
4 8 vaccination or immunization shall provide coverage benefits
4 9 for vaccinations for the human papilloma virus, to each female
4 10 insured who is nine years of age or older until that
4 11 individual reaches twenty-six years of age, including but not
4 12 limited to the following classes of third-party payment
4 13 provider contracts, policies, or plans delivered, issued for
4 14 delivery, continued, or renewed in this state on or after
4 15 January 1, 2008:
4 16 a. Individual or group accident and sickness insurance
4 17 providing coverage on an expense-incurred basis.
4 18 b. An individual or group hospital or medical service
4 19 contract issued pursuant to chapter 509, 514, or 514A.
4 20 c. An individual or group health maintenance organization
4 21 contract regulated under chapter 514B.
4 22 d. An individual or group Medicare supplemental policy,
4 23 unless coverage pursuant to such policy is preempted by
4 24 federal law.
4 25 e. A plan established pursuant to chapter 509A for public
4 26 employees.
4 27 2. This section shall not apply to accident only,
4 28 specified disease, short-term hospital or medical, hospital
4 29 confinement indemnity, credit, dental, vision, long-term care,
4 30 basic hospital and medical=surgical expense coverage as
4 31 defined by the commissioner, disability income insurance
4 32 coverage, coverage issued as a supplement to liability
4 33 insurance, workers' compensation or similar insurance, or
4 34 automobile medical payment insurance.
4 35 3. As used in this section, "human papilloma virus" means



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5 1 the human papilloma virus as defined by the centers for
5 2 disease control and prevention of the United States department
5 3 of health and human services.

5 4 4. The commissioner of insurance shall adopt rules
5 5 pursuant to chapter 17A as necessary to administer this
5 6 section.

5 7 EXPLANATION

5 8 This bill requires insurers offering certain individual or
5 9 group health insurance contracts, policies, or plans in the
5 10 state to provide coverage for certain enteral formulas,
5 11 audiological services and hearing aids for children, and
5 12 vaccinations for human papilloma virus.

5 13 The provisions of the bill are applicable to third-party
5 14 payment provider contracts, policies, or plans delivered,
5 15 issued for delivery, continued, or renewed in this state on or
5 16 after January 1, 2008.

5 17 The commissioner of insurance is required to adopt rules
5 18 under Code chapter 17A to administer the provisions of the
5 19 bill.

5 20 ENTERAL FORMULAS. New Code section 514C.23 requires
5 21 specified individual and group health insurance contracts,
5 22 policies, or plans that provide coverage for outpatient
5 23 prescription drugs or devices to also provide coverage for
5 24 certain enteral formulas that have been prescribed by a
5 25 licensed medical practitioner for the treatment of inborn
5 26 errors of metabolism with a dietary restriction which if left
5 27 untreated will cause malnourishment, chronic physical
5 28 disability, mental retardation, or death.

5 29 The bill prohibits imposition of an annual deductible on
5 30 enteral formula coverage benefits that exceeds \$2,500 per year
5 31 for each family covered or an aggregate annual limit for such
5 32 benefits that is less than \$12,500 per year for each family.

5 33 The bill requires that the benefits must be provided, at a
5 34 minimum, to each male insured until that individual reaches 21
5 35 years of age or ceases to be enrolled as a full-time student,



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6 1 whichever occurs later, and to each female insured until that
6 2 individual reaches the age of 45.

6 3 AUDIOLOGICAL SERVICES AND HEARING AIDS FOR CHILDREN. New
6 4 Code section 514C.24 requires specified individual and group
6 5 health insurance contracts, policies, or plans that provide
6 6 coverage for third-party payment or prepayment of health or
6 7 medical expenses to provide minimum coverage for audiological
6 8 services and hearing aids for children.

6 9 The bill provides that "minimum coverage for audiological
6 10 services and hearing aids for children" must include, at a
6 11 minimum, coverage for hearing aids that are prescribed,
6 12 filled, and dispensed by a licensed audiologist for children
6 13 up to 18 years of age, coverage for an ear mold and a hearing
6 14 aid for each hearing-impaired ear payable every 24 months for
6 15 children up to 18 years of age, and coverage for up to four
6 16 additional ear molds per year for children up to three years
6 17 of age.

6 18 HUMAN PAPILLOMA VIRUS VACCINATIONS. New Code section
6 19 514C.25 requires specified individual and group health
6 20 insurance contracts, policies, or plans that provide coverage
6 21 of any vaccinations or immunizations to provide coverage of
6 22 vaccinations for the human papilloma virus to each female
6 23 insured who is nine years of age until that individual reaches
6 24 26 years of age.

6 25 The bill defines "human papilloma virus" to mean the human
6 26 papilloma virus as defined by the centers for disease control
6 27 and prevention of the United States department of health and
6 28 human services.

6 29 LSB 1631YC 82

6 30 av:rj/cf/24



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House Study Bill 162

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1 1 Section 1. Section 490A.1501, subsection 4, Code 2007, 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, psychology, professional engineering, land surveying,
1 6 landscape architecture, law, medicine and surgery, optometry,
1 7 osteopathy, osteopathic medicine and surgery, accounting
1 8 practitioner, podiatry, real estate brokerage, speech
1 9 pathology, audiology, veterinary medicine, pharmacy, nursing,
1 10 and marriage and family therapy, provided that the marriage
1 11 and family therapist is licensed under chapters 147 and 154D.

1 12 Sec. 2. Section 496C.2, subsection 4, Code 2007, is
1 13 amended to read as follows:

1 14 4. "Profession" means the profession of certified public
1 15 accountancy, architecture, chiropractic, dentistry, physical
1 16 therapy, psychology, professional engineering, land surveying,
1 17 landscape architecture, law, medicine and surgery, optometry,
1 18 osteopathy, osteopathic medicine and surgery, accounting
1 19 practitioner, podiatry, real estate brokerage, speech
1 20 pathology, audiology, veterinary medicine, pharmacy and the
1 21 practice of nursing.

1 22 Sec. 3. Section 543B.2, Code 2007, is amended to read as
1 23 follows:

1 24 543B.2 INDIVIDUAL LICENSES NECESSARY.

1 25 A partnership, association, ~~or~~ corporation, professional
1 26 corporation, or professional limited liability company shall
1 27 not be granted a license, unless every member or officer of
1 28 the partnership, association, ~~or~~ corporation, professional
1 29 corporation, or professional limited liability company who
1 30 actively participates in the brokerage business of the
1 31 partnership, association, ~~or~~ corporation, professional
1 32 corporation, or limited liability company holds a license as a
1 33 real estate broker or salesperson, and unless every employee
1 34 who acts as a salesperson for the partnership, association, ~~or~~
1 35 corporation, professional corporation, or professional limited



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2 1 liability company holds a license as a real estate broker or
2 2 salesperson. At least one member or officer of each
2 3 partnership, association, ~~or~~ corporation, professional
2 4 corporation, or professional limited liability company shall
2 5 be a real estate broker.

2 6 Sec. 4. Section 543B.5, subsection 18, Code 2007, is
2 7 amended to read as follows:

2 8 18. "Person" means an individual, partnership,
2 9 association, ~~or~~ corporation, professional corporation, or
2 10 professional limited liability company.

2 11 Sec. 5. Section 543B.31, Code 2007, is amended to read as
2 12 follows:

2 13 543B.31 PLACE OF BUSINESS.

2 14 Every real estate broker, except as provided in section
2 15 543B.22, shall maintain a place of business in this state. If
2 16 the real estate broker maintains more than one place of
2 17 business within the state, a duplicate license shall be issued
2 18 to such broker for each branch office maintained. Provided,
2 19 that if such broker be a copartnership, association, ~~or~~
2 20 corporation, professional corporation, or professional limited
2 21 liability company a duplicate shall be issued to the members
2 22 or officers thereof, and a fee determined by the real estate
2 23 commission in each case shall be paid for each duplicate
2 24 license.

2 25 Sec. 6. Section 543B.46, subsection 6, Code 2007, is
2 26 amended to read as follows:

2 27 6. The commission shall verify on a test basis, a random
2 28 sampling of the brokers, corporations, professional
2 29 corporations, professional limited liability companies, and
2 30 partnerships for their trust account compliance. The
2 31 commission may upon reasonable cause, or as a part of or after
2 32 an investigation, request or order a special report.

2 33 EXPLANATION

2 34 This bill provides for the inclusion of real estate brokers
2 35 in the list of professions authorized to form a professional



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House Study Bill 162 continued

3 1 limited liability company in Code section 490A.1501 and a
3 2 professional corporation in Code section 496C.2. The bill
3 3 makes conforming changes to Code chapter 543B, which provides
3 4 for the licensing of real estate brokers.
3 5 LSB 2159HC 82
3 6 rn:nh/es/88



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House Study Bill 162

PAG LIN

1 1 Section 1. Section 490A.1501, subsection 4, Code 2007, 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, psychology, professional engineering, land surveying,
1 6 landscape architecture, law, medicine and surgery, optometry,
1 7 osteopathy, osteopathic medicine and surgery, accounting
1 8 practitioner, podiatry, real estate brokerage, speech
1 9 pathology, audiology, veterinary medicine, pharmacy, nursing,
1 10 and marriage and family therapy, provided that the marriage
1 11 and family therapist is licensed under chapters 147 and 154D.

1 12 Sec. 2. Section 496C.2, subsection 4, Code 2007, is
1 13 amended to read as follows:

1 14 4. "Profession" means the profession of certified public
1 15 accountancy, architecture, chiropractic, dentistry, physical
1 16 therapy, psychology, professional engineering, land surveying,
1 17 landscape architecture, law, medicine and surgery, optometry,
1 18 osteopathy, osteopathic medicine and surgery, accounting
1 19 practitioner, podiatry, real estate brokerage, speech
1 20 pathology, audiology, veterinary medicine, pharmacy and the
1 21 practice of nursing.

1 22 Sec. 3. Section 543B.2, Code 2007, is amended to read as
1 23 follows:

1 24 543B.2 INDIVIDUAL LICENSES NECESSARY.

1 25 A partnership, association, ~~or~~ corporation, professional
1 26 corporation, or professional limited liability company shall
1 27 not be granted a license, unless every member or officer of
1 28 the partnership, association, ~~or~~ corporation, professional
1 29 corporation, or professional limited liability company who
1 30 actively participates in the brokerage business of the
1 31 partnership, association, ~~or~~ corporation, professional
1 32 corporation, or limited liability company holds a license as a
1 33 real estate broker or salesperson, and unless every employee
1 34 who acts as a salesperson for the partnership, association, ~~or~~
1 35 corporation, professional corporation, or professional limited



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2 1 liability company holds a license as a real estate broker or
2 2 salesperson. At least one member or officer of each
2 3 partnership, association, ~~or~~ corporation, professional
2 4 corporation, or professional limited liability company shall
2 5 be a real estate broker.

2 6 Sec. 4. Section 543B.5, subsection 18, Code 2007, is
2 7 amended to read as follows:

2 8 18. "Person" means an individual, partnership,
2 9 association, ~~or~~ corporation, professional corporation, or
2 10 professional limited liability company.

2 11 Sec. 5. Section 543B.31, Code 2007, is amended to read as
2 12 follows:

2 13 543B.31 PLACE OF BUSINESS.

2 14 Every real estate broker, except as provided in section
2 15 543B.22, shall maintain a place of business in this state. If
2 16 the real estate broker maintains more than one place of
2 17 business within the state, a duplicate license shall be issued
2 18 to such broker for each branch office maintained. Provided,
2 19 that if such broker be a copartnership, association, ~~or~~
2 20 corporation, professional corporation, or professional limited
2 21 liability company a duplicate shall be issued to the members
2 22 or officers thereof, and a fee determined by the real estate
2 23 commission in each case shall be paid for each duplicate
2 24 license.

2 25 Sec. 6. Section 543B.46, subsection 6, Code 2007, is
2 26 amended to read as follows:

2 27 6. The commission shall verify on a test basis, a random
2 28 sampling of the brokers, corporations, professional
2 29 corporations, professional limited liability companies, and
2 30 partnerships for their trust account compliance. The
2 31 commission may upon reasonable cause, or as a part of or after
2 32 an investigation, request or order a special report.

2 33 EXPLANATION

2 34 This bill provides for the inclusion of real estate brokers
2 35 in the list of professions authorized to form a professional



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House Study Bill 162 continued

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3 2 professional corporation in Code section 496C.2. The bill
3 3 makes conforming changes to Code chapter 543B, which provides
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3 5 LSB 2159HC 82
3 6 rn:nh/es/88



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1 1 Section 1. Section 543B.15, subsection 3, Code 2007, is
1 2 amended by striking the subsection and inserting in lieu
1 3 thereof the following:

1 4 3. a. An applicant for a real estate broker's or
1 5 salesperson's license who has been convicted of an indictable
1 6 offense shall not be considered for licensure until the
1 7 following time periods have elapsed following completion of
1 8 any applicable period of incarceration, or payment of a fine
1 9 or fulfillment of any other type of sentence:

1 10 (1) For an offense which is classified as a serious or
1 11 aggravated misdemeanor, one year.

1 12 (2) For an offense which is classified as a felony, two
1 13 years.

1 14 (3) Notwithstanding subparagraphs (1) and (2), for
1 15 offenses including or involving forgery, embezzlement,
1 16 obtaining money under false pretenses, theft, arson,
1 17 extortion, conspiracy to defraud, or other offense involving a
1 18 criminal breach of fiduciary duty, five years.

1 19 b. After expiration of the time periods specified in
1 20 paragraph "a", an application shall be considered by the
1 21 commission pursuant to subsection 7 and may be denied on the
1 22 grounds of the conviction. An applicant may request a hearing
1 23 pursuant to section 543B.19 in the event of a denial.

1 24 c. For purposes of this section, "convicted" means a
1 25 guilty plea, deferred judgment from the time of entry of the
1 26 deferred judgment until the time the defendant is discharged
1 27 by the court without entry of judgment, or other finding of
1 28 guilt by a court of competent jurisdiction in this state, or
1 29 in any other state, territory, or district of the United
1 30 States, or in any foreign jurisdiction.

1 31 Sec. 2. Section 543B.15, subsection 6, Code 2007, is
1 32 amended to read as follows:

1 33 6. A licensed real estate broker or salesperson shall
1 34 notify the commission of the licensee's conviction of an
1 35 offense included in subsection 3 within ~~sixty~~ ten days of the



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House Study Bill 163 continued

2 1 conviction. Notification of a conviction for an offense which
2 2 is classified as a felony shall result in the immediate
2 3 suspension of a license pending the outcome of a hearing
2 4 conducted pursuant to section 543B.35. The failure of the
2 5 licensee to notify the commission of the conviction within
2 6 ~~sixty~~ ten days of the date of the conviction is sufficient
2 7 grounds for revocation of the license.

2 8 EXPLANATION

2 9 This bill relates to action taken by the real estate
2 10 commission in circumstances where an applicant for licensure,
2 11 or an existing licensee, has been convicted of specified
2 12 criminal offenses.

2 13 The bill provides that an applicant for a real estate
2 14 broker's or salesperson's license who has been convicted of an
2 15 indictable offense shall not be considered for licensure until
2 16 specified time periods have elapsed following completion of a
2 17 sentence. The bill defines "convicted" to refer to a guilty
2 18 plea, deferred judgment, or other finding of guilt. The time
2 19 periods are one year for a serious or aggravated misdemeanor,
2 20 two years for a felony, and five years for offenses which
2 21 include or involve forgery, embezzlement, obtaining money
2 22 under false pretenses, theft, arson, extortion, conspiracy to
2 23 defraud, or other criminal breach of fiduciary duty. The bill
2 24 provides that after these time periods have elapsed, the
2 25 commission shall consider an application and may deny it based
2 26 on the conviction. If denied, an applicant may request a
2 27 hearing pursuant to Code section 543B.19.

2 28 With regard to existing licensees, the bill modifies Code
2 29 section 543B.15 to require that a licensee notify the
2 30 commission of a conviction of any of the above-specified
2 31 offenses within 10 days of the conviction. That Code section
2 32 currently provides for a 30-day notification period. The bill
2 33 provides that notification of a conviction for an offense
2 34 which is classified as a felony will result in the immediate
2 35 suspension of a license pending the outcome of a revocation



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- 3 1 hearing conducted pursuant to Code section 543B.35.
- 3 2 LSB 2157HC 82
- 3 3 rn:nh/es/88



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1 3 thereof the following:

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1 5 salesperson's license who has been convicted of an indictable
1 6 offense shall not be considered for licensure until the
1 7 following time periods have elapsed following completion of
1 8 any applicable period of incarceration, or payment of a fine
1 9 or fulfillment of any other type of sentence:

1 10 (1) For an offense which is classified as a serious or
1 11 aggravated misdemeanor, one year.

1 12 (2) For an offense which is classified as a felony, two
1 13 years.

1 14 (3) Notwithstanding subparagraphs (1) and (2), for
1 15 offenses including or involving forgery, embezzlement,
1 16 obtaining money under false pretenses, theft, arson,
1 17 extortion, conspiracy to defraud, or other offense involving a
1 18 criminal breach of fiduciary duty, five years.

1 19 b. After expiration of the time periods specified in
1 20 paragraph "a", an application shall be considered by the
1 21 commission pursuant to subsection 7 and may be denied on the
1 22 grounds of the conviction. An applicant may request a hearing
1 23 pursuant to section 543B.19 in the event of a denial.

1 24 c. For purposes of this section, "convicted" means a
1 25 guilty plea, deferred judgment from the time of entry of the
1 26 deferred judgment until the time the defendant is discharged
1 27 by the court without entry of judgment, or other finding of
1 28 guilt by a court of competent jurisdiction in this state, or
1 29 in any other state, territory, or district of the United
1 30 States, or in any foreign jurisdiction.

1 31 Sec. 2. Section 543B.15, subsection 6, Code 2007, is
1 32 amended to read as follows:

1 33 6. A licensed real estate broker or salesperson shall
1 34 notify the commission of the licensee's conviction of an
1 35 offense included in subsection 3 within ~~sixty~~ ten days of the



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2 1 conviction. Notification of a conviction for an offense which
2 2 is classified as a felony shall result in the immediate
2 3 suspension of a license pending the outcome of a hearing
2 4 conducted pursuant to section 543B.35. The failure of the
2 5 licensee to notify the commission of the conviction within
2 6 ~~sixty~~ ten days of the date of the conviction is sufficient
2 7 grounds for revocation of the license.

2 8 EXPLANATION

2 9 This bill relates to action taken by the real estate
2 10 commission in circumstances where an applicant for licensure,
2 11 or an existing licensee, has been convicted of specified
2 12 criminal offenses.

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2 14 broker's or salesperson's license who has been convicted of an
2 15 indictable offense shall not be considered for licensure until
2 16 specified time periods have elapsed following completion of a
2 17 sentence. The bill defines "convicted" to refer to a guilty
2 18 plea, deferred judgment, or other finding of guilt. The time
2 19 periods are one year for a serious or aggravated misdemeanor,
2 20 two years for a felony, and five years for offenses which
2 21 include or involve forgery, embezzlement, obtaining money
2 22 under false pretenses, theft, arson, extortion, conspiracy to
2 23 defraud, or other criminal breach of fiduciary duty. The bill
2 24 provides that after these time periods have elapsed, the
2 25 commission shall consider an application and may deny it based
2 26 on the conviction. If denied, an applicant may request a
2 27 hearing pursuant to Code section 543B.19.

2 28 With regard to existing licensees, the bill modifies Code
2 29 section 543B.15 to require that a licensee notify the
2 30 commission of a conviction of any of the above-specified
2 31 offenses within 10 days of the conviction. That Code section
2 32 currently provides for a 30-day notification period. The bill
2 33 provides that notification of a conviction for an offense
2 34 which is classified as a felony will result in the immediate
2 35 suspension of a license pending the outcome of a revocation



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- 3 1 hearing conducted pursuant to Code section 543B.35.
- 3 2 LSB 2157HC 82
- 3 3 rn:nh/es/88



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1 1 Section 1. Section 556.1, Code 2007, is amended by adding
 1 2 the following new subsections:
 1 3 NEW SUBSECTION. 6A. "Mineral" means gas, oil, and coal;
 1 4 other gaseous, liquid, and solid hydrocarbons; oil shale;
 1 5 cement material; sand and gravel; road material; building
 1 6 stone; chemical raw material; gemstone; fissionable and
 1 7 nonfissionable ores; colloidal and other clays; steam and
 1 8 other geothermal resources; and any other substance defined as
 1 9 a mineral by a law of this state.

1 10 NEW SUBSECTION. 6B. "Mineral proceeds" means amounts
 1 11 payable for the extraction, production, or sale of minerals,
 1 12 or upon the abandonment of those payments, all payments that
 1 13 become payable thereafter. "Mineral proceeds" includes
 1 14 amounts payable as follows:

1 15 a. For the acquisition and retention of a mineral lease,
 1 16 including bonuses, royalties, compensatory royalties, shut-in
 1 17 royalties, minimum royalties, and delay rentals.

1 18 b. For the extraction, production, or sale of minerals,
 1 19 including net revenue interests, royalties, overriding
 1 20 royalties, extraction payments, and production payments.

1 21 c. Under an agreement or option, including a joint
 1 22 operating agreement, unit agreement, pooling agreement, and
 1 23 farm-out agreement, relating to the extraction, production, or
 1 24 sale of minerals.

EXPLANATION

1 26 This bill adds definitions of "mineral" and "mineral
 1 27 proceeds" to Code chapter 556 which is concerned with the
 1 28 disposition of unclaimed property.

1 29 Currently, Code section 556.1 defines property which is
 1 30 subject to the provisions of the chapter to include mineral
 1 31 proceeds (Code section 556.1, subsection 10, paragraph "b"),
 1 32 and amounts distributable from a mineral interest in land
 1 33 (Code section 556.1, subsection 10, paragraph "h") although
 1 34 these terms are not currently defined.



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2 1 av:rj/sh/8



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1 1 Section 1. Section 556.1, Code 2007, is amended by adding
1 2 the following new subsections:

1 3 NEW SUBSECTION. 6A. "Mineral" means gas, oil, and coal;
1 4 other gaseous, liquid, and solid hydrocarbons; oil shale;
1 5 cement material; sand and gravel; road material; building
1 6 stone; chemical raw material; gemstone; fissionable and
1 7 nonfissionable ores; colloidal and other clays; steam and
1 8 other geothermal resources; and any other substance defined as
1 9 a mineral by a law of this state.

1 10 NEW SUBSECTION. 6B. "Mineral proceeds" means amounts
1 11 payable for the extraction, production, or sale of minerals,
1 12 or upon the abandonment of those payments, all payments that
1 13 become payable thereafter. "Mineral proceeds" includes
1 14 amounts payable as follows:

1 15 a. For the acquisition and retention of a mineral lease,
1 16 including bonuses, royalties, compensatory royalties, shut-in
1 17 royalties, minimum royalties, and delay rentals.

1 18 b. For the extraction, production, or sale of minerals,
1 19 including net revenue interests, royalties, overriding
1 20 royalties, extraction payments, and production payments.

1 21 c. Under an agreement or option, including a joint
1 22 operating agreement, unit agreement, pooling agreement, and
1 23 farm-out agreement, relating to the extraction, production, or
1 24 sale of minerals.

1 25 EXPLANATION

1 26 This bill adds definitions of "mineral" and "mineral
1 27 proceeds" to Code chapter 556 which is concerned with the
1 28 disposition of unclaimed property.

1 29 Currently, Code section 556.1 defines property which is
1 30 subject to the provisions of the chapter to include mineral
1 31 proceeds (Code section 556.1, subsection 10, paragraph "b"),
1 32 and amounts distributable from a mineral interest in land
1 33 (Code section 556.1, subsection 10, paragraph "h") although
1 34 these terms are not currently defined.

1 35 LSB 1216HC 82



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2 1 av:rj/sh/8



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Senate Amendment 3023

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House Study Bill 164 continued

1 1 Amend Senate File 109 as follows:
1 2 #1. Page 1, line 7, by striking the word <four>
1 3 and inserting the following: <six>.
1 4 #2. Page 1, line 7, by inserting after the word
1 5 <percent> the following: <, and of that state percent
1 6 of growth an amount equal to two percentage points
1 7 shall be paid completely by the state>.
1 8
1 9
1 10
1 11 JEFF ANGELO
1 12 LARRY McKIBBEN
1 13 JOHN PUTNEY
1 14 E. THURMAN GASKILL
1 15 NANCY J. BOETTGER
1 16 MARK ZIEMAN
1 17 DAVID JOHNSON
1 18 MARY A. LUNDBY
1 19 RON WIECK
1 20 PAT WARD
1 21 SF 109.701 82
1 22 ak/gg/6716
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Senate File 110 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1095)

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Approved

Passed House, Date _____

Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the standardized training and state
- 2 certification of reserve peace officers.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1835SV 82
- 5 rh/gg/14



Iowa General Assembly
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Senate File 110 - Introduced continued

PAG LIN

1 1 Section 1. Section 80D.1A, Code 2007, is amended to read
1 2 as follows:

1 3 80D.1A DEFINITIONS.

1 4 As used in this chapter, unless the context otherwise
1 5 requires:

1 6 1. "Academy" means the Iowa law enforcement academy.

1 7 2. "Council" means the Iowa law enforcement academy

1 8 council.

~~1 9 1. 3. "Minimum training course" means a curriculum of one~~
~~1 10 hundred fifty hours of training and instruction required for~~
~~1 11 certification as a reserve peace officer, excluding weapons~~
~~1 12 training basic training requirements developed by the academy~~
~~1 13 pursuant to the academy's rulemaking authority that a reserve~~
~~1 14 peace officer must complete within a prescribed time period to~~
~~1 15 become state certified as a reserve peace officer. The~~
~~1 16 minimum training course does not include required weapons~~
~~1 17 training.~~

1 18 2. 4. "Reserve force" means an organization of reserve
1 19 peace officers established as provided in this chapter.

1 20 3. 5. "Reserve peace officer" means a volunteer,
1 21 nonregular, sworn member of a law enforcement agency who
1 22 serves with or without compensation, has regular police powers
1 23 while functioning as a law enforcement agency's
1 24 representative, and participates on a regular basis in the law
1 25 enforcement agency's activities including crime prevention and
1 26 control, preservation of the peace, and enforcement of law.

1 27 Sec. 2. Section 80D.3, Code 2007, is amended to read as
1 28 follows:

1 29 80D.3 TRAINING STANDARDS.

1 30 1. Each person appointed to serve as a reserve peace
1 31 officer shall satisfactorily complete a minimum training
1 32 course as ~~provided in this section~~ established by academy
1 33 rules. In addition, if a reserve peace officer is authorized
1 34 to carry weapons, the officer shall satisfactorily complete
1 35 the same training course in the use of weapons as is required



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Senate File 110 - Introduced continued

2 1 for basic training of regular peace officers by the ~~Iowa law~~
~~2 2 enforcement academy~~. The minimum training course for reserve
2 3 peace officers ~~must~~ shall be satisfactorily completed within
2 4 ~~four years from the date of appointment~~ the time period
2 5 prescribed by academy rules. ~~If reserve Academy-approved~~
2 6 reserve peace officer training received before July 1, 1990,
~~2 7 meets the requirements of this section, the training 2007,~~ may
2 8 be applied to meet the minimum training course requirements ~~of~~
~~2 9 this section established by academy rules~~.

2 10 2. A reserve peace officer who does not carry a weapon
2 11 shall not be required to complete a weapons training course,
2 12 but the officer shall comply with all other training
2 13 requirements.

2 14 3. A person appointed to serve as a reserve peace officer,
2 15 who has received basic training as a peace officer and has
2 16 been certified by the ~~Iowa law enforcement~~ academy pursuant to
2 17 chapter 80B and rules adopted pursuant to chapter 80B, may be
2 18 exempted from completing the minimum training course at the
2 19 discretion of the appointing authority. ~~if the officer meets~~
~~2 20 one of the following qualifications:~~

2 21 a. ~~The appointee is serving as a regular peace officer~~
~~2 22 with a bona fide law enforcement agency when the application~~
~~2 23 for a reserve peace officer appointment is made.~~

2 24 b. ~~The appointee has served as a regular peace officer~~
~~2 25 with a bona fide law enforcement agency within three years of~~
~~2 26 the date of application for appointment as a reserve peace~~
~~2 27 officer. However, such a person appointed to serve as a~~
2 28 reserve peace officer shall meet mandatory in-service training
2 29 requirements established by academy rules if the person has
2 30 not served as an active peace officer within one hundred
2 31 eighty days of appointment as a reserve peace officer.

2 32 4. The minimum training course required for a reserve
2 33 peace officer shall be conducted pursuant to sections 80D.4
2 34 and 80D.7, ~~and the following training schedule:~~

2 35 a. ~~During the first year, thirty hours of general law~~



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Senate File 110 — Introduced continued

~~3 1 enforcement training is required as provided in section 80D.4~~
~~3 2 and as prescribed by the Iowa law enforcement academy council.~~

3 3 If weapons are to be carried, a reserve peace officer shall
3 4 complete a weapons training course having the same number of
3 5 hours of training as is required of regular peace officers in
3 6 basic training pursuant to section 80D.7.

~~3 7 b. During the second through the fourth year, forty hours~~
~~3 8 of training shall be provided each year. Ten hours annually~~
~~3 9 shall be obtained by each reserve peace officer working with a~~
~~3 10 regular peace officer. The remaining thirty hours annually~~
~~3 11 shall be selected by the appointing authority from the~~
~~3 12 approved basic training curriculum established by the Iowa law~~
~~3 13 enforcement academy for use in training regular peace~~
~~3 14 officers.~~

3 15 e. ~~Notwithstanding the time schedule provided in this~~
~~3 16 subsection, a~~ A person is eligible for state certification as
3 17 a reserve peace officer upon satisfactory completion of the
3 18 ~~one hundred fifty hours of training required for certification~~
3 19 and testing requirements specified by academy rules. A
3 20 reserve peace officer enrolled in an academy=approved minimum
3 21 course of training prior to July 1, 2007, shall obtain state
3 22 certification by July 1, 2012.

3 23 Sec. 3. Section 80D.4, Code 2007, is amended to read as
3 24 follows:

3 25 80D.4 TRAINING.

3 26 Training for individuals appointed as reserve peace
3 27 officers shall be provided by ~~that law enforcement agency, but~~
~~3 28 may be obtained~~ academy=certified instructors in a community
3 29 college or other facility, including a law enforcement agency,
3 30 selected by the individual and approved by the law enforcement
3 31 agency and the academy. Upon satisfactory completion of
3 32 training required by the Iowa law enforcement academy, the
3 33 chief of police, sheriff, commissioner of public safety, or
~~3 34 director of the judicial district department of correctional~~
~~3 35 services~~ academy shall certify the individual as a reserve



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Senate File 110 - Introduced continued

4 1 peace officer.

4 2 Sec. 4. NEW SECTION. 80D.4A TRAINING AND CERTIFICATION
4 3 REQUIREMENTS.

4 4 The director of the academy, subject to the approval of the
4 5 council, shall promulgate rules in accordance with the
4 6 provisions of this chapter and chapter 17A, giving due
4 7 consideration to varying factors and special requirements of
4 8 law enforcement agencies relative to the standardized training
4 9 and state certification of reserve peace officers.

4 10 EXPLANATION

4 11 This bill relates to standardized training and
4 12 certification standards for reserve peace officers in Iowa.

4 13 The bill provides that a standardized training and state
4 14 certification for reserve peace officers shall be established
4 15 by the Iowa law enforcement academy pursuant to the academy's
4 16 rulemaking authority. The bill provides that the director of
4 17 the academy, subject to the approval of the council, shall
4 18 promulgate such rules, giving due consideration to varying
4 19 factors and special requirements of law enforcement agencies
4 20 relative to the standardized training and state certification
4 21 of reserve peace officers. Current law allows a law
4 22 enforcement agency to which a reserve peace officer has been
4 23 appointed to provide reserve peace officer training, and
4 24 provides that a person may be certified as a reserve peace
4 25 officer by the academy, chief of police, sheriff, commissioner
4 26 of public safety, or director of the judicial district
4 27 department of correctional services.

4 28 The bill further specifies that academy-approved reserve
4 29 officer training received prior to July 1, 2007, may be
4 30 applied to meet the minimum training requirements established
4 31 by academy rules and that a peace officer is eligible for
4 32 state certification as a reserve peace officer upon
4 33 satisfactory completion of the requirements specified by
4 34 academy rules. A reserve peace officer appointed after July
4 35 1, 2007, shall obtain state certification consistent with the



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Senate File 110 - Introduced continued

5 1 provisions of the bill by July 1, 2012.

5 2 The bill provides that a person appointed to serve as a
5 3 reserve peace officer shall meet mandatory in-service training
5 4 requirements established by academy rules if the person has
5 5 not served as an active peace officer within 180 days of
5 6 appointment as a reserve peace officer.

5 7 The bill provides that reserve peace officer training shall
5 8 be provided by an academy-certified instructor in a community
5 9 college or other approved facility, including a law
5 10 enforcement agency.

5 11 LSB 1835SV 82

5 12 rh:nh/gg/14



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Senate File 111 - Introduced

SENATE FILE

BY SEYMOUR, NOBLE, MULDER, WARD,
 WIECK, MCKINLEY, ANGELO, MCKIBBEN,
 JOHNSON, LUNDBY, HOUSER, HAHN,
 and HATCH

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for online prescription drug retail price
- 2 comparison.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1800XS 82
- 5 pf/je/5



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1 1 Section 1. Section 155A.3, Code 2007, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 7A. "Current usual and customary retail
1 4 price" means the actual price that a pharmacy charges a retail
1 5 purchaser without prescription drug coverage for a
1 6 prescription drug at the listed dosage, and does not include
1 7 discounts, special promotions, or other programs initiated to
1 8 reduce prices for product costs available to the general
1 9 public or to a special population.

1 10 Sec. 2. NEW SECTION. 155A.42 PRESCRIPTION DRUG RETAIL
1 11 PRICE COMPARISON == INTERNET SITE.

1 12 1. The office of the attorney general shall create and
1 13 operate a prescription drug retail price comparison internet
1 14 site accessible by the general public to educate consumers
1 15 about the retail prices of prescription drugs. The retail
1 16 price information provided shall include information from the
1 17 prescription drug retail price disclosure lists reported by
1 18 participating pharmacies under this section. Participation by
1 19 a pharmacy shall be voluntary. The information provided shall
1 20 be organized in a format that is conducive to review and
1 21 comparison by consumers and which allows consumers to search
1 22 by locality and by both brand name and generic name.

1 23 2. The board shall prepare the prescription drug retail
1 24 price disclosure list on an annual basis. The list shall be a
1 25 compilation of the twenty-five most frequently dispensed drugs
1 26 together with their usual dosages. The list shall be
1 27 available to all participating pharmacies in both printed and
1 28 electronic formats.

1 29 3. A participating pharmacy shall compile a prescription
1 30 drug retail price disclosure list which shall contain the
1 31 prescription drugs on the list provided by the board and the
1 32 pharmacy's corresponding current usual and customary retail
1 33 prices for all of the prescription drugs. A participating
1 34 pharmacy shall update its prescription drug retail price
1 35 disclosure list at least once every three months, and shall



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2 1 provide the list to any person upon request. The pharmacy
2 2 shall also report the information included on the list to the
2 3 office of the attorney general every three months in a form
2 4 and manner established by the office of the attorney general.

2 5 EXPLANATION

2 6 This bill provides for the creation, by the office of the
2 7 attorney general, of a prescription drug retail price
2 8 comparison internet site accessible by the general public to
2 9 educate consumers about the prices of prescription drugs. The
2 10 retail price information provided on the website is to include
2 11 information collected from voluntarily participating
2 12 pharmacies that complete prescription drug retail price
2 13 disclosure lists. The information provided is to be organized
2 14 so that it is conducive to review and comparison by consumers
2 15 and allows consumers to search by locality and by both brand
2 16 name and generic name.

2 17 The bill directs the board of pharmacy examiners to prepare
2 18 a prescription drug retail price disclosure list on an annual
2 19 basis. The list is to be a compilation of the 25 most
2 20 frequently dispensed drugs together with their usual dosages.
2 21 The list is to be available to all participating pharmacies in
2 22 both printed and electronic formats. The bill requires a
2 23 participating pharmacy to compile a prescription drug retail
2 24 price disclosure list, containing the prescription drugs on
2 25 the list provided by the board and the pharmacy's
2 26 corresponding current usual and customary retail prices for
2 27 all of the prescription drugs.

2 28 The bill requires a participating pharmacy to update its
2 29 price disclosure list at least once every three months, and to
2 30 provide the list to any person upon request. The pharmacy is
2 31 also required to report to the office of the attorney general
2 32 the information included on the list every three months in a
2 33 form and manner established by the office of the attorney
2 34 general.

2 35 LSB 1800XS 82



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3 1 pf:nh/je/5.1



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Senate File 112 - Introduced

SENATE FILE
BY HORN

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act concerning the offset of workers' compensation benefits
2 under the peace officers' retirement, accident, and disability
3 retirement system and including an effective date and
4 retroactive applicability provision.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 2325SS 82
7 ec/es/88

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1 1 Section 1. Section 97A.6, subsection 11, Code 2007, is
1 2 amended to read as follows:

1 3 11. PENSIONS OFFSET BY COMPENSATION BENEFITS. Any amounts
1 4 which may be paid or payable by the state under the provisions
1 5 of any workers' compensation or similar law to a member or to
1 6 the dependents of a member on account of any disability or
1 7 death, shall be offset against and payable in lieu of any
1 8 benefits payable out of funds provided by the state under the
1 9 provisions of this chapter on account of the same disability
1 10 or death except as otherwise provided by this subsection. In
1 11 case the present value of the total commuted benefits under
1 12 said workers' compensation or similar law is less than the
1 13 pension reserve on the benefits otherwise payable from funds
1 14 provided by the state under this chapter, then the present
1 15 value of the commuted payments shall be deducted from the
1 16 pension reserve and such benefits as may be provided by the
1 17 pension reserve so reduced shall be payable under the
1 18 provisions of this chapter. However, a member receiving an
1 19 accidental disability benefit arising out of an injury,
1 20 disease, or exposure occurring or aggravated on or after July
1 21 1, 2000, shall not have the member's pension offset by amounts
1 22 payable under workers' compensation for a permanent partial
1 23 disability or permanent total disability pursuant to section
1 24 85.34, for the same disability or death.

1 25 Sec. 2. EFFECTIVE DATE == RETROACTIVE APPLICABILITY. This
1 26 Act, being deemed of immediate importance, takes effect upon
1 27 enactment and is retroactively applicable to July 1, 2000, and
1 28 is applicable on and after that date.

1 29 EXPLANATION

1 30 This bill provides that a member receiving an accidental
1 31 disability benefit under the peace officers' retirement,
1 32 accident, and disability retirement system shall not have
1 33 their pension offset by any workers' compensation benefits
1 34 payable to the member for a permanent partial disability or
1 35 permanent total disability. The bill applies to any injury,



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2 1 disease, or exposure occurring or aggravated on or after July
2 2 1, 2000, giving rise to a disability benefit and workers'
2 3 compensation benefits.
2 4 The bill takes effect upon enactment and is retroactively
2 5 applicable to July 1, 2000.
2 6 LSB 2325SS 82
2 7 ec:nh/es/88



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SENATE FILE

BY BEALL, FRAISE, JOHNSON,
KIBBIE, HOUSER, BLACK,
BOETTGER, and PUTNEY

(COMPANION TO LSB 2015HH BY
H. MILLER)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act appropriating moneys to support the purchase of equipment
- 2 to conduct testing of motor fuel and biofuel.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2015SS 82
- 5 da/cf/24



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1 1 Section 1. FUEL TESTING AND QUALITY LABORATORY. There is
 1 2 appropriated from the general fund of the state to the
 1 3 department of agriculture and land stewardship for the fiscal
 1 4 year beginning July 1, 2007, and ending June 30, 2008, the
 1 5 following amount, or so much thereof as is necessary, to be
 1 6 used for the purposes designated:
 1 7 For allocation to Iowa central community college for the
 1 8 purchase of equipment to conduct testing of motor fuel and
 1 9 biofuel as defined in Code section 214A.1 for its fuel testing
 1 10 and quality laboratory:
 1 11 \$ 250,000
 1 12 EXPLANATION
 1 13 This bill appropriates moneys to the department of
 1 14 agriculture and land stewardship for allocation to Iowa
 1 15 central community college for the purchase of equipment to
 1 16 conduct testing of motor fuel and biofuel (ethanol or
 1 17 biodiesel) for its fuel testing and quality laboratory.
 1 18 LSB 2015SS 82
 1 19 da:rj/cf/24



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SENATE FILE
BY COMMITTEE ON LABOR AND
BUSINESS RELATIONS

(SUCCESSOR TO SSB 1015)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to elevator conveyance safety standards enforced
- 2 by the division of labor services of the department of
- 3 workforce development.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1416SV 82
- 6 ak/je/5



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1 1 Section 1. Section 89A.1, Code 2007, is amended to read as
1 2 follows:

1 3 89A.1 DEFINITIONS.

1 4 As used in this chapter, except as otherwise expressly
1 5 provided:

1 6 1. "Alteration" means any change made to an existing
1 7 ~~facility~~ conveyance, other than the repair or replacement of
1 8 damaged, worn, or broken parts necessary for normal
1 9 maintenance.

1 10 2. "Commissioner" means the labor commissioner, appointed
1 11 pursuant to section 91.2, or the labor commissioner's
1 12 designee.

1 13 3. "Conveyance" means an elevator, dumbwaiter, escalator,
1 14 moving walk, lift, or inclined or vertical wheelchair lift
1 15 subject to regulation under this chapter, and includes
1 16 hoistways, rails, guides, and all other related mechanical and
1 17 electrical equipment.

1 18 4. "Division" means the division of labor services of the
1 19 department of workforce development created under section
1 20 84A.1.

1 21 ~~4.~~ 5. "Dormant ~~facility~~ conveyance" means a ~~facility~~
1 22 conveyance whose power feed lines have been disconnected from
1 23 the mainline disconnect switch and is one of the following:

1 24 a. An electric elevator, material lift, or dumbwaiter
1 25 whose suspension ropes have been removed, whose car and
1 26 counterweight rest at the bottom of the hoistway, and whose
1 27 hoistway doors have been permanently barricaded or sealed in
1 28 the closed position on the hoistway side.

1 29 b. A hydraulic elevator, material lift, or dumbwaiter
1 30 whose car rests at the bottom of the hoistway, whose pressure
1 31 piping has been disassembled and a section removed from the
1 32 premises; whose hoistway doors have been permanently
1 33 barricaded or sealed in the closed position on the hoistway
1 34 side; and, if provided, whose suspension ropes have been
1 35 removed and the counterweights landed at the bottom of the



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2 1 hoistway.

2 2 c. An escalator or moving walk whose entrances have been
2 3 permanently barricaded.

2 4 d. A rack and pinion or screw column ~~facility~~ elevator,
2 5 whose motor has been removed, platform lowered to the bottom,
2 6 and entrances barricaded.

2 7 ~~5.~~ 6. "Dumbwaiter" means a hoisting and lowering
2 8 mechanism equipped with a car which moves in guides in a
2 9 substantially vertical direction, when the floor area does not
2 10 exceed nine square feet, the total compartment height does not
2 11 exceed four feet, the capacity does not exceed five hundred
2 12 pounds, and which is used exclusively for carrying materials.

2 13 ~~6.~~ 7. "Elevator" means a hoisting and lowering mechanism
2 14 equipped with a car or platform which moves in guides in a
2 15 substantially vertical direction, and which serves two or more
2 16 floors of a building or structure. ~~The term elevator~~
2 17 "Elevator" does not include a dumbwaiter, endless belt,
2 18 conveyor, chain or bucket hoist, construction hoist, or other
2 19 device used for the primary purpose of elevating or lowering
2 20 building or other materials and not used as a means of
2 21 conveyance for individuals, ~~nor shall it~~ and does not include
2 22 tiering, piling, feeding, or other machines or devices giving
2 23 service within only one story.

2 24 ~~7.~~ 8. "Escalator" means a power-driven, inclined,
2 25 continuous stairway used for raising or lowering passengers.

2 26 ~~8.~~ "Facility" means an elevator, dumbwaiter, escalator,
~~2 27 moving walk, lift, or inclined or vertical wheelchair lift~~
~~2 28 subject to regulation under this chapter, and includes~~
~~2 29 hoistways, rails, guides, and all other related mechanical and~~
~~2 30 electrical equipment.~~

2 31 9. "Freight elevator" means an elevator used for carrying
2 32 freight and on which only the operator and persons necessary
2 33 for unloading and loading the freight are permitted to ride.

2 34 10. "Inclined or vertical wheelchair lift" means a lift
2 35 used as part of an accessible route in or at a public building



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3 1 as specified in the American society of mechanical engineers
3 2 safety codes for elevators and escalators, A17.1.

3 3 11. "Inspector" means an inspector employed by the
3 4 division for the purpose of administering this chapter.

3 5 12. "Lift" means a device consisting of a power-driven
3 6 endless belt, provided with steps or platforms and handholds
3 7 attached to it for the transportation of persons from floor to
3 8 floor.

3 9 13. "Material lift elevator" means an elevator ~~existing at~~
~~3 10 the location prior to January 1, 1975, which is limited in use~~
3 11 to the movement of materials.

3 12 14. "Moving walk" means a type of passenger-carrying
3 13 device on which passengers stand or walk, and in which the
3 14 passenger-carrying surface remains parallel to its direction
3 15 in motion and is uninterrupted.

3 16 15. "New installation" means a ~~facility conveyance~~ the
3 17 construction or relocation of which is begun, or for which an
3 18 application for a new installation permit is filed, on or
3 19 after the effective date of rules relating to those permits
3 20 adopted by the commissioner under authority of this chapter.
3 21 All other installations are existing installations.

3 22 16. "Owner" means the owner of a ~~facility conveyance~~,
3 23 unless the ~~facility conveyance~~ is a new installation or is
3 24 undergoing major alterations, in which case the owner shall be
3 25 considered the person responsible for the installation or
3 26 alteration of the ~~facility conveyance~~ until the ~~facility~~
3 27 ~~conveyance~~ has passed final inspection by the division.

3 28 17. "Passenger elevator" means an elevator that is used to
3 29 carry persons other than the operator and person necessary for
3 30 loading and unloading.

3 31 18. "Safety board" means the elevator safety board created
3 32 in section 89A.13.

3 33 19. "Special inspector" means an inspector ~~licensed~~
3 34 ~~commissioned~~ by the labor commissioner, and not employed by
3 35 the division.



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4 1 Sec. 2. Section 89A.2, Code 2007, is amended to read as
4 2 follows:

4 3 89A.2 SCOPE OF CHAPTER.

4 4 The provisions of this chapter shall not apply to any
4 5 ~~facility conveyance~~ installed in any single private dwelling
4 6 residence, to ~~facilities conveyances~~ subject to regulation
4 7 under ~~Iowa Administrative Code, chapter 26 of the rules of the~~
4 8 ~~division of labor services (regulation 875 IAC 26.1 and 29~~
4 9 ~~C.F.R. 1926.552)~~, to lifts subject to regulation under chapter
4 10 88, to material lift elevators existing in the same location
4 11 since prior to January 1, 1975, or to facilities conveyances
4 12 over which an agency of the federal government is asserting
4 13 similar enforcement jurisdiction. Provisions of this chapter
4 14 supersede ~~similar~~ conflicting provisions contained in building
4 15 codes of this state or any subdivision thereof.

4 16 Sec. 3. Section 89A.3, subsections 1 and 2, Code 2007, are
4 17 amended to read as follows:

4 18 1. The safety board may adopt rules governing maintenance,
4 19 construction, alteration, and installation of ~~facilities~~
4 20 conveyances, and the inspection and testing of new and
4 21 existing installations as necessary to provide for the public
4 22 safety, and to protect the public welfare.

4 23 The safety board shall adopt, amend, or repeal rules
4 24 pursuant to chapter 17A as it deems necessary for the
4 25 administration of this chapter, which shall include, but not
4 26 be limited to, rules providing for:

4 27 a. Classifications of types of ~~facilities conveyances~~.

4 28 b. Maintenance, inspection, testing, and operation of the
4 29 various classes of ~~facilities conveyances~~.

4 30 c. Construction of new ~~facilities conveyances~~.

4 31 d. Alteration of existing ~~facilities conveyances~~.

4 32 e. Minimum safety requirements for all existing ~~facilities~~
4 33 conveyances.

4 34 f. Control or prevention of access to ~~facilities~~
4 35 conveyances or dormant ~~facilities conveyances~~.



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5 1 g. The reporting of accidents and injuries arising from
5 2 the use of ~~facilities~~ conveyances.

5 3 h. The adoption of procedures for the issuance of
5 4 variances.

5 5 i. The amount of fees charged and collected for
5 6 inspection, permits, and ~~licenses~~ commissions. Fees shall be
5 7 set at an amount sufficient to cover costs as determined from
5 8 consideration of the reasonable time required to conduct an
5 9 inspection, reasonable hourly wages paid to inspectors, and
5 10 reasonable transportation and similar expenses.

5 11 2. The safety board shall adopt rules for ~~facilities~~
5 12 conveyances according to the applicable provisions of the
5 13 American society of mechanical engineers safety codes for
5 14 elevators and escalators, A17.1 and A17.3, as the safety board
5 15 deems necessary. In adopting rules the safety board may adopt
5 16 the American society of mechanical engineers safety codes, or
5 17 any part of the codes, by reference.

5 18 The safety board may adopt rules permitting existing
5 19 passenger and freight elevators to be modified into material
5 20 lift elevators.

5 21 Sec. 4. Section 89A.5, Code 2007, is amended to read as
5 22 follows:

5 23 89A.5 REGISTRATION OF ~~FACILITIES~~ CONVEYANCES.

5 24 The owner of every existing ~~facility~~ conveyance, whether or
5 25 not dormant, shall register the ~~facility~~ conveyance with the
5 26 commissioner, giving type, contract load and speed, name of
5 27 manufacturer, its location and the purpose for which it is
5 28 used, and other information the commissioner may require.
5 29 Registration shall be made in a format required by the
5 30 division.

5 31 Sec. 5. Section 89A.6, Code 2007, is amended to read as
5 32 follows:

5 33 89A.6 INSPECTIONS == REPORTS == NONLIABILITY.

5 34 All new and existing ~~facilities~~ conveyances, except dormant
5 35 ~~facilities~~ conveyances, shall be tested and inspected in



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6 1 accordance with the following schedule:

6 2 1. Every new or altered facility conveyance shall be
6 3 inspected and tested before the operating permit is issued.

6 4 2. Every existing facility conveyance registered with the
6 5 commissioner shall be inspected within one year after the
6 6 effective date of the registration, except that the safety
6 7 board may extend by rule the time specified for making
6 8 inspections.

6 9 3. Every facility conveyance shall be inspected not less
6 10 frequently than annually, except that the safety board may
6 11 adopt rules providing for inspections of ~~facilities~~
6 12 conveyances at intervals other than annually.

6 13 4. The inspections required by subsections 1 to 3 shall be
6 14 made only by inspectors or special inspectors. An inspection
6 15 by a special inspector may be accepted by the commissioner in
6 16 lieu of a required inspection by an inspector.

6 17 5. A report of every inspection shall be filed with the
6 18 commissioner by the inspector or special inspector, in a
6 19 format required by the commissioner, after the inspection has
6 20 been completed and within the time provided by rule, but not
6 21 to exceed thirty days. The report shall include all
6 22 information required by the commissioner to determine whether
6 23 the facility conveyance is in compliance with applicable
6 24 rules. For the inspection required by subsection 1, the
6 25 report shall indicate whether the facility conveyance has been
6 26 installed in accordance with the detailed plans and
6 27 specifications approved by the commissioner, and meets the
6 28 requirements of the applicable rules. The failure of a
6 29 special inspector to inform the commissioner of violations
6 30 shall not subject the commissioner to liability for any
6 31 damages incurred.

6 32 6. In addition to the inspections required by subsections
6 33 1 to 3, the safety board may provide by rule for additional
6 34 inspections as the safety board deems necessary to enforce the
6 35 provisions of this chapter.



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7 1 Sec. 6. Section 89A.7, Code 2007, is amended to read as
7 2 follows:

7 3 89A.7 ALTERATION PERMITS.

7 4 The owner shall submit to the commissioner detailed plans,
7 5 specifications, and other information the commissioner may
7 6 require for each facility conveyance to be altered, together
7 7 with an application for an alteration permit, in a format
7 8 required by the commissioner. Repairs or replacements
7 9 necessary for normal maintenance are not alterations, and may
7 10 be made on existing installations with parts equivalent in
7 11 material, strength, and design to those replaced and no plans
7 12 or specifications or application need be filed for the repairs
7 13 or replacements. However, this section does not authorize the
7 14 use of any facility conveyance contrary to an order issued
7 15 pursuant to section 89A.10, subsections 2 and 3.

7 16 Sec. 7. Section 89A.9, Code 2007, is amended to read as
7 17 follows:

7 18 89A.9 OPERATING PERMITS.

7 19 Operating permits shall be issued by the commissioner to
7 20 the owner of every facility conveyance when the inspection
7 21 report indicates compliance with the applicable provisions of
7 22 this chapter. However, a permit shall not be issued if the
7 23 fees required by this chapter have not been paid. Permits
7 24 shall be issued within thirty days after filing of the
7 25 inspection report required by section 89A.6, unless the time
7 26 is extended for cause by the division. A facility conveyance
7 27 shall not be operated after the thirty days or after an
7 28 extension granted by the commissioner has expired, unless an
7 29 operating permit has been issued.

7 30 The operating permit shall indicate the type of equipment
7 31 for which it is issued, and in the case of elevators shall
7 32 state whether passenger or freight, and also shall state the
7 33 contract load and speed for each facility conveyance. The
7 34 permit shall be posted conspicuously in the car of an
7 35 elevator, or on or near a dumbwaiter, escalator, moving walk,



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8 1 or lift.

8 2 Sec. 8. Section 89A.10, subsections 2 and 3, Code 2007,
8 3 are amended to read as follows:

8 4 2. If the owner does not make the changes necessary for
8 5 compliance as required in subsection 1 within the period
8 6 specified by the commissioner, the commissioner, upon notice,
8 7 may suspend or revoke the operating permit, or may refuse to
8 8 issue the operating permit for the facility conveyance. The
8 9 commissioner shall notify the owner of any action to suspend,
8 10 revoke, or refuse to issue an operating permit and the reason
8 11 for the action by service in the same manner as an original
8 12 notice or by certified mail. An owner may appeal the
8 13 commissioner's initial decision to the safety board. The
8 14 decision of the safety board shall be considered final agency
8 15 action pursuant to chapter 17A.

8 16 3. If the commissioner has reason to believe that the
8 17 continued operation of a facility conveyance constitutes an
8 18 imminent danger which could reasonably be expected to
8 19 seriously injure or cause death to ~~members of the public~~, any
8 20 person, in addition to any other remedies, the commissioner
8 21 may apply to the district court in the county in which such
8 22 imminently dangerous condition exists for a temporary order
8 23 for the purpose of enjoining such imminently dangerous
8 24 facility conveyance. Upon hearing, if deemed appropriate by
8 25 the court, a permanent injunction may be issued to insure that
8 26 such imminently dangerous facility conveyance be prevented or
8 27 controlled. Upon the elimination or rectification of such
8 28 imminently dangerous condition, the temporary or permanent
8 29 injunction shall be vacated.

8 30 Sec. 9. Section 89A.11, Code 2007, is amended to read as
8 31 follows:

8 32 89A.11 NONCONFORMING FACILITIES CONVEYANCES.

8 33 The safety board, pursuant to rule, may grant exceptions
8 34 and variances from the requirements of rules adopted for any
8 35 facility conveyance. Exceptions or variations shall be
9 1 reasonably related to the age of the facility conveyance, and
9 2 may be conditioned upon a repair or modification of the
9 3 facility conveyance deemed necessary by the safety board to
9 4 assure reasonable safety. However, an exception or variance
9 5 shall not be granted except to prevent undue hardship. Such
9 6 facilities conveyances shall be subject to orders issued
9 7 pursuant to section 89A.10.

9 8 Sec. 10. Section 89A.12, Code 2007, is amended to read as
9 9 follows:

9 10 89A.12 ACCESS TO FACILITIES CONVEYANCES.

9 11 Every owner of a facility conveyance subject to regulation
9 12 by this chapter shall grant access to that facility conveyance
9 13 to the commissioner and personnel of the division.
9 14 Inspections shall be permitted at reasonable times, with or
9 15 without prior notice.

9 16 Sec. 11. Section 89A.13, subsections 1 and 7, Code 2007,
9 17 are amended to read as follows:

9 18 1. An elevator safety board is created within the division
9 19 of labor services in the department of workforce development
9 20 to formulate definitions and rules for the safe and proper
9 21 installation, repair, maintenance, alteration, use, and



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9 22 operation of ~~facilities~~ conveyances in this state.

9 23 7. Not later than July 1, 2005, and every three years
9 24 thereafter, the safety board shall conduct a comprehensive
9 25 review of existing ~~elevator and facility~~ conveyance rules,
9 26 regulations, and standards.

9 27 Sec. 12. Section 89A.14, Code 2007, is amended to read as
9 28 follows:

9 29 89A.14 CONTINUING DUTY OF OWNER.

9 30 Every ~~facility~~ conveyance shall be maintained by the owner
9 31 in a safe operating condition and in conformity with the rules
9 32 adopted by the safety board.

9 33 Sec. 13. Section 89A.15, Code 2007, is amended to read as
9 34 follows:

9 35 89A.15 INSPECTIONS BY LOCAL AUTHORITIES.



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10 1 A city or other governmental subdivision shall not make or
10 2 maintain any ordinance, bylaw, or resolution providing for the
10 3 licensing of special inspectors. An ordinance or resolution
10 4 relating to the inspection, construction, installation,
10 5 alteration, maintenance, or operation of ~~facilities~~
10 6 conveyances within the limits of the city or governmental
10 7 subdivision which conflicts with this chapter or with rules
10 8 adopted pursuant to this chapter is void. The commissioner,
10 9 in the commissioner's discretion, may accept inspections by
10 10 local authorities in lieu of inspections required by section
10 11 89A.6, but only upon a showing by the local authority that
10 12 applicable laws and rules will be consistently and literally
10 13 enforced and that inspections will be performed by special
10 14 inspectors.

10 15 Sec. 14. Section 89A.18, Code 2007, is amended to read as
10 16 follows:

10 17 89A.18 CIVIL PENALTY.

10 18 If upon notice and hearing the commissioner determines that
10 19 an owner has operated a ~~facility~~ conveyance after an order of
10 20 the commissioner that suspends, revokes, or refuses to issue
10 21 an operating permit for the ~~facility~~ conveyance has become
10 22 final under section 89A.10, subsection 2, the commissioner may
10 23 assess a civil penalty against the owner in an amount not
10 24 exceeding five hundred dollars, as determined by the
10 25 commissioner. An order assessing a civil penalty is subject
10 26 to appeal under section 89A.10, subsection 2, in the same
10 27 manner and to the same extent as decisions referred to in that
10 28 subsection. The commissioner may commence an action in the
10 29 district court to enforce payment of the civil penalty. ~~Ne~~ A
10 30 record of assessment against or payment of a civil penalty by
10 31 any person for a violation of this section shall not be
10 32 admissible as evidence in any court in any civil action.
10 33 Revenue from the penalty provided in this section shall be
10 34 remitted to the treasurer of state for deposit in the state
10 35 general fund.



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Senate File 114 - Introduced continued

11 1 Sec. 15. Section 331.304, subsection 4, Code 2007, is
11 2 amended to read as follows:
11 3 4. A county shall not license elevator inspectors or
11 4 regulate elevator ~~facilities~~ conveyances except as provided in
11 5 section 89A.15.

11 6 EXPLANATION

11 7 This bill establishes that the elevator law shall supersede
11 8 conflicting provisions contained in the building codes of the
11 9 state or any subdivision. The bill strikes the words
11 10 "facility" and "facilities" from the chapter and replaces them
11 11 with "elevator", or "conveyance" or "conveyances" as
11 12 appropriate. The bill strikes the word "license" as it
11 13 relates to special inspectors and replaces it with the word
11 14 "commission". The bill changes the definition of material
11 15 lift elevator to lifts used only for the movement of materials
11 16 and excludes from regulation those material lift elevators
11 17 that have been in the same location since before January 1,
11 18 1975. The bill provides that in addition to applying for an
11 19 injunction in district court in cases of imminent danger, the
11 20 labor commissioner may use other methods of enforcement.

11 21 LSB 1416SV 82

11 22 ak:rj/je/5



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Senate File 115 - Introduced

SENATE FILE
BY BOLKCOM and DVORSKY

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

A BILL FOR

- 1 An Act creating the Iowa stem cell research and cures initiative,
- 2 and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2263XS 82
- 5 pf/es/88



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Senate File 115 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 707C.1 TITLE.
1 2 This chapter shall be known and may be cited as the "Iowa
1 3 Stem Cell Research and Cures Initiative".
1 4 Sec. 2. NEW SECTION. 707C.2 PURPOSE.
1 5 It is the purpose of this chapter to ensure that Iowa
1 6 patients have access to stem cell therapies and cures and that
1 7 Iowa researchers may conduct stem cell research and develop
1 8 therapies and cures in the state, and to prohibit human
1 9 reproductive cloning.
1 10 Sec. 3. NEW SECTION. 707C.3 DEFINITIONS.
1 11 As used in this chapter, unless the context otherwise
1 12 requires:
1 13 1. "Human reproductive cloning" means human asexual
1 14 reproduction, using somatic cell nuclear transfer, for
1 15 implantation or attempted implantation into a woman's uterus
1 16 or substitute for a woman's uterus. "Human reproductive
1 17 cloning" does not include somatic cell nuclear transfer
1 18 performed for the purpose of creating embryonic stem cells.
1 19 2. "Human somatic cell" means a diploid cell having a
1 20 complete set of chromosomes obtained or derived from a living
1 21 or deceased human body at any stage of development.
1 22 3. "Oocyte" means a human ovum.
1 23 4. "Somatic cell nuclear transfer" means a technique in
1 24 which the nucleus of a human somatic cell is injected or
1 25 transplanted into a fertilized or unfertilized oocyte from
1 26 which the nucleus has been removed.
1 27 Sec. 4. NEW SECTION. 707C.4 HUMAN REPRODUCTIVE CLONING
1 28 == PROHIBITIONS == EXCEPTIONS == PENALTY.
1 29 1. A person shall not intentionally or knowingly do any of
1 30 the following:
1 31 a. Perform or attempt to perform human reproductive
1 32 cloning.
1 33 b. Participate in performing or in an attempt to perform
1 34 human reproductive cloning.
1 35 c. Transfer or receive, in whole or in part, for the



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Senate File 115 - Introduced continued

2 1 purpose of shipping, receiving, or importing, the product of
2 2 human reproductive cloning.

2 3 2. a. A person who violates subsection 1, paragraph "a"
2 4 or "b", is guilty of a class "C" felony.

2 5 b. A person who violates subsection 1, paragraph "c", is
2 6 guilty of an aggravated misdemeanor.

2 7 3. A person who violates this section in a manner that
2 8 results in a pecuniary gain to the person is subject to a
2 9 civil penalty in an amount that is twice the amount of the
2 10 gross gain.

2 11 4. A person who violates this section and who is licensed
2 12 pursuant to chapter 148, 150, or 150A is subject to revocation
2 13 of the person's license.

2 14 5. A violation of this section is grounds for denial of an
2 15 application for, denial of renewal of, or revocation of any
2 16 license, permit, certification, or any other form of
2 17 permission required to practice or engage in any trade,
2 18 occupation, or profession regulated by the state.

2 19 Sec. 5. Chapter 707B, Code 2007, is repealed.

2 20 EXPLANATION

2 21 This bill creates a new chapter to be known and cited as
2 22 the "Iowa stem cell research and cures initiative". The bill
2 23 provides definitions of "human reproductive cloning", "human
2 24 somatic cell", "oocyte", and "somatic cell nuclear transfer".
2 25 The definition of "human reproductive cloning" specifies that
2 26 "human reproductive cloning" does not include somatic cell
2 27 nuclear transfer performed for the purpose of creating
2 28 embryonic stem cells. The bill provides that a person shall
2 29 not intentionally or knowingly perform or attempt to perform
2 30 human reproductive cloning; participate in performing or
2 31 attempting to perform human reproductive cloning; transfer or
2 32 receive, in whole or in part, for the purpose of shipping,
2 33 receiving, or importing, the product of human reproductive
2 34 cloning. The bill provides criminal and other penalties for
2 35 violations of the bill. The bill repeals Code chapter 707B,



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Senate File 115 - Introduced continued

3 1 the human cloning prohibition Act.
3 2 LSB 2263XS 82
3 3 pf:rj/es/88.3



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Senate File 116 - Introduced

SENATE FILE
BY COMMITTEE ON LABOR AND
BUSINESS RELATIONS

(SUCCESSOR TO SSB 1012)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the labor commissioner's regulation of fire
- 2 fighter clothing and personal protection equipment.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1394SV 82
- 5 ak/sh/8



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Senate File 116 - Introduced continued

PAG LIN

1 1 Section 1. Section 88.5, subsection 11, Code 2007, is
1 2 amended by striking the subsection.
1 3 EXPLANATION
1 4 This bill strikes the subsection of Code section 88.5 that
1 5 requires the labor commissioner to adopt rules concerning fire
1 6 fighter clothing and personal protection equipment.
1 7 The state has adopted other occupational safety and health
1 8 standards that make these rules no longer necessary.
1 9 LSB 1394SV 82
1 10 ak:rj/sh/8



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Senate File 117 - Introduced

SENATE FILE
BY ZAUN

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

A BILL FOR

- 1 An Act concerning publication requirements for certain joint
- 2 governmental entities.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2302XS 82
- 5 ec/es/88



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Senate File 117 - Introduced continued

PAG LIN

1 1 Section 1. Section 28E.6, subsection 3, Code 2007, is
1 2 amended by striking the subsection.
1 3 EXPLANATION
1 4 This bill strikes the requirement that proceedings,
1 5 including the schedule of bills allowed, of an entity,
1 6 administrator, or joint board created under Code chapter 28E
1 7 shall be published in a newspaper of general circulation
1 8 within a week following adjournment of the meeting. Current
1 9 law, which is stricken by the bill, requires that the
1 10 publication of the schedule of bills include a list of all
1 11 salaries paid.
1 12 LSB 2302XS 82
1 13 ec:nh/es/88



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Senate File 118 - Introduced

SENATE FILE
BY ZAUN

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act increasing the number of nonresident deer hunting licenses
- 2 available for issuance annually.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1912XS 82
- 5 av/gg/14



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Senate File 118 - Introduced continued

PAG LIN

1 1 Section 1. Section 483A.8, subsection 3, paragraph c, Code
1 2 2007, is amended to read as follows:
1 3 c. The commission shall annually limit to ~~six~~ twelve
1 4 thousand the number of nonresidents allowed to have antlered
1 5 or any sex deer hunting licenses. Of the ~~six~~ twelve thousand
1 6 nonresident antlered or any sex deer licenses issued, not more
1 7 than thirty-five percent of the licenses shall be bow season
1 8 licenses. After the ~~six~~ twelve thousand antlered or any sex
1 9 nonresident deer licenses have been issued, all additional
1 10 licenses shall be issued for antlerless deer only. The
1 11 commission shall annually determine the number of nonresident
1 12 antlerless deer only deer hunting licenses that will be
1 13 available for issuance.

1 14 EXPLANATION

1 15 This bill increases the number of nonresident deer hunting
1 16 licenses that are available for issuance each year from 6,000
1 17 to 12,000.

1 18 LSB 1912XS 82

1 19 av:nh/gg/14



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Senate File 119 - Introduced

SENATE FILE
BY BOLKCOM, DANIELSON, and
DVORSKY

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act increasing punitive damages that may be awarded for
- 2 wrongful retention of certain rental deposits.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1987SS 82
- 5 av/je/5



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Senate File 119 - Introduced continued

PAG LIN

1 1 Section 1. Section 562A.12, subsection 7, Code 2007, is
1 2 amended to read as follows:
1 3 7. The ~~bad faith~~ wrongful retention of a deposit by a
1 4 landlord, or any portion of the rental deposit, in violation
1 5 of this section shall subject the landlord to punitive damages
1 6 ~~not to exceed two~~ equal to double the amount of the deposit or
1 7 the portion of the deposit wrongfully retained or five hundred
1 8 dollars, whichever is more, in addition to actual damages.

1 9 Sec. 2. Section 562B.13, subsection 8, Code 2007, is
1 10 amended to read as follows:

1 11 8. The ~~bad faith~~ wrongful retention of a deposit by a
1 12 landlord, or any portion of the rental deposit, in violation
1 13 of this section shall subject the landlord to punitive damages
1 14 ~~not to exceed two~~ equal to double the amount of the deposit or
1 15 the portion of the deposit wrongfully retained or five hundred
1 16 dollars, whichever is more, in addition to actual damages.

1 17 EXPLANATION

1 18 This bill increases the amount of punitive damages that can
1 19 be awarded when a landlord wrongfully retains a rental deposit
1 20 or a portion of a rental deposit made to secure performance of
1 21 a residential rental agreement under Code section 562A.12 or a
1 22 mobile home space rental agreement under Code section 562B.13.

1 23 The bill requires that a landlord who violates these
1 24 provisions shall be subject to punitive damages equal to
1 25 double the amount of the deposit or portion of the deposit
1 26 that is wrongfully retained or \$500, whichever is more, in
1 27 addition to actual damages.

1 28 Currently, a violation of these sections cannot subject a
1 29 landlord to punitive damages in excess of \$200.

1 30 LSB 1987SS 82

1 31 av:nh/je/5



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Senate File 120 - Introduced

SENATE FILE
BY DANIELSON and DOTZLER

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

A BILL FOR

- 1 An Act relating to the construction of a whitewater park and
- 2 making appropriations.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1857SS 82
- 5 tm/je/5



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Senate File 120 - Introduced continued

PAG LIN

1 1 Section 1. WHITEWATER PARK == APPROPRIATION. There is
1 2 appropriated from the general fund of the state to the state
1 3 department of transportation for the fiscal year beginning
1 4 July 1, 2007, and ending June 30, 2008, the following amount,
1 5 or so much thereof as is necessary, to be used for the
1 6 purposes designated:
1 7 For providing financial assistance for the construction of
1 8 a whitewater park on a river that flows through two adjacent
1 9 cities with a combined population of not less than ninety=five
1 10 thousand but not more than one hundred ten thousand:
1 11 \$ 300,000
1 12 EXPLANATION
1 13 This bill relates to the construction of a whitewater park.
1 14 For FY 2007=2008, the bill appropriates \$300,000 to the
1 15 state department of transportation for providing financial
1 16 assistance for the construction of a whitewater park on a
1 17 river that flows through two adjacent cities with a combined
1 18 population of not less than 95,000 but not more than 110,000.
1 19 LSB 1857SS 82
1 20 tm:rj/je/5



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Senate File 121 - Introduced

SENATE FILE

BY ANGELO, BOETTGER, BEHN,
SEYMOUR, MULDER, ZAUN,
McKINLEY, McKIBBEN, GASKILL,
PUTNEY, JOHNSON, HOUSER,
KETTERING, and WIECK

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act making an appropriation for county fair infrastructure
- 2 improvements to qualified fairs which belong to the
- 3 association of Iowa fairs.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2218XS 82
- 6 rh/gg/14



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Senate File 121 - Introduced continued

PAG LIN

1 1 Section 1. APPROPRIATION == TREASURER OF STATE == COUNTY
1 2 FAIRS. There is appropriated from the rebuild Iowa
1 3 infrastructure fund to the office of treasurer of state for
1 4 the fiscal year beginning July 1, 2007, and ending June 30,
1 5 2008, the following amount, or so much thereof as is
1 6 necessary, to be used for the purpose designated:
1 7 For county fair infrastructure improvements for
1 8 distribution in accordance with chapter 174 to qualified fairs
1 9 which belong to the association of Iowa fairs:
1 10 \$ 3,180,000
1 11 Notwithstanding section 8.33, unencumbered or unobligated
1 12 moneys remaining at the end of the fiscal year shall not
1 13 revert but shall remain available for expenditure during the
1 14 following fiscal year for purposes of county fair
1 15 infrastructure improvements as provided in this section.
1 16 EXPLANATION
1 17 This bill appropriates \$3.18 million from the rebuild Iowa
1 18 infrastructure fund to the office of the treasurer of state
1 19 for county fair infrastructure improvements for distribution
1 20 in accordance with Code chapter 174 to qualified fairs which
1 21 belong to the association of Iowa fairs. Any unencumbered or
1 22 unobligated moneys remaining at the end of the fiscal year
1 23 shall not revert to the rebuild Iowa infrastructure fund, but
1 24 shall remain available for expenditure during the following
1 25 fiscal year for purposes of county fair infrastructure
1 26 improvements as provided in the bill.
1 27 LSB 2218XS 82
1 28 rh:nh/gg/14



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Senate Study Bill 1165

SENATE FILE
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON FRAISE)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the issuance of permits to construct
- 2 confinement feeding operation structures, and including an
- 3 applicability provision.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1877XC 82
- 6 da/es/88



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Senate Study Bill 1165 continued

PAG LIN

1 1 Section 1. Section 331.304A, Code 2007, is amended to read
1 2 as follows:

1 3 331.304A LIMITATIONS ON COUNTY LEGISLATION.

1 4 1. As used in this section:

1 5 a. "Aerobic structure", "animal", "animal feeding
1 6 operation", "animal feeding operation structure", "confinement
1 7 feeding operation structure," and "manure" mean the same as
1 8 defined in section 459.102.

1 9 b. "County legislation" means any ordinance, motion,
1 10 resolution, or amendment adopted by a county pursuant to
1 11 section 331.302.

1 12 2. a. ~~A~~ Except as provided in subsection 3, a county
1 13 shall not adopt or enforce county legislation regulating a
1 14 condition or activity occurring on land used for the
1 15 production, care, feeding, or housing of animals unless the
1 16 regulation of the production, care, feeding, or housing of
1 17 animals is expressly authorized by state law. County
1 18 legislation adopted in violation of this section is void and
1 19 unenforceable and any enforcement activity conducted in
1 20 violation of this section is void.

1 21 b. ~~A~~ As used in paragraph "a", a condition or activity
1 22 occurring on land used for the production, care, feeding, or
1 23 housing of animals includes but is not limited to the
1 24 construction, operation, or management of an animal feeding
1 25 operation, an animal feeding operation structure, or aerobic
1 26 structure, and to the storage, handling, or application of
1 27 manure or egg washwater.

1 28 3. A county shall participate in reviewing an application
1 29 to construct a confinement feeding operation structure to be
1 30 located in the county as provided in section 459.304.

1 31 Sec. 2. Section 459.303, subsection 2, Code 2007, is
1 32 amended by striking the subsection and inserting in lieu
1 33 thereof the following:

1 34 2. The department shall only issue a permit to construct a
1 35 confinement feeding operation structure after the review of an



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Senate Study Bill 1165 continued

2 1 application by the board of supervisors in the county where
2 2 the proposed construction is to be located and by the
2 3 department, as provided in this section and section 459.304.
2 4 Before issuance of a permit the application must be accepted
2 5 by the board and approved by the department. However, if an
2 6 applicant is not required to be issued a permit, the
2 7 department shall still review the application, and shall
2 8 either approve the application and issue the permit or
2 9 disapprove and terminate the application, all without county
2 10 review, as otherwise provided in section 459.304.

2 11 Sec. 3. Section 459.304, subsection 2, unnumbered
2 12 paragraph 1, Code 2007, is amended to read as follows:

2 13 ~~Regardless of whether the county board of supervisors has~~
~~2 14 adopted a construction evaluation resolution, the A county~~
2 15 board of supervisors may provide ~~comment~~ comments to the
2 16 department ~~on~~ regarding the department's determination to
2 17 approve or disapprove an application proposing to construct a
2 18 construction permit application for a confinement feeding a
2 19 operation structure in the county.

2 20 Sec. 4. Section 459.304, subsections 3 through 8, Code
2 21 2007, are amended to read as follows:

2 22 3. A county board of supervisors ~~may~~ shall adopt a
2 23 construction evaluation ~~resolution~~ ordinance relating to the
2 24 construction of a confinement feeding operation structure.

2 25 a. As part of the ordinance, the board shall establish a
2 26 construction evaluation committee and provide for its
2 27 procedures. The board shall appoint persons to serve as
2 28 committee members as follows:

2 29 (1) Five persons who shall serve as voting members for
2 30 staggered five-year terms as provided in the ordinance. The
2 31 members shall include the following: the county's
2 32 environmental health officer; a commissioner of a soil and
2 33 water conservation district located in the county as provided
2 34 in chapter 161A; a real estate broker licensed pursuant to
2 35 chapter 543B who resides in the county; a person who resides



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3 1 in a city which is located in the county; and a person
3 2 actively engaged in the care and feeding of animals.
3 3 (2) One member of the board who shall serve as an ex
3 4 officio, nonvoting member for a term as provided in the
3 5 ordinance.
3 6 b. The board ~~must~~ shall submit ~~such resolution the~~
3 7 construction evaluation ordinance to the department for filing
3 8 as required by the department. ~~If the board has submitted~~
~~3 9 such resolution to the department, the board may evaluate the~~
~~3 10 construction permit application and submit an adopted~~
~~3 11 recommendation to the department to approve or disapprove a~~
~~3 12 construction permit application as provided in this~~
~~3 13 subsection.~~
3 14 c. The board ~~must~~ shall make its decision to recommend
~~3 15 approval or disapproval of a decision to accept or reject the~~
3 16 permit application as ~~provided in this subsection.~~ follows:
3 17 a. (1) For the expansion of a confinement feeding
3 18 operation that includes a confinement feeding operation
3 19 structure constructed prior to April 1, 2002, the board shall
3 20 not ~~evaluate~~ review a construction permit application for the
3 21 construction or expansion of a confinement feeding operation
3 22 structure if after the expansion of the confinement feeding
3 23 operation, its animal unit capacity is one thousand six
3 24 hundred sixty-six animal units or less.
3 25 ~~b. (2) The board ~~must~~ shall make its decision to accept or~~
3 26 reject an application based on the results of the master
3 27 matrix.
3 28 (a) The board shall submit the application to the
3 29 committee for review. The committee shall conduct an
3 30 evaluation of the application using the master matrix as
3 31 provided in section 459.305. ~~The board's recommendation may~~
~~3 32 be based on the master matrix or may be based on comments~~
~~3 33 under this section regardless of the results of the master~~
~~3 34 matrix.~~ After its review, the committee shall recommend that
3 35 the board accept or reject the application in a manner



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Senate Study Bill 1165 continued

4 1 provided for by the board. The committee's recommendation
4 2 shall be based on a rating produced by using the master
4 3 matrix. The recommendation, including the completed master
4 4 matrix, must be contained in a written report submitted to the
4 5 board within thirty days after the date that the department
4 6 receives a complete application pursuant to section 455B.303.
4 7 (b) The board shall consider and adopt or not adopt the
4 8 committee's recommendation. If the board does not adopt the
4 9 committee's recommendation to accept the application, the
4 10 board must conduct an independent evaluation of the
4 11 application using the master matrix. The board shall reject
4 12 an application that does not achieve a satisfactory rating.
4 13 The board shall accept an application that does achieve a
4 14 satisfactory score.
4 15 e. (c) In completing the master matrix, the ~~board~~ county
4 16 shall not score criteria on a selective basis. The ~~board~~
4 17 county must score all criteria which is part of the master
4 18 matrix according to the terms and conditions relating to
4 19 construction as specified in the application or commitments
4 20 for manure management that are to be incorporated into a
4 21 manure management plan as provided in section 459.312.
4 22 d. The ~~board's adopted recommendation~~ board shall decide
4 23 to accept or reject an application pursuant to a motion and
4 24 the decision shall be submitted to the department as required
4 25 by the department. The board's decision shall include the
4 26 committee's report, any reason for not adopting the
4 27 recommendation submitted to the board by the committee, and a
4 28 statement of the board's adoption of the master matrix used by
4 29 the committee or the use of a master matrix used by the board
4 30 after conducting an independent evaluation of the application.
4 31 The decision shall also include any other specific ~~reasons~~
4 32 reason and ~~any~~ supporting documentation ~~for the decision to~~
4 33 ~~recommend approval or disapproval of~~ which was used by the
4 34 board to accept or reject the application.
4 35 4. The department must receive the county board of



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Senate Study Bill 1165 continued

5 1 supervisor's comments ~~or evaluation for approval or~~
~~5 2 disapproval of an~~ , if any, and a decision to accept or reject
5 3 an application for a ~~construction~~ permit to construct a
5 4 confinement feeding operation structure not later than ~~thirty~~
5 5 sixty days following the applicant's delivery of the
5 6 application to the department. ~~Regardless of whether the~~
~~5 7 department receives comments or an evaluation by a county~~
~~5 8 board of supervisors,~~ The department must ~~approve or~~
~~5 9 disapprove an application for a construction permit issue the~~
5 10 permit or terminate the application within sixty a processing
5 11 period of ninety days following the applicant's delivery of
5 12 the application to the department. However, the applicant may
5 13 deliver a notice to the department and the board requesting a
5 14 continuance. Upon receipt of a notice, the time required for
5 15 the county or department to act upon the application shall be
5 16 suspended for the period provided in the notice, but for not
5 17 more than thirty days after the department's receipt of the
5 18 notice. The applicant may submit more than one notice.
5 19 However, the department may provide that an application is
5 20 terminated if no action is required by the county or the
5 21 department for one year following delivery of the application
5 22 to the board. The department may grant the county a
5 23 continuance upon request by the board when the committee or
5 24 the board is considering the application. The department may
5 25 also provide for a continuance when it considers the
5 26 application. The department shall provide notice to the
5 27 applicant and the board of the continuance. The time required
5 28 for the county or the department to act upon the application
5 29 shall be suspended for the period provided in the notice, but
5 30 for not more than thirty days. However, the department shall
5 31 not grant more than one continuance to the county or provide
5 32 for more than one continuance for itself.
5 33 5. a. The department shall approve an application for a
5 34 construction permit to construct a confinement feeding
5 35 operation structure, if the board of supervisors ~~which has~~



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~~Senate Study Bill 1165 continued~~

~~6 1 filed a county construction evaluation resolution submits an~~
~~6 2 adopted recommendation to approve the construction permit~~
~~6 3 application which may be based on a satisfactory rating~~
~~6 4 produced by the master matrix to the department submits a~~
~~6 5 decision to accept the application and the department~~
6 6 determines that the application meets the requirements of this
6 7 chapter. The department shall disapprove an application that
6 8 does not satisfy the requirements of this chapter regardless
6 9 of the ~~adopted recommendation of decision submitted by the~~
6 10 board. The department shall consider any timely filed
6 11 comments made by the board as provided in this section to
6 12 determine if an application meets the requirements of this
6 13 chapter.
6 14 b. ~~If~~ The department shall not approve an application for
6 15 a permit to construct a confinement feeding operation
6 16 structure if the board submits to the department ~~an adopted~~
~~6 17 recommendation a decision to disapprove or reject the~~
6 18 application. ~~for a construction permit that is based on a~~
~~6 19 rating produced by the master matrix, the~~ The department may
6 20 set aside an application that the board rejects until the
6 21 application is terminated at the end of the processing period.
6 22 However, at any time prior to the termination, the applicant
6 23 may contest the board's decision or the department may
6 24 petition the commission to review the board's decision. Upon
6 25 notice by the applicant contesting the board's decision of a
6 26 petition by the department to the commission of the board's
6 27 decision, the department shall ~~first~~ determine if the
6 28 application meets the requirements of this chapter as provided
6 29 in section 459.103. The department shall disapprove an
6 30 application that does not ~~satisfy~~ meet the requirements of
6 31 this chapter regardless of any result produced by using the
~~6 32 master matrix. If the application meets the requirements of~~
~~6 33 this chapter, the department shall conduct an independent~~
~~6 34 evaluation of the application using the master matrix. The~~
6 35 department shall approve ~~the~~ an application if it achieves a



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~~7 1 satisfactory rating according to the department's evaluation
7 2 that does meet the requirements of this chapter, conditioned
7 3 upon the commission's resolution of all issues affecting and
7 4 approval of the application. The department shall disapprove
7 5 the application if it produces an unsatisfactory rating
7 6 regardless of whether the application satisfies the
7 7 requirements of this chapter. The department shall consider
7 8 any timely filed comments made by the board as provided in
7 9 this section to determine if an application meets the
7 10 requirements of this chapter. Upon commission request, the
7 11 department shall conduct an independent evaluation of the
7 12 application using the master matrix for consideration by the
7 13 commission during its review of the board's decision. At any
7 14 time prior to the application's termination, the applicant or
7 15 the board may contest the department's determination to
7 16 approve or disapprove the application as provided in this
7 17 section.~~

~~7 18 e. If the county board of supervisors does not submit a
7 19 construction evaluation resolution to the department, fails to
7 20 submit an adopted recommendation, submits only comments, or
7 21 fails to submit comments, the department shall approve the
7 22 application if the application meets the requirements of this
7 23 chapter as provided in section 459.103.~~

~~7 24 6. The department may conduct an inspection of the site on
7 25 which the construction is proposed after providing at a
7 26 minimum twenty-four hours' notice or upon receiving consent
7 27 from the construction permit applicant. The county board of
7 28 supervisors that has adopted a construction evaluation
7 29 resolution of the county in which the construction is
7 30 proposed, may designate a county employee to accompany a
7 31 departmental official during the site inspection. The county
7 32 employee shall have the same right to access to the site's
7 33 real estate as the departmental official conducting the
7 34 inspection during the period that the county employee
7 35 accompanies the departmental official. The departmental~~



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8 1 official and the county employee shall comply with standard
8 2 biosecurity requirements customarily required by the
8 3 confinement feeding operation that are necessary in order to
8 4 control the spread of disease among an animal population.

8 5 7. Upon written request by a county resident, the county
8 6 board of supervisors shall forward to the county resident a
8 7 copy of the board's ~~adopted recommendation~~ decision to accept
8 8 or reject the application, the report or related documentation
8 9 used by the construction evaluation committee, any county
8 10 comments to the department on the permit application, and the
8 11 department's responses, as provided in chapter 22.

8 12 8. a. The department shall deliver a notice to the
8 13 parties as follows:

8 14 (1) To the applicant of the board's decision to accept or
8 15 reject the application or the department's determination to
8 16 approve or disapprove the application. A notice shall include
8 17 an explanation of the applicant's right to contest the board's
8 18 decision or the department's determination as provided in this
8 19 section. The department shall notify the board at the same
8 20 time. The department shall deliver the notice within three
8 21 days ~~of the~~ after the submission of the board's decision or
8 22 the department's determination.

8 23 (2) To the board of the department's ~~decision~~ petition to
8 24 the commission to review the board's decision to accept or
8 25 reject the application or the department's determination to
8 26 approve or disapprove ~~an~~ the application for a construction
8 27 permit. ~~If the board of supervisors has submitted an adopted~~
8 28 ~~recommendation to the department for the approval or~~
8 29 ~~disapproval of a construction permit application as provided~~
8 30 ~~in this section, the department shall notify the board of the~~
8 31 ~~department's decision to approve or disapprove the application~~
8 32 A notice shall include an explanation of the board's right to
8 33 be a party in the commission's review of the board's decision
8 34 to accept or reject the application or the board's right to
8 35 contest the department's determination to approve or
9 1 disapprove the application. The department shall deliver a
9 2 copy to the applicant at the same time.

9 3 b. (1) The applicant may contest the department's
9 4 determination to disapprove an application or the board's
9 5 decision to reject the application, by requesting demanding a
9 6 hearing and may elect to have the hearing conducted before an
9 7 administrative law judge pursuant to chapter 17A or before the
9 8 commission. If the applicant and a board of supervisors are
9 9 both contesting the department's ~~decision~~ determination, the
9 10 applicant may request that the ~~commission~~ presiding officer
9 11 conduct the hearing on a consolidated basis. The commission
9 12 shall hear the case according to procedures established by
9 13 rules adopted by the department. The commission may hear the
9 14 case as a contested case proceeding under chapter 17A. The
9 15 department, ~~upon petition by the applicant,~~ shall deliver to
9 16 the administrative law judge or the commission a copy of the
9 17 ~~board of supervisors' recommendation~~ board's decision and the
9 18 committee's report together with the results produced by its
9 19 the master matrix and used by the committee, the board, and
9 20 the department; any supporting data or documents submitted
9 21 with the results,; and comments submitted by the board to the



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9 22 department, and the department's evaluation of the application
~~9 23 including the results produced by its matrix and any~~
~~9 24 supporting data or documents.~~ If the commission hears the
9 25 case, its decision shall be the department's final agency
9 26 action. The commission shall render a decision within
9 27 ~~thirty-five~~ sixty days from the date that the applicant or
9 28 board files a demand for a hearing.
9 29 (2) ~~A county board of supervisors that has submitted an~~
~~9 30 adopted recommendation to the department~~ The board may contest
9 31 the department's ~~decision~~ determination by requesting a
9 32 hearing and may elect to have the hearing conducted before an
9 33 administrative law judge pursuant to chapter 17A or before the
9 34 commission. If the applicant and a board are both contesting
9 35 the department's determination, the applicant may request that



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10 1 the presiding officer conduct the hearing on a consolidated
10 2 basis. The commission shall hear the case according to
10 3 procedures established by rules adopted by the department.
10 4 The commission may hear the case as a contested case
10 5 proceeding under chapter 17A. ~~The board may request that the~~
~~10 6 department submit a copy of the department's evaluation of the~~
~~10 7 application including the results produced by its matrix and~~
~~10 8 any supporting data or documents.~~ The decision by the
10 9 commission shall be the department's final agency action. The
10 10 commission shall render a decision within ~~thirty-five~~ sixty
10 11 days from the date that the board initiates the proceeding.
10 12 (3) The department may petition the commission to review
10 13 the board's decision to reject the application by requesting a
10 14 hearing and the commission may elect to have the hearing
10 15 conducted before an administrative law judge pursuant to
10 16 chapter 17A. If the applicant is contesting the board's
10 17 decision to reject the application or the department's
10 18 determination to disapprove the application, or the board is a
10 19 party to the hearing reviewing the board's decision to accept
10 20 or reject the application, the department, board, or applicant
10 21 may request that the presiding officer consolidate all matters
10 22 as part of the same hearing. The commission shall hear the
10 23 case according to procedures established by rules adopted by
10 24 the department. The commission may hear the case as a
10 25 contested case proceeding under chapter 17A. The decision by
10 26 the commission shall be the department's final agency action.
10 27 The commission shall render a decision within thirty-five days
10 28 from the date that the department initiates the proceeding.
10 29 c. Judicial review of the decision of either the
10 30 department or the commission may be sought in accordance with
10 31 the terms of chapter 17A.
10 32 Sec. 5. APPLICABILITY. This Act applies to applications
10 33 for the issuance of permits involving the construction,
10 34 including expansion, of confinement feeding operation
10 35 structures which have been filed with the department of



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11 1 natural resources on or after the effective date of this Act.

11 2 EXPLANATION

11 3 CURRENT LAW. This bill amends several Code provisions
11 4 which provide for county participation in the approval of
11 5 permits for the construction of confinement feeding operation
11 6 structures (e.g., confinement buildings and manure storage
11 7 structures) by the department of natural resources.

11 8 Currently, counties are prohibited from adopting or enforcing
11 9 county legislation regulating a condition or activity

11 10 occurring on land used for the production, care, feeding, or
11 11 housing of animals unless the regulation is expressly

11 12 authorized by state law (Code section 331.304A). One

11 13 exception allows a county to provide comments to the

11 14 department regarding the issuance of a permit for construction
11 15 of confinement feeding operation structures under Code chapter

11 16 459 (the animal agriculture compliance Act). A second

11 17 exception allows a county to participate in the scoring of a

11 18 master matrix. The purpose of the master matrix is to provide

11 19 a comprehensive assessment mechanism in order to produce a

11 20 statistically verifiable basis for determining whether to

11 21 approve or disapprove an application for a construction

11 22 permit. A county board of supervisors may adopt a

11 23 construction evaluation resolution in order to use a master

11 24 matrix. If the board submits a resolution to the department,

11 25 the board may evaluate a construction permit application and

11 26 submit a recommendation to the department to approve or

11 27 disapprove the application. The department must approve an

11 28 application if the board submits a recommendation to approve

11 29 the application, and the department determines that the

11 30 application meets the requirements of Code chapter 459. The

11 31 department must disapprove an application that the department

11 32 determines does not satisfy the requirements of Code chapter

11 33 459 regardless of the recommendation from the board. If the

11 34 board submits a recommendation to disapprove the application,

11 35 the department must first determine if the application meets



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12 1 the requirements of Code chapter 459. If the application
12 2 meets the requirements of the chapter, the department must
12 3 conduct an independent evaluation of the application using the
12 4 master matrix. The department must approve the application if
12 5 it achieves a satisfactory rating according to the
12 6 department's evaluation. The department must disapprove the
12 7 application if it produces an unsatisfactory rating regardless
12 8 of whether the application satisfies the requirements of Code
12 9 chapter 459. Both the applicant and the board may contest the
12 10 department's decision to the environmental protection
12 11 commission. The applicant may also contest the decision as a
12 12 contested case proceeding before an administrative law judge.
12 13 PROPOSED CHANGES. The bill amends Code section 331.304A to
12 14 specifically require that a county must participate in
12 15 reviewing an application to construct a confinement feeding
12 16 operation structure to be located in the county. The bill
12 17 amends Code sections 459.303 relating to the issuance of
12 18 permits and 459.304 providing for county participation, by
12 19 providing that the department shall only issue a permit to
12 20 construct a confinement feeding operation structure after the
12 21 review of an application by the board of supervisors in the
12 22 county where the proposed construction is to be located. In
12 23 lieu of a county evaluation resolution, the board of
12 24 supervisors must adopt a county evaluation ordinance. As part
12 25 of the ordinance, the board must establish a construction
12 26 evaluation committee. The committee is composed of five
12 27 persons including the county's environmental health officer
12 28 (sanitarian), a commissioner of a soil and water conservation
12 29 district located in the county, a real estate broker, a person
12 30 who resides in a city, and a person actively engaged in the
12 31 care and feeding of animals. The committee must also include
12 32 one member of the board who serves as a nonvoting, ex officio
12 33 member. The committee must recommend that the board accept or
12 34 reject the application based on the rating produced by using
12 35 the master matrix. The board must either adopt or not adopt



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13 1 the committee's recommendation. If the board does not adopt
13 2 the committee's recommendation, the board must conduct an
13 3 independent evaluation of the application using the master
13 4 matrix.
13 5 The department must receive the board's comments or
13 6 decision to accept or reject an application within 60, instead
13 7 of 30, days following the applicant's delivery of the
13 8 application to the department, and must issue or not issue the
13 9 permit within 90, instead of 60, days following the
13 10 applicant's delivery of the application to the department.
13 11 The department shall not approve an application for a
13 12 permit to construct a confinement feeding operation structure
13 13 if the county rejects the application, unless the applicant
13 14 contests the board's decision or the department petitions the
13 15 commission to review the board's decision. In that case, the
13 16 department must conduct an evaluation of the application to
13 17 determine if it complies with the requirements of Code chapter
13 18 459. The department must disapprove the application or
13 19 approve the application pending the outcome of the
13 20 commission's resolution of the matter. The commission may
13 21 also request that the department conduct an independent
13 22 evaluation of the application using the master matrix.
13 23 The bill applies to applications for the issuance of
13 24 permits which have been filed with the department on or after
13 25 the effective date of the bill.
13 26 LSB 1877XC 82
13 27 da:rj/es/88.1



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Senate Study Bill 1166

SENATE/HOUSE FILE
BY (PROPOSED GOVERNOR'S BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for an increase in the cigarette and tobacco
- 2 taxes, imposing an inventory tax on tobacco products, and
- 3 providing an effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2174XL 82
- 6 pf/cf/24



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Senate Study Bill 1166 continued

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1 1 Section 1. Section 453A.6, subsection 1, Code 2007, is
1 2 amended to read as follows:

1 3 1. There is imposed, and shall be collected and paid to
1 4 the department, ~~the following taxes~~ a tax on all cigarettes
1 5 used or otherwise disposed of in this state for any purpose
1 6 ~~whatsoever.~~

1 7 ~~Class A. On cigarettes weighing not more than three pounds~~
1 8 ~~per thousand, eighteen mills on each such cigarette.~~

1 9 ~~Class B. On cigarettes weighing more than three pounds per~~
1 10 ~~thousand, eighteen mills equal to six and eight-tenths cents~~
1 11 ~~on each such cigarette.~~

1 12 Sec. 2. Section 453A.6, Code 2007, is amended by adding
1 13 the following new subsection:

1 14 NEW SUBSECTION. 7. Cigarettes shall be sold only in
1 15 packages of twenty or more cigarettes.

1 16 Sec. 3. Section 453A.8, subsection 1, Code 2007, is
1 17 amended to read as follows:

1 18 1. Stamps shall be sold by and purchased from the
1 19 department. The department shall sell stamps to the holder of
1 20 a state distributor's or manufacturer's permit which has not
1 21 been revoked and to no other person. Stamps shall be sold to
1 22 the permit holders at a discount of ~~two~~ one percent of the
1 23 face value. Stamps shall be sold in unbroken rolls of thirty
1 24 thousand stamps or unbroken lots of any other form authorized
1 25 by the director.

1 26 Sec. 4. Section 453A.40, subsection 1, Code 2007, is
1 27 amended to read as follows:

1 28 1. All persons required to obtain a permit or to be
1 29 licensed under section 453A.13 as distributors or section
1 30 453A.44 having in their possession and held for resale on the
1 31 effective date of an increase in the tax rate cigarettes, or
1 32 little cigars, or tobacco products upon which the tax under
1 33 section 453A.6 or 453A.43 has been paid, unused cigarette tax
1 34 stamps which have been paid for under section 453A.8, or
1 35 unused metered imprints which have been paid for under section



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2 1 453A.12, or tobacco products for which the tax has not been
2 2 paid under section 453A.46 shall be subject to an inventory
2 3 tax on the items as provided in this section.

2 4 Sec. 5. Section 453A.43, subsection 1, unnumbered
2 5 paragraph 1, Code 2007, is amended to read as follows:

2 6 A tax is imposed upon all tobacco products in this state
2 7 and upon any person engaged in business as a distributor of
2 8 tobacco products, at the rate of ~~twenty-two~~ eighty-eight
2 9 percent of the wholesale sales price of the tobacco products,
2 10 except little cigars as defined in section 453A.42. Little
2 11 cigars shall be subject to the same rate of tax imposed upon
2 12 cigarettes in section 453A.6, payable at the time and in the
2 13 manner provided in section 453A.6; and stamps shall be affixed
2 14 as provided in division I of this chapter. The tax on tobacco
2 15 products, excluding little cigars, shall be imposed at the
2 16 time the distributor does any of the following:

2 17 Sec. 6. Section 453A.43, subsection 2, unnumbered
2 18 paragraph 1, Code 2007, is amended to read as follows:

2 19 A tax is imposed upon the use or storage by consumers of
2 20 tobacco products in this state, and upon the consumers, at the
2 21 rate of ~~twenty-two~~ eighty-eight percent of the cost of the
2 22 tobacco products.

2 23 Sec. 7. Section 453A.43, subsection 3, Code 2007, is
2 24 amended to read as follows:

2 25 3. Any tobacco product with respect to which a tax has
2 26 once been imposed under this division shall not again be
2 27 subject to tax under ~~said~~ this division, except as provided in
2 28 section 453A.40.

2 29 Sec. 8. EFFECTIVE DATE. This Act takes effect April 1,
2 30 2007.

2 31 EXPLANATION

2 32 This bill increases the tax on cigarettes from 18 mills
2 33 (1.8 cents) per cigarette, to 6.8 cents per cigarette. The
2 34 effect of the bill is to increase the tax on a pack of
2 35 cigarettes (20 cigarettes) from 36 cents to \$1.36 per pack.



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3 1 The bill also increases the tax on tobacco products from 22
3 2 percent to 88 percent of the wholesale sales price of the
3 3 tobacco products, and imposes an inventory tax on all
3 4 retailers and distributors and on all tobacco products. The
3 5 reference to class A and class B cigarettes is eliminated as
3 6 all cigarettes are taxed at the same rate, and the reference
3 7 to mills is replaced with the rate expressed in cents. The
3 8 bill takes effect April 1, 2007.
3 9 LSB 2174XL 82
3 10 pf:rj/cf/24



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Senate Study Bill 1167

SENATE/HOUSE FILE
BY (PROPOSED GOVERNOR'S BILL)

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

A BILL FOR

- 1 An Act increasing the earned income tax credit under the
- 2 individual income tax and including a retroactive
- 3 applicability date provision.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2160XL 82
- 6 mg/gg/14



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1 1 Section 1. Section 422.12B, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. The taxes imposed under this division less the credits
1 4 allowed under section 422.12 shall be reduced by an earned
1 5 income credit equal to ~~six and one-half~~ ten percent of the
1 6 federal earned income credit provided in section 32 of the
1 7 Internal Revenue Code. Any credit in excess of the tax
1 8 liability is nonrefundable.

1 9 Sec. 2. RETROACTIVE APPLICABILITY DATE. This Act applies
1 10 retroactively to January 1, 2007, for tax years beginning on
1 11 or after that date.

1 12 EXPLANATION

1 13 This bill increases the state earned income tax credit from
1 14 6.5 percent to 10 percent of the federal earned income tax
1 15 credit.

1 16 The bill applies retroactively to January 1, 2007, for tax
1 17 years beginning on or after that date.

1 18 LSB 2160XL 82

1 19 mg:rj/gg/14



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Senate Study Bill 1168

SENATE/HOUSE FILE
BY (PROPOSED GOVERNOR'S BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to a tax amnesty program, making appropriations,
- 2 and including an effective date provision.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1311XL 82
- 5 mg/es/88



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1 1 Section 1. TITLE. This Act may be cited as the "Iowa Tax
1 2 Amnesty Act of 2007".

1 3 Sec. 2. DEFINITIONS. When used in this Act, unless the
1 4 context otherwise requires:

1 5 1. "Department" means the department of revenue.

1 6 2. "Director" means the director of revenue.

1 7 3. "Taxpayer" means a person, a corporation, or other
1 8 entity subject to any tax imposed by a law of this state,
1 9 payable to this state, and administered by the department
1 10 pursuant to chapters 422, 423, 423A, 423B, 423C, 423D, 423E,
1 11 424, 450, 450A, 450B, 451, 452A, 453A, and 453B.

1 12 Sec. 3. TAX AMNESTY PROGRAM.

1 13 1. The director shall establish a tax amnesty program.
1 14 The tax amnesty program shall apply to taxpayers that have tax
1 15 liabilities delinquent as of December 31, 2006, including tax
1 16 due on returns not filed, tax liabilities owed to the
1 17 department as of December 31, 2006, or tax liabilities not
1 18 reported nor established but delinquent as of December 31,
1 19 2006.

1 20 2. The tax amnesty program shall be for a period from
1 21 September 4, 2007, through October 31, 2007, for any tax
1 22 liabilities described in subsection 1.

1 23 3. The tax amnesty program shall provide that upon written
1 24 application by a taxpayer and payment in full by the taxpayer
1 25 of amounts due from the taxpayer to this state for a tax
1 26 covered by the tax amnesty program plus interest equal to
1 27 fifty percent of the interest that is due, the department
1 28 shall not seek to collect any other interest or penalties
1 29 which may be applicable. The department shall not seek civil
1 30 or criminal prosecution for a taxpayer for the period of time
1 31 for which amnesty has been granted to the taxpayer. Failure
1 32 to pay all tax liabilities due the state and delinquent as of
1 33 December 31, 2006, shall invalidate the amnesty. Amnesty
1 34 shall be granted for only the periods specified in the
1 35 application and only if all amnesty conditions are satisfied



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2 1 by the taxpayer.

2 2 4. A taxpayer who participates in the tax amnesty program
2 3 shall relinquish all administrative and judicial rights to
2 4 challenge the imposition of the tax and its amount, except for
2 5 adjustments made pursuant to a federal audit completed after
2 6 the effective date of this Act.

2 7 5. Amnesty shall not be granted to a taxpayer who is the
2 8 subject of an active criminal investigation or who is a party
2 9 to a criminal proceeding that is pending in a district court,
2 10 the court of appeals, or the supreme court of this state if
2 11 such investigation or proceeding involves nonpayment or fraud
2 12 in relation to any state tax imposed by a law of this state.

2 13 6. The director shall prepare and make available tax
2 14 amnesty application forms which contain requirements for
2 15 approval of an application. The director may deny any
2 16 application that is inconsistent with this Act.

2 17 Sec. 4. RULEMAKING. The provisions of this Act are exempt
2 18 from the rulemaking process of chapter 17A, the Iowa
2 19 administrative procedure Act.

2 20 Sec. 5. APPROPRIATION.

2 21 1. There is appropriated from the general fund of the
2 22 state to the department of revenue for the fiscal period
2 23 beginning July 1, 2006, and ending June 30, 2008, the sum of
2 24 \$710,000, or so much thereof as necessary, to be used to
2 25 administer this Act.

2 26 2. There is appropriated to the department of revenue for
2 27 the fiscal year beginning July 1, 2007, and ending June 30,
2 28 2008, the sum of \$150,000 for the purpose of increasing the
2 29 auditing and enforcement activities of the department.

2 30 Sec. 6. REPORTING. The department shall report the gross
2 31 revenue collected under each tax pursuant to the tax amnesty
2 32 program as soon as practicable after the close of the amnesty
2 33 period but prior to March 1, 2008.

2 34 Sec. 7. LEGISLATIVE INTENT. It is the intent of the
2 35 general assembly in enacting the Iowa tax amnesty Act of 2007



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3 1 that the general assembly and the state shall not conduct
3 2 another tax amnesty program prior to January 1, 2025.

3 3 Sec. 8. EFFECTIVE DATE. This Act, being deemed of
3 4 immediate importance, takes effect upon enactment.

3 5 EXPLANATION

3 6 This bill provides for a state tax amnesty program to be
3 7 administered by the department of revenue from September 4,
3 8 2007, through October 31, 2007. The program covers tax
3 9 liabilities delinquent as of December 31, 2006, and authorizes
3 10 a taxpayer, during the period of the tax amnesty program, to
3 11 pay this tax with one-half of the interest which would
3 12 ordinarily be due without being subject to further penalty or
3 13 civil and criminal prosecution. The taxpayer must agree to
3 14 relinquish all administrative and judicial rights to challenge
3 15 the imposition of the tax and its amount.

3 16 The taxes that are covered under the tax amnesty program
3 17 are the individual and corporate income taxes; franchise tax;
3 18 sales and use taxes; hotel and motel tax; local city, county,
3 19 and school district sales and services taxes; automobile
3 20 rental tax; equipment tax; petroleum diminution charge;
3 21 inheritance and estate taxes; motor fuel and special fuel
3 22 taxes; cigarette and tobacco taxes; and controlled substance
3 23 tax.

3 24 The bill provides an appropriation of \$710,000 for the
3 25 fiscal year period beginning July 1, 2006, and ending June 30,
3 26 2008, for the department to administer the tax amnesty
3 27 program. The bill also provides an appropriation of \$150,000
3 28 for FY 2007-2008 for increased auditing and enforcement
3 29 activities following the end of the tax amnesty program.

3 30 The bill takes effect upon enactment.

3 31 LSB 1311XL 82

3 32 mg:sc/es/88



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Senate Study Bill 1169

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON CONNOLLY)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to voter registration and voting systems
- 2 performance standards.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1860SC 82
- 5 sc/gg/14



Iowa General Assembly
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Senate Study Bill 1169 continued

PAG LIN

1 1 Section 1. Section 48A.8, subsection 2, unnumbered
1 2 paragraph 1, Code 2007, is amended to read as follows:
1 3 An eligible elector who registers by mail and who has not
1 4 previously voted in an election for federal office in ~~the~~
~~1 5 county of registration~~ this state shall be required to provide
1 6 identification documents when voting for the first time in the
1 7 county of registration, unless the registrant provided on the
1 8 registration form the registrant's Iowa driver's license
1 9 number, ~~or~~ the registrant's Iowa nonoperator's identification
1 10 card number, or the last four numerals of the registrant's
1 11 social security number and the driver's license, nonoperator's
1 12 identification, or partial social security number matches an
1 13 existing state or federal identification record with the same
1 14 number, name, and date of birth. If the registrant under this
1 15 subsection votes in person at the polls, or by absentee ballot
1 16 at the commissioner's office or at a satellite voting station,
1 17 the registrant shall provide a current and valid photo
1 18 identification card, or shall present to the appropriate
1 19 election official one of the following current documents that
1 20 shows the name and address of the registrant:
1 21 Sec. 2. Section 48A.11, subsection 8, Code 2007, is
1 22 amended to read as follows:
1 23 8. A voter registration application lacking the
1 24 registrant's name, sex, date of birth, or residence address or
1 25 description shall ~~not~~ be processed as an incomplete
1 26 registration, and the registrant shall be notified pursuant to
1 27 section 48A.26, subsection 3. A If a voter registration
1 28 application lacking received by mail lacks the registrant's
1 29 Iowa driver's license number, Iowa nonoperator's
1 30 identification card number, or the last four digits of the
1 31 registrant's social security number, it shall not be processed
1 32 as a pending registration. A registrant whose registration is
~~1 33 not processed pursuant to this subsection shall be notified~~
~~1 34 pursuant to section 48A.26, subsection 3. A registrant An~~
1 35 eligible elector who registers in person and who does not have



Iowa General Assembly
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Senate Study Bill 1169 continued

2 1 an Iowa driver's license number, an Iowa nonoperator's
2 2 identification number, or a social security number, and who
2 3 notifies the registrar of such, shall be assigned a unique
2 4 identifying number that shall serve to identify the registrant
2 5 for voter registration purposes. The commissioner shall enter
2 6 the registration into the voter registration records as an
2 7 active registration.

2 8 Sec. 3. Section 48A.12, unnumbered paragraph 1, Code 2007,
2 9 is amended to read as follows:

2 10 The mail voter registration form prescribed by the federal
2 11 election assistance commission shall be accepted for voter
2 12 registration in Iowa if all required information is provided,
2 13 if it is signed by the registrant, and if the form is timely
2 14 received.

2 15 Sec. 4. Section 48A.25A, unnumbered paragraphs 1 and 2,
2 16 Code 2007, are amended to read as follows:

2 17 Upon receipt of an application for voter registration ~~by~~
~~2 18 mail, the state registrar of voters~~ commissioner shall compare
2 19 the Iowa driver's license number, the Iowa nonoperator's
2 20 identification card number, or the last four numerals of the
2 21 social security number provided by the registrant with the
2 22 records of the state department of transportation or the
2 23 social security administration. To be verified, the voter
2 24 registration record shall contain the same name, date of
2 25 birth, and Iowa driver's license number, ~~or~~ Iowa nonoperator's
2 26 identification card number, or whole or partial social
2 27 security number as the records of the state department of
2 28 transportation or the social security administration. If the
2 29 information cannot be verified, the application shall be
2 30 rejected and the registrant shall be notified of the reason
2 31 for the rejection. If the information can be verified, a
2 32 record shall be made of the verification and the application
2 33 shall be accepted.

2 34 The voter registration commission shall adopt rules in
2 35 accordance with chapter 17A to provide procedures for



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Senate Study Bill 1169 continued

3 1 processing registration applications if the state department
3 2 of transportation or the social security administration does
3 3 not, before the close of registration for an election for
3 4 which the voter registration would be effective, if verified,
3 5 provide a report that the information on the application has
3 6 matched or not matched the records of the department or
3 7 administration.

3 8 Sec. 5. Section 48A.26, subsection 4, Code 2007, is
3 9 amended to read as follows:

3 10 4. If the registrant applied by mail to register to vote
3 11 and did not answer either "yes" or "no" to the question in
3 12 section 48A.11, subsection 3, paragraph "a", the application
3 13 shall be processed, ~~but the registration shall be designated~~
~~3 14 as valid only for elections that do not include candidates for~~
~~3 15 federal offices on the ballot. The acknowledgment shall~~
~~3 16 advise the applicant that the status of the registration is~~
~~3 17 local and the reason for the registration being assigned local~~
~~3 18 status. The commissioner shall send written notice to the~~
3 19 applicant informing the applicant that the applicant did not
3 20 mark either "yes" or "no" in response to the question about
3 21 the applicant's citizenship. The notice shall advise the
3 22 applicant that the applicant may complete the registration by
3 23 submitting a new registration form before the date of the next
3 24 general election. The commissioner shall enclose with the
3 25 written notice a new registration by mail form for the
3 26 applicant to use. If the original application is received
~~3 27 during the twelve days before the close of registration for an~~
~~3 28 election that includes candidates for federal offices on the~~
~~3 29 ballot, the commissioner shall provide the registrant with an~~
~~3 30 opportunity to complete the form before the close of~~
~~3 31 registration. The commissioner shall enter the registration~~
3 32 into the voter registration records as an active registration.

3 33 Sec. 6. Section 48A.37, subsection 2, Code 2007, is
3 34 amended to read as follows:

3 35 2. Electronic records shall include a status code



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4 1 designating whether the records are active, inactive, ~~local,~~
~~4 2 or pending, incomplete, or cancelled.~~ Inactive records are
4 3 records of registered voters to whom notices have been sent
4 4 pursuant to section 48A.28, subsection 3, and who have not
4 5 returned the card or otherwise responded to the notice, and
4 6 those records have been designated inactive pursuant to
4 7 section 48A.29. ~~Local records are records of applicants who~~
~~4 8 did not answer either "yes" or "no" to the question in section~~
~~4 9 48A.11, subsection 3, paragraph "a".~~ Pending records are
4 10 records of applicants ~~whose applications have not been~~
~~4 11 verified pursuant to section 48A.25A who registered by mail~~
~~4 12 and who did not provide on the application the registrant's~~
~~4 13 Iowa driver's license number, nonoperator's identification~~
~~4 14 card number, or the last four numerals of the registrant's~~
~~4 15 social security number.~~ Incomplete records are records that
4 16 could not be verified pursuant to section 48A.25A or that are
4 17 missing required information. Cancelled records are records
4 18 that have been cancelled pursuant to section 48A.30. All
4 19 other records are active records. An inactive record shall be
4 20 made active when the registered voter votes at an election,
4 21 registers again, or reports a change of name, address,
4 22 telephone number, or political party affiliation. A pending
4 23 record shall be made active ~~upon verification~~ when the voter
4 24 presents identification at the polls and votes. ~~A local~~
~~4 25 record shall be valid for any election for which no candidates~~
~~4 26 for federal office appear on the ballot. A registrant with~~
~~4 27 only a local record shall not vote in a federal election~~
~~4 28 unless the registrant submits a new voter registration~~
~~4 29 application before election day indicating that the applicant~~
~~4 30 is a citizen of the United States.~~
4 31 Sec. 7. Section 52.5, unnumbered paragraph 2, Code 2007,
4 32 is amended to read as follows:
4 33 The state commissioner shall formulate, with the advice and
4 34 assistance of the examiners, and adopt rules governing the
4 35 testing and examination of any voting machine or electronic



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5 1 voting system by the board of examiners. The rules shall
5 2 prescribe the method to be used in determining whether the
5 3 machine or system is suitable for use within the state and
5 4 performance standards for voting equipment in use within the
5 5 state. The rules shall provide that all electronic voting
5 6 systems and voting machines approved for use by the examiners
5 7 after April 9, 2003, shall meet voting systems performance and
5 8 test standards, as adopted by the federal election commission
5 9 on April 30, 2002, and as deemed adopted by Pub. L. No.
5 10 107-252, section 222, or the voluntary voting system
5 11 guidelines as adopted by the federal election assistance
5 12 commission on December 13, 2005. The rules shall include
5 13 standards for determining when recertification is necessary
5 14 following modifications to the equipment or to the programs
5 15 used in tabulating votes, and a procedure for rescinding
5 16 certification if a system or machine is found not to comply
5 17 with performance standards adopted by the state commissioner.

5 18 EXPLANATION

5 19 This bill makes changes relating to voter registration and
5 20 voting systems.

5 21 Current law provides that an eligible elector who registers
5 22 by mail and who has not voted in an election for federal
5 23 office in the county of registration must produce
5 24 identification at the polls unless certain identification
5 25 numbers are provided on the registration application and the
5 26 number provided has been verified. The bill changes "county
5 27 of registration" to "state". This change incorporates
5 28 requirements of the Help America Vote Act which requires
5 29 first-time voters within a state to show identification. The
5 30 provision that required a first-time voter within a county to
5 31 show identification does not apply in states that have
5 32 statewide voter registration systems.

5 33 Code section 48A.11 is amended to provide that a voter
5 34 registration application received by mail that does not have
5 35 one of the required identification numbers shall be processed



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6 1 as a pending registration. Current law provides that such an
6 2 application shall not be processed. A conforming amendment
6 3 redefining pending registration records is made in Code
6 4 section 48A.37. Section 48A.11 is also amended to specify
6 5 that a registrant who applies in person at the commissioner's
6 6 office and who does not have one of the required
6 7 identification numbers shall be assigned a unique
6 8 identification number by the commissioner.

6 9 Code section 48A.12, relating to federal mail voter
6 10 registration forms, is amended to refer to the election
6 11 assistance commission created by the Help America Vote Act,
6 12 rather than to the federal election commission.

6 13 Code section 48A.25A is amended to provide that the county
6 14 commissioner of registration, rather than the state registrar
6 15 of voters, shall verify identification numbers included on
6 16 voter registration applications. The Code section is also
6 17 amended to allow the commissioner to verify social security
6 18 numbers with the social security administration in addition to
6 19 the state department of transportation.

6 20 Code section 48A.26 is amended to provide that a registrant
6 21 who did not answer the question on the voter registration
6 22 application relating to citizenship shall be notified by the
6 23 commissioner of that fact, shall be advised that the
6 24 registrant may complete another application before the date of
6 25 the next general election, and shall be sent a new voter
6 26 registration application. However, the registration based on
6 27 the original application shall be entered in the voter
6 28 registration records as an active registration for all
6 29 purposes. Current law provides that until a new application
6 30 is completed, the registration shall be entered as a local
6 31 registration and the registrant may only vote in elections
6 32 that do not have a federal office on the ballot.

6 33 Code section 48A.37 is amended to delete the reference to
6 34 local registrations. The Code section is also amended to
6 35 provide that a pending registration shall be made an active



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7 1 registration when the voter presents identification at the
7 2 polls and votes. Code section 48A.37 is further amended to
7 3 add incomplete registration records, which are defined as
7 4 registrations in which the required identification number
7 5 could not be verified or registrations which are lacking
7 6 required information, and cancelled registrations, which are
7 7 those registrations cancelled pursuant to Code section 48A.30.
7 8 Code section 52.5 is amended to provide that rules adopted
7 9 by the state commissioner governing the testing and
7 10 examination of voting machines and electronic voting systems
7 11 shall require newly approved voting systems to meet standards
7 12 adopted by the federal election commission or the voluntary
7 13 guidelines adopted by the election assistance commission.
7 14 Currently, the rules are required to be based on the standards
7 15 adopted by the federal election commission.
7 16 LSB 1860SC 82
7 17 sc:nh/gg/14



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Senate Study Bill 1170

SENATE FILE
 BY (PROPOSED COMMITTEE ON
 STATE GOVERNMENT BILL BY
 CHAIRPERSON CONNOLLY)

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

A BILL FOR

1 An Act providing a credit for a buyback of service under the Iowa
 2 public employees' retirement system and including an
 3 implementation provision.
 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 5 TLSB 2041SC 82
 6 ec/es/88



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Senate Study Bill 1170 continued

PAG LIN

1 1 Section 1. Section 97B.80C, subsection 3, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. e. For a member making contributions for a
1 4 purchase of permissive service credit for qualified service as
1 5 described in subsection 1, paragraph "c", subparagraph (1),
1 6 subparagraph subdivision (h), in which the member received a
1 7 refund of the member's accumulated contributions prior to July
1 8 1, 1998, the member shall receive a credit against the
1 9 actuarial cost of the service purchase equal to the amount of
1 10 the member's employer's accumulated contributions which were
1 11 not paid to the member as a refund pursuant to section 97B.53
1 12 plus interest as calculated pursuant to section 97B.70.

1 13 Sec. 2. IMPLEMENTATION PROVISION. Notwithstanding any
1 14 provision of section 97B.65 to the contrary, the provisions of
1 15 this Act shall be enacted and implemented by the Iowa public
1 16 employees' retirement system upon the effective date of this
1 17 Act.

1 18 EXPLANATION

1 19 This bill provides that a member buying back service under
1 20 the Iowa public employees' retirement system (IPERS) can
1 21 receive a credit for the cost of purchasing that prior service
1 22 equal to the amount of the member's employer's accumulated
1 23 contributions that were not paid when the member received a
1 24 refund for that service plus interest as calculated in Code
1 25 section 97B.70 if the member received the refund prior to July
1 26 1, 1998.

1 27 The bill shall be enacted and implemented upon the
1 28 effective date of the bill.

1 29 LSB 2041SC 82

1 30 ec:rj/es/88



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Senate Study Bill 1171

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON CONNOLLY)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to conducting county gambling elections and
- 2 including an effective date and applicability provision.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2109XC 82
- 5 ec/es/88



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Senate Study Bill 1171 continued

PAG LIN

1 1 Section 1. Section 99F.7, subsection 11, Code 2007, is
1 2 amended to read as follows:
1 3 11. a. A license to conduct gambling games on an
1 4 excursion gambling boat or at a racetrack enclosure in a
1 5 county shall be issued only if the county electorate approves
1 6 the conduct of the gambling games as provided in this
1 7 subsection. The board of supervisors, upon receipt of a valid
1 8 petition meeting the requirements of section 331.306, shall
1 9 direct the commissioner of elections to submit to the
1 10 registered voters of the county a proposition to approve or
1 11 disapprove the conduct of gambling games on an excursion
1 12 gambling boat or at a racetrack enclosure in the county. The
1 13 proposition shall be submitted at a general election or at a
1 14 special election called for that purpose. To be submitted at
1 15 a general election, the petition must be received by the board
1 16 of supervisors at least five working days before the last day
1 17 for candidates for county offices to file nomination papers
1 18 for the general election pursuant to section 44.4. If a
1 19 majority of the county voters voting on the proposition favor
1 20 the conduct of gambling games, the commission may issue one or
1 21 more licenses as provided in this chapter. If a majority of
1 22 the county voters voting on the proposition do not favor the
1 23 conduct of gambling games, a license to conduct gambling games
1 24 in the county shall not be issued.
1 25 b. If ~~licenses~~ a license to conduct gambling games ~~and to~~
~~1 26 operate on~~ an excursion gambling boat ~~are~~ or at a racetrack
1 27 enclosure is in effect pursuant to a referendum as set forth
1 28 in this section and ~~are~~ is subsequently disapproved by a
1 29 referendum of the county electorate, the ~~licenses~~ license
1 30 issued by the commission after a referendum approving gambling
1 31 games on an excursion gambling ~~boats~~ boat or at a racetrack
1 32 enclosure shall remain valid and ~~are~~ is subject to renewal for
1 33 ~~a total of nine years~~ one year from the date of ~~original issue~~
1 34 the referendum disapproving the conduct of gambling games in
1 35 the county unless the commission revokes a license at an



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Senate Study Bill 1171 continued

2 1 earlier date as provided in this chapter.

2 2 c. If a licensee of a pari-mutuel racetrack who held a
2 3 valid license issued under chapter 99D as of January 1, 1994,
2 4 requests a license to operate gambling games as provided in
2 5 this chapter, the board of supervisors of a county in which
2 6 the licensee of a pari-mutuel racetrack requests a license to
2 7 operate gambling games shall submit to the county electorate a
2 8 proposition to approve or disapprove the operation of gambling
2 9 games at pari-mutuel racetracks at a special election at the
2 10 earliest practicable time. If the operation of gambling games
2 11 at the pari-mutuel racetrack is not approved by a majority of
2 12 the county electorate voting on the proposition at the
2 13 election, the commission shall not issue a license to operate
2 14 gambling games at the racetrack.

2 15 d. If the proposition to operate gambling games on an
2 16 excursion gambling boat or at a racetrack enclosure is
2 17 approved by a majority of the county electorate voting on the
2 18 proposition, the board of supervisors shall submit the same
2 19 proposition to the county electorate ~~at the general election~~
~~2 20 held in 2002 and, unless the operation of gambling games is~~
~~2 21 terminated earlier as provided in this chapter or chapter 99D,~~
2 22 at the next general election held at each subsequent
~~2 23 eight-year interval no sooner than the eighth calendar year~~
2 24 following the election approving gambling games, unless the
2 25 operation of gambling games is terminated earlier as provided
2 26 in this chapter or chapter 99D. However, if a proposition to
2 27 operate gambling games on an excursion gambling boat or at a
2 28 racetrack enclosure is approved by a majority of the county
2 29 electorate voting on the proposition in two successive
2 30 elections, the proposition shall not thereafter be required to
2 31 be submitted to the county electorate pursuant to this
2 32 paragraph.

2 33 e. After a referendum has been held which approved or
2 34 defeated a proposal to conduct gambling games on excursion
2 35 gambling boats or which approved or defeated a proposal to



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Senate Study Bill 1171 continued

3 1 conduct gambling games at a licensed pari-mutuel racetrack
3 2 enclosure as provided in this section, another referendum on a
3 3 proposal to conduct gambling games on an excursion gambling
3 4 boat or at a licensed pari-mutuel racetrack shall not be held
3 5 ~~for at least eight years~~ sooner than the eighth calendar year
3 6 following the election in which the proposal was approved or
3 7 defeated.

3 8 Sec. 2. EFFECTIVE DATE == RETROACTIVE APPLICABILITY. This
3 9 Act, being deemed of immediate importance, takes effect upon
3 10 enactment and is retroactively applicable to elections
3 11 occurring on and after January 1, 1994.

3 12 EXPLANATION

3 13 This bill provides for the requirements relative to
3 14 conducting a referendum to approve or disapprove gambling
3 15 games on an excursion gambling boat or racetrack enclosure in
3 16 a county.

3 17 The bill provides that if a proposition to operate gambling
3 18 games on an excursion boat or racetrack has been approved in
3 19 two successive elections in a county, the proposition to
3 20 authorize gambling games is not thereafter required to be
3 21 submitted to the county electorate. Current law provides that
3 22 the proposition to conduct gambling games shall be resubmitted
3 23 to the county electorate every eight years.

3 24 The bill also provides that if a proposal to operate
3 25 gambling games on an excursion boat or racetrack has been
3 26 approved, another election shall not be held until the eighth
3 27 calendar year following the approval. Current law provides
3 28 that no election shall be held for eight years after a
3 29 proposal has been defeated but is silent as to when an
3 30 election can be held if the proposal to conduct gambling games
3 31 has been approved.

3 32 The bill also provides that if gambling games are
3 33 authorized in a county but a subsequent referendum to conduct
3 34 gambling games has been defeated, any license to conduct
3 35 gambling games in that county shall remain valid for one year



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Senate Study Bill 1171 continued

4 1 following the defeat of the referendum. Current law provides
4 2 that the license remains valid for nine years following the
4 3 date of the original issue of a license to conduct gambling
4 4 games in that county.
4 5 The bill takes effect upon enactment and is retroactively
4 6 applicable to elections occurring on and after January 1,
4 7 1994.
4 8 LSB 2109XC 82
4 9 ec:nh/es/88



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Senate Study Bill 1172

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON CONNOLLY)

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

A BILL FOR

- 1 An Act authorizing payroll deduction for dues to a certified
- 2 bargaining representative for individuals receiving payment
- 3 for work performed from the state.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1946SC 82
- 6 ec/es/88



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Senate Study Bill 1172 continued

PAG LIN

1 1 Section 1. NEW SECTION. 70A.17C PAYROLL DEDUCTION FOR
1 2 DUES == OTHER EMPLOYEES.
1 3 1. For purposes of this section, unless the context
1 4 otherwise requires, "authorized employee classification" means
1 5 employees within a particular job classification receiving
1 6 payment from the state for work performed. An "authorized
1 7 employee classification" includes but is not limited to
1 8 individual providers of home and community-based services
1 9 under a waiver program and individual providers of child care
1 10 services.
1 11 2. The state officer in charge of the payroll system shall
1 12 deduct from payments made to an employee within an authorized
1 13 employee classification an amount specified by the employee
1 14 for payment to a certified bargaining representative for dues
1 15 or membership fees if all of the following conditions are met:
1 16 a. The certified bargaining representative for the
1 17 authorized employee classification consents to payment of dues
1 18 in this manner.
1 19 b. The employee within the authorized employee
1 20 classification requests in writing that payment of dues or
1 21 membership fees be made in this manner.
1 22 c. The pay period during which the deduction is made, the
1 23 frequency, and the amount of the deduction are compatible with
1 24 the payroll system.
1 25 d. At least one hundred or more employees within an
1 26 authorized employee classification request the deduction for
1 27 payment of dues or fees to a certified bargaining
1 28 representative recognized as the authorized representative of
1 29 a majority of employees within the authorized employee
1 30 classification.
1 31 3. The request for the deduction may be withdrawn at any
1 32 time by filing a written notification of withdrawal with the
1 33 state officer in charge of the payroll system.

1 34 EXPLANATION

1 35 This bill authorizes deductions from payments received by



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Senate Study Bill 1172 continued

2 1 employees of an authorized employee classification from the
2 2 state for dues or membership fees of a certified bargaining
2 3 representative. The bill defines authorized employee
2 4 classification as a job classification that includes employees
2 5 receiving payment from the state and specifically includes
2 6 individual providers of home and community-based services
2 7 under a waiver program and individual providers of child care
2 8 services. The bill provides that the deduction may be made
2 9 only if the certified bargaining representative for the
2 10 authorized employee classification consents to payment of dues
2 11 in this manner, the employee requests the deduction in
2 12 writing, the manner of deducting the dues is compatible with
2 13 the payroll system, and at least 100 employees within the
2 14 authorized employee classification request the deduction for
2 15 payment of dues or fees to a certified bargaining
2 16 representative that represents a majority of the employees
2 17 within the authorized employee classification. The bill also
2 18 provides that an employee may withdraw the request for a
2 19 deduction in writing.
2 20 LSB 1946SC 82
2 21 ec:nh/es/88



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Senate Study Bill 1173

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON CONNOLLY)

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

A BILL FOR

1 An Act relating to campaign finance by requiring electronic
2 filing of certain reports and by establishing an Iowa
3 voter=owned clean elections Act, providing for funding of the
4 Act, including an income tax checkoff and a sales tax imposed
5 on political advertising, and providing an income tax
6 exemption, penalties, and an effective date.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
8 TLSB 1668SC 82
9 jr/gg/14



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Senate Study Bill 1173 continued

PAG LIN

1 1 Section 1. NEW SECTION. 68A.401A ELECTRONIC FILING.
1 2 Reports filed with the board pursuant to the requirements
1 3 of section 68A.401 shall be filed in an electronic format if a
1 4 candidate or committee accepts contributions in excess of
1 5 twenty thousand dollars in the aggregate, makes expenditures
1 6 in excess of twenty thousand dollars in the aggregate, or
1 7 incurs indebtedness in excess of twenty thousand dollars in
1 8 the aggregate. The board shall establish a system to verify
1 9 the identity of the person filing the report.
1 10 Sec. 2. NEW SECTION. 68A.401B MEDIA REPORTS.
1 11 1. a. Publishers of print and electronic media shall
1 12 record all purchases of print media space and electronic media
1 13 time or space related to advertisements that expressly
1 14 advocate the election or defeat of a clearly identified
1 15 candidate or the passage or defeat of a clearly identified
1 16 ballot issue.
1 17 b. Publishers shall file monthly reports of activity
1 18 covered by this section with the board, due at the board or
1 19 postmarked by the fifth day of each month following any month
1 20 in which media space or time has been purchased related to
1 21 advertisements that expressly advocate the election or defeat
1 22 of a clearly identified candidate or the passage or defeat of
1 23 a ballot issue.
1 24 c. The reports shall contain a detailed listing of at
1 25 least the following information:
1 26 (1) Identification of the persons buying the media space
1 27 or time.
1 28 (2) Identification of the candidate or ballot issue that
1 29 is clearly identified in the advertisement.
1 30 (3) Description of the position advocated by the persons
1 31 buying the media space or time with regard to the clearly
1 32 identified candidate or ballot issue.
1 33 (4) The dates on which the purchase took place, and the
1 34 dates for which the media space or time was purchased.
1 35 (5) The cost of the media space or time.



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2 1 2. The filing requirements of this section shall apply in
2 2 addition to any other applicable filing requirements under
2 3 this chapter.

2 4 3. The board shall develop, prescribe, furnish, and
2 5 distribute forms for the media reports.

2 6 Sec. 3. Section 68A.403, subsection 1, Code 2007, is
2 7 amended to read as follows:

2 8 1. A Unless filed in an electronic format according to
2 9 section 68A.401, a report or statement required to be filed
2 10 under this chapter shall be signed by the person filing the
2 11 report.

2 12 Sec. 4. Section 68A.603, Code 2007, is amended to read as
2 13 follows:

2 14 68A.603 RULES PROMULGATED.

2 15 The ethics and campaign disclosure board shall administer
2 16 the provisions of sections 68A.601 ~~through 68A.609~~, 68A.602,
2 17 and 68A.604 through 68A.610 and shall promulgate all necessary
2 18 rules in accordance with chapter 17A.

2 19 Sec. 5. NEW SECTION. 68A.610 CHECKOFF == INCOME TAX ==
2 20 IOWA VOTER=OWNED CLEAN ELECTIONS FUND.

2 21 A person whose state income tax liability for any taxable
2 22 year is five dollars or more may direct that five dollars of
2 23 that liability be paid over to the Iowa voter=owned clean
2 24 elections fund, as established in section 68A.823, when
2 25 submitting the person's state income tax return to the
2 26 department of revenue. In the case of a joint return of
2 27 husband and wife having a state income tax liability of ten
2 28 dollars or more, each spouse may direct that five dollars be
2 29 paid to the fund. The director of revenue shall provide space
2 30 for the Iowa voter=owned clean elections fund income tax
2 31 checkoff on the income tax form. An explanation shall be
2 32 included which clearly states that this checkoff does not
2 33 constitute an additional tax liability. The action taken by a
2 34 person for the checkoff is irrevocable.

2 35 Sec. 6. NEW SECTION. 68A.801 DEFINITIONS.



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- 3 1 For the purposes of this subchapter:
- 3 2 1. "Allowable contribution" means a qualifying
3 3 contribution or a seed money contribution.
- 3 4 2. "Board" means the Iowa ethics and campaign disclosure
3 5 board established under section 68B.32.
- 3 6 3. "Clean election qualifying period" means the period
3 7 during which candidates are permitted to collect qualifying
3 8 contributions in order to qualify for clean money campaign
3 9 funding. The period begins ninety days before the beginning
3 10 of the primary election campaign period and ends thirty days
3 11 before the beginning of the primary election campaign period.
- 3 12 4. "Coordination" means a payment made for a communication
3 13 or anything of value that is for the purpose of influencing
3 14 the outcome of an election and that is made by a person
3 15 according to at least one of the following:
- 3 16 a. In cooperation, consultation, or concert with, at the
3 17 request or suggestion of, or pursuant to, a particular
3 18 understanding with a candidate, a candidate's committee, or an
3 19 agent acting on behalf of a candidate or candidate's
3 20 committee.
- 3 21 b. For the dissemination, distribution, or republication,
3 22 in whole or in part, of any broadcast or any written, graphic,
3 23 or other form of campaign material prepared by a candidate, a
3 24 candidate's committee, or an agent of a candidate or
3 25 candidate's committee.
- 3 26 c. Based on specific information about the candidate's
3 27 plans, projects, or needs provided to the person making the
3 28 payment by the candidate or the candidate's agent who provides
3 29 the information with a view toward having the payment made.
- 3 30 d. If, in the same election cycle in which the payment is
3 31 made, the person making the payment is serving or has served
3 32 as a member, employee, fundraiser, or agent of the candidate
3 33 or candidate's committee in an executive or policymaking
3 34 position.
- 3 35 e. If the person making the payment has served in any



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4 1 formal policy or advisory position with the candidate's
4 2 campaign or has participated in strategic or policymaking
4 3 discussions with the candidate's campaign relating to the
4 4 candidate's pursuit of nomination for election, or election,
4 5 to office, in the same election cycle as the election cycle in
4 6 which the payment is made.

4 7 f. If the person making the payment retains the
4 8 professional services of an individual or person who, in a
4 9 nonministerial capacity, has provided or is providing
4 10 campaign-related services in the same election cycle to a
4 11 candidate who is pursuing the same nomination or election as
4 12 any of the candidates to whom the communication refers. For
4 13 purposes of this section, "professional services" includes
4 14 services in support of a candidate's pursuit of nomination for
4 15 election or election to office such as polling, media advice,
4 16 direct mail, fundraising, or campaign research services.

4 17 5. "Electioneering communication" means any communication
4 18 that refers to a clearly identified candidate for elected
4 19 public office, if the communication has the effect of
4 20 encouraging or discouraging a vote for the candidate,
4 21 regardless of whether the communication expressly advocates a
4 22 vote for or against the candidate.

4 23 6. "Excess expenditure amount" means the amount of money
4 24 spent or obligated to be spent by a nonparticipating candidate
4 25 in excess of the clean money amount available to a
4 26 participating candidate running for the same office.

4 27 7. "Express advocacy" means the same as defined in section
4 28 68A.102.

4 29 8. "General election campaign period" means the period
4 30 beginning the day after the primary election and ending on the
4 31 day of the general election.

4 32 9. "Independent candidate" means a candidate who does not
4 33 represent a political party that has been granted ballot
4 34 status and that holds a primary election to choose its nominee
4 35 for the general election.



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5 1 10. "Independent expenditure" means an expenditure made by
5 2 a person or group of persons other than a candidate or
5 3 candidate's committee that meets both of the following
5 4 conditions:

5 5 a. The expenditure is made for a communication that
5 6 contains express advocacy.

5 7 b. The expenditure is made without the participation or
5 8 cooperation of and without coordination with a candidate or a
5 9 candidate's committee.

5 10 11. "Nonparticipating candidate" means a candidate who is
5 11 on the ballot but has chosen not to apply for clean election
5 12 campaign funding, or a candidate who is on the ballot and has
5 13 applied for but has not satisfied the requirements for
5 14 receiving clean election campaign funding.

5 15 12. "Participating candidate" means a candidate who
5 16 qualifies for clean election campaign funding. Such
5 17 candidates are eligible to receive clean election campaign
5 18 funding during primary or general election campaign periods.

5 19 13. "Party candidate" means a candidate who represents a
5 20 political party as defined by section 43.2.

5 21 14. "Primary election campaign period" means the period
5 22 beginning ninety days before the primary election and ending
5 23 on the day of the primary election.

5 24 15. "Qualifying contribution" means a contribution of five
5 25 dollars that is received during the designated clean election
5 26 qualifying period by a candidate seeking to become eligible
5 27 for clean election campaign funding and that is acknowledged
5 28 by a written receipt identifying the contributor.

5 29 16. "Seed money contribution" means a contribution of no
5 30 more than one hundred dollars made by an individual adult
5 31 during the seed money period, but specifically excludes all of
5 32 the following:

5 33 a. Payments by a membership organization for the costs of
5 34 communications to its members.

5 35 b. Payments by a membership organization for the purpose



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6 1 of facilitating the making of qualifying contributions.

6 2 c. The cash value of volunteer activity, including the
6 3 payment of incidental expenses of volunteers.

6 4 17. "Seed money period" means the period beginning the day
6 5 following the previous general election for that office and
6 6 ending on the last day of the clean election qualifying
6 7 period. This is the exploratory period during which
6 8 candidates who wish to become eligible for clean election
6 9 campaign funding for the next elections are permitted to raise
6 10 and spend a limited amount of private seed money, from
6 11 contributions of up to one hundred dollars per individual, for
6 12 the purpose of determining whether to become a candidate and
6 13 fulfilling the clean election eligibility requirements.

6 14 Sec. 7. NEW SECTION. 68A.802 ELIGIBILITY FOR PARTY
6 15 CANDIDATES.

6 16 1. A party candidate qualifies as a participating
6 17 candidate for the primary election campaign period if the
6 18 candidate does both of the following:

6 19 a. The candidate files a declaration with the board that
6 20 the candidate has complied and will comply with all of the
6 21 requirements of this subchapter, including the requirement
6 22 that during the seed money period and the clean election
6 23 qualifying period the candidate not accept or spend private
6 24 contributions from any source other than seed money
6 25 contributions and clean election qualifying contributions,
6 26 unless the provisions of section 68A.804 apply.

6 27 b. The candidate meets both of the following qualifying
6 28 contribution requirements before the close of the clean
6 29 election qualifying period:

6 30 (1) A party candidate must collect both qualifying
6 31 contributions and signatures as follows:

6 32 (a) For the office of governor, from five hundred
6 33 registered voters in each congressional district.

6 34 (b) For statewide office other than governor, from two
6 35 hundred fifty registered voters in each congressional



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7 1 district.

7 2 (c) For the Iowa senate, from two hundred registered
7 3 voters in the senate candidate's electoral district.

7 4 (d) For the Iowa house of representatives, from one
7 5 hundred registered voters in the house candidate's electoral
7 6 district.

7 7 (2) Each qualifying contribution must meet all
7 8 requirements of this section.

7 9 2. Contributors shall be registered voters who reside
7 10 within the candidate's electoral district and who are
7 11 therefore eligible to vote for that candidate.

7 12 3. Qualifying contributions shall be:

7 13 a. Made in cash, check, money order, or credit or debit
7 14 card.

7 15 b. Gathered by the candidate personally or by volunteers
7 16 who do not receive compensation.

7 17 c. Acknowledged by a receipt to the contributor, with a
7 18 copy to be kept by the candidate and a third copy to be
7 19 submitted to the board. The receipt shall include a signed
7 20 statement that the contributor understands that the purpose of
7 21 the contribution is to help the candidate qualify for campaign
7 22 funding and that the contribution is made without coercion or
7 23 reimbursement. The receipt shall include the contributor's
7 24 signature, printed name, home address, and telephone number,
7 25 and the name of the candidate on whose behalf the contribution
7 26 is made.

7 27 d. Turned over to the board for deposit in the Iowa
7 28 voter-owned clean elections fund established under section
7 29 68A.823, with the signed and completed receipt, according to a
7 30 schedule and procedure to be determined by the board. A
7 31 contribution submitted as a qualifying contribution that does
7 32 not include the signed and completed receipt shall not be
7 33 counted as a qualifying contribution.

7 34 4. A party candidate qualifies as a participating
7 35 candidate for the general election campaign period when the



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8 1 candidate does both of the following:

8 2 a. The candidate has met all of the applicable
8 3 requirements of this subchapter and filed a declaration with
8 4 the board that the candidate has fulfilled and will fulfill
8 5 all of the requirements of a participating candidate as stated
8 6 in this subchapter.

8 7 b. As a participating candidate during the primary
8 8 election campaign period, the candidate had the highest number
8 9 of votes of the candidates contesting the primary election
8 10 from the candidate's respective party and won the party's
8 11 nomination.

8 12 Sec. 8. NEW SECTION. 68A.803 ELIGIBILITY FOR INDEPENDENT
8 13 CANDIDATES.

8 14 1. An independent candidate qualifies as a participating
8 15 candidate for the primary election campaign period if the
8 16 candidate does both of the following:

8 17 a. The candidate files a declaration with the board that
8 18 the candidate has complied and will comply with all of the
8 19 requirements of this subchapter, including the requirement
8 20 that during the seed money period and the clean election
8 21 qualifying period the candidate not accept or spend private
8 22 contributions from any source other than seed money
8 23 contributions and clean election qualifying contributions,
8 24 unless the provisions of section 68A.804 apply.

8 25 b. The candidate meets the following qualifying
8 26 contribution requirements before the close of the clean
8 27 election qualifying period:

8 28 (1) An independent candidate shall collect the same number
8 29 of qualifying contributions as required of a party candidate
8 30 for the same office under section 68A.802.

8 31 (2) Each qualifying contribution must meet all
8 32 requirements of this section.

8 33 2. Contributors shall be registered voters who reside
8 34 within the candidate's electoral district and who are
8 35 therefore eligible to vote for that candidate.

9 1 3. Qualifying contributions shall be:

9 2 a. Made in cash, check, money order, or credit or debit
9 3 card.

9 4 b. Gathered by the candidate personally or by volunteers
9 5 who do not receive compensation.

9 6 c. Acknowledged by a receipt to the contributor, with a
9 7 copy to be kept by the candidate and a third copy to be
9 8 submitted to the board. The receipt shall include a signed
9 9 statement that the contributor understands that the purpose of
9 10 the contribution is to help the candidate qualify for clean
9 11 election campaign funding and that the contribution is made
9 12 without coercion or reimbursement. The receipt shall include
9 13 the contributor's signature, printed name, home address, and
9 14 telephone number, and the name of the candidate on whose
9 15 behalf the contribution is made.

9 16 d. Turned over to the board for deposit in the Iowa
9 17 voter-owned clean elections fund established under section
9 18 68A.823, with the signed and completed receipt, according to a
9 19 schedule and procedure to be determined by the board. A
9 20 contribution submitted as a qualifying contribution that does
9 21 not include the signed and completed receipt shall not be



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9 22 counted as a qualifying contribution.

9 23 4. An independent candidate qualifies as a participating
9 24 candidate for the general election campaign period when the
9 25 candidate does both of the following:

9 26 a. If, prior to the primary election, the candidate has
9 27 met all of the applicable requirements of this subchapter and
9 28 filed a declaration with the board that the candidate has
9 29 fulfilled and will fulfill all of the requirements of a
9 30 participating candidate as stated in this subchapter.

9 31 b. If, during the primary election campaign period, the
9 32 candidate has fulfilled all the requirements of a
9 33 participating candidate as stated in this subchapter.

9 34 Sec. 9. NEW SECTION. 68A.804 TRANSITION RULE FOR CURRENT
9 35 ELECTION CYCLE.



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10 1 During the election cycle in effect on the date of
10 2 enactment of this subchapter, a candidate may be certified as
10 3 a participating candidate, notwithstanding the acceptance of
10 4 contributions or making of expenditures from private funds
10 5 before the date of enactment that would, absent this section,
10 6 disqualify the candidate as a participating candidate,
10 7 provided that any private funds accepted but not expended
10 8 before the date of enactment of this subchapter shall either
10 9 be returned to the contributor or submitted to the board for
10 10 deposit in the Iowa voter-owned clean elections fund
10 11 established under section 68A.823.

10 12 Sec. 10. NEW SECTION. 68A.805 CONTINUING OBLIGATION TO
10 13 COMPLY.

10 14 A participating candidate who accepts any benefits under
10 15 section 68A.813 during the primary election campaign period
10 16 shall comply with all the requirements of this subchapter
10 17 through any remaining time during the primary election
10 18 campaign period as well as through the general election
10 19 campaign period whether or not the candidate continues to
10 20 accept benefits.

10 21 Sec. 11. NEW SECTION. 68A.806 CONTRIBUTIONS AND
10 22 EXPENDITURES.

10 23 1. During the primary and general election campaign
10 24 periods, a participating candidate who has voluntarily agreed
10 25 to participate in clean election campaign financing shall not
10 26 accept private contributions from any source other than the
10 27 candidate's political party as specified in section 68A.808.

10 28 2. A person shall not make a contribution in violation of
10 29 section 68A.502. A participating candidate who receives a
10 30 qualifying contribution or a seed money contribution that is
10 31 not from the person listed on the receipt as required by this
10 32 subchapter shall pay to the board for deposit in the Iowa
10 33 voter-owned clean elections fund established under section
10 34 68A.823 the entire amount of such contribution.

10 35 3. The board shall issue each participating candidate a



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11 1 card known as the "clean election campaign debit card", and a
11 2 line of debit entitling the candidate to draw clean election
11 3 campaign funds to pay for all campaign costs and expenses up
11 4 to the amount of funding the candidate has received. A
11 5 participating candidate shall not pay campaign costs by cash,
11 6 check, money order, loan, or by any other financial means
11 7 other than debit card. During the primary and general
11 8 election campaign periods, a participating candidate shall pay
11 9 by means of the board's clean election campaign debit card.

11 10 4. Eligible candidates shall furnish complete campaign
11 11 records, including all records of seed money contributions and
11 12 qualifying contributions, to the board at regular filing
11 13 times, or on request by the board. Candidates shall cooperate
11 14 with any audit or examination conducted or ordered by the
11 15 board.

11 16 Sec. 12. NEW SECTION. 68A.807 NONPARTICIPATING
11 17 CANDIDATES == CONTRIBUTION LIMITS.

11 18 Nonparticipating candidates shall be subject to the
11 19 following contribution limits:

11 20 1. Candidates for statewide office:

11 21 a. One thousand dollars in the aggregate per individual
11 22 contribution.

11 23 b. Five thousand dollars in the aggregate per political
11 24 committee contribution.

11 25 2. Candidates for the Iowa senate and house of
11 26 representatives:

11 27 a. Five hundred dollars in the aggregate per individual
11 28 contribution.

11 29 b. One thousand dollars in the aggregate per political
11 30 committee contribution.

11 31 Sec. 13. NEW SECTION. 68A.808 POLITICAL PARTY
11 32 CONTRIBUTIONS AND EXPENDITURES.

11 33 1. Participating candidates may accept monetary or in-kind
11 34 contributions from political parties provided that the
11 35 aggregate amount of such contributions from all political



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12 1 party committees combined does not exceed the equivalent of
12 2 five percent of the clean election financing amount for that
12 3 office.

12 4 2. In-kind contributions made during a general election
12 5 campaign period on behalf of a group of the party's candidates
12 6 shall not be considered a prohibited party contribution or
12 7 count against the five percent limit established in subsection
12 8 1 if such group includes at least fifty-one percent of the
12 9 candidates whose names will appear on the general election
12 10 ballot in the political subdivision represented by the party
12 11 committee making such in-kind contributions.

12 12 3. Contributions made to, and expenditures made by,
12 13 political parties during primary and general campaign periods
12 14 shall be reported to the board on the same basis as
12 15 contributions and expenditures made to or by candidates.

12 16 4. This section and this subchapter shall not prevent
12 17 political party funds from being used for any of the
12 18 following:

12 19 a. General operating expenses of the party.

12 20 b. Conventions.

12 21 c. Nominating and endorsing candidates.

12 22 d. Identifying, researching, and developing the party's
12 23 positions on issues.

12 24 e. Party platform activities.

12 25 f. Noncandidate-specific voter registration.

12 26 g. Noncandidate-specific get-out-the-vote drives.

12 27 h. Travel expenses for noncandidate party leaders and
12 28 staff.

12 29 i. Other noncandidate-specific party-building activities,
12 30 as defined by rule of the board.

12 31 Sec. 14. NEW SECTION. 68A.809 USE OF PERSONAL FUNDS.

12 32 1. Personal funds contributed as seed money by a candidate
12 33 seeking to become eligible as a participating candidate or by
12 34 the candidate's spouse shall not exceed one hundred dollars
12 35 per contributor.



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13 1 2. Personal funds shall not be used to meet the qualifying
13 2 contribution requirement except for one five-dollar
13 3 contribution from the candidate and one five-dollar
13 4 contribution from the candidate's spouse.

13 5 Sec. 15. NEW SECTION. 68A.810 SEED MONEY.

13 6 1. The only private contributions a candidate seeking to
13 7 become eligible for clean election campaign funding shall
13 8 accept, other than qualifying contributions, are seed money
13 9 contributions contributed by individual adults prior to the
13 10 end of the clean election qualifying period.

13 11 2. A seed money contribution shall not exceed one hundred
13 12 dollars, and the aggregate amount of seed money contributions
13 13 accepted by a candidate seeking to become eligible for clean
13 14 money campaign funding shall not exceed the relevant limit, as
13 15 follows:

13 16 a. Twenty-five thousand dollars for a candidate team
13 17 running for governor and lieutenant governor.

13 18 b. Fifteen thousand dollars for a candidate running for
13 19 statewide office other than governor or lieutenant governor.

13 20 c. Two thousand dollars for a candidate running for the
13 21 Iowa senate.

13 22 d. One thousand dollars for a candidate running for the
13 23 Iowa house of representatives.

13 24 3. Receipts for seed money contributions shall include the
13 25 contributor's signature, printed name, street address and zip
13 26 code, telephone number, occupation, and name of employer.
13 27 Contributions shall not be accepted if the required disclosure
13 28 information is not received.

13 29 4. Seed money shall be spent only during the clean
13 30 election qualifying period. Seed money shall not be spent
13 31 during the primary or general election campaign periods.

13 32 5. Within forty-eight hours after the close of the clean
13 33 election qualifying period, candidates seeking to become
13 34 eligible for clean election campaign funding shall do both of
13 35 the following:



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14 1 a. Fully disclose all seed money contributions and
14 2 expenditures to the board.
14 3 b. Turn over to the board for deposit in the Iowa
14 4 voter-owned clean elections fund any seed money the candidate
14 5 has raised during the designated seed money period that
14 6 exceeds the aggregate seed money limit.
14 7 Sec. 16. NEW SECTION. 68A.811 PARTICIPATION IN DEBATES.
14 8 1. Participating candidates in contested races shall
14 9 participate in all of the following:
14 10 a. For the offices of governor and lieutenant governor:
14 11 (1) One one-hour debate during a contested primary
14 12 election.
14 13 (2) Two one-hour debates during a contested general
14 14 election.
14 15 b. For all other offices:
14 16 (1) One one-hour debate during a contested primary
14 17 election.
14 18 (2) One one-hour debate during a contested general
14 19 election.
14 20 2. Nonparticipating candidates for the same office whose
14 21 names will appear on the ballot shall be invited to join the
14 22 debates.
14 23 Sec. 17. NEW SECTION. 68A.812 CERTIFICATION.
14 24 1. No more than five days after a candidate applies for
14 25 clean election campaign funding benefits, the board shall
14 26 certify that the candidate is or is not eligible.
14 27 2. Eligibility can be revoked if the candidate violates
14 28 the requirements of this subchapter, in which case all clean
14 29 election campaign funds shall be repaid.
14 30 3. The candidate's request for certification shall be
14 31 signed by the candidate and the treasurer of the candidate's
14 32 committee under penalty of perjury.
14 33 4. The board's determination is final except that it is
14 34 subject to examination and audit by an outside agency
14 35 according to rule and to prompt judicial review according to



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15 1 rule and chapter 17A.

15 2 Sec. 18. NEW SECTION. 68A.813 BENEFITS PROVIDED TO
15 3 CANDIDATES ELIGIBLE TO RECEIVE CLEAN ELECTION CAMPAIGN
15 4 FUNDING.

15 5 1. Candidates who qualify for clean election campaign
15 6 funding for primary and general elections shall receive all of
15 7 the following:

15 8 a. Clean election campaign funding from the board for each
15 9 election, the amount of which is specified in section 68A.815.
15 10 This funding may be used to finance any and all campaign
15 11 expenses during the particular campaign period for which it
15 12 was received.

15 13 b. Media benefits as provided for in section 68A.822.

15 14 c. Additional clean election campaign funding to match any
15 15 excess expenditure amount spent by a nonparticipating
15 16 candidate, as specified in section 68A.817.

15 17 d. Additional clean election campaign funding to match any
15 18 independent expenditure made in opposition to their
15 19 candidacies or on behalf of their opponents' candidacies, as
15 20 specified in section 68A.819.

15 21 e. Additional clean election funding to match any
15 22 electioneering communication expenditure, as specified in
15 23 section 68A.820.

15 24 2. The maximum aggregate amount of additional funding a
15 25 participating candidate shall receive to match independent
15 26 expenditures and the excess expenditures of nonparticipating
15 27 candidates shall be two hundred percent of the full amount of
15 28 clean election campaign funding allocated to a participating
15 29 candidate for a particular primary or general election
15 30 campaign period.

15 31 Sec. 19. NEW SECTION. 68A.814 SCHEDULE OF CLEAN ELECTION
15 32 CAMPAIGN FUNDING PAYMENTS.

15 33 1. An eligible candidate shall receive clean election
15 34 campaign funding for the primary election campaign period on
15 35 the date on which the board certifies the candidate as a



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16 1 participating candidate. This certification shall take place
16 2 no later than five days after the candidate has submitted the
16 3 required number of qualifying contributions and a declaration
16 4 stating that the candidate has complied with all other
16 5 requirements for eligibility as a participating candidate, but
16 6 no earlier than the beginning of the primary election campaign
16 7 period.

16 8 2. An eligible candidate shall receive clean election
16 9 campaign funding for the general election campaign period
16 10 within forty-eight hours after certification of the primary
16 11 election results.

16 12 Sec. 20. NEW SECTION. 68A.815 DETERMINATION OF CLEAN
16 13 ELECTION CAMPAIGN FUNDING AMOUNTS.

16 14 1. a. For party candidates, the amount of clean election
16 15 campaign funding for a contested primary election is as
16 16 follows:

16 17 (1) Seven hundred fifty thousand dollars for a candidate
16 18 team running for governor and lieutenant governor.

16 19 (2) Seventy-five thousand dollars for a candidate for
16 20 attorney general.

16 21 (3) Fifty thousand dollars for a candidate for statewide
16 22 office other than governor, lieutenant governor, or attorney
16 23 general.

16 24 (4) Twenty-two thousand five hundred dollars for a
16 25 candidate running for the Iowa senate.

16 26 (5) Fifteen thousand dollars for a candidate running for
16 27 the Iowa house of representatives.

16 28 b. The clean election campaign funding amount for an
16 29 eligible party candidate in an uncontested primary election is
16 30 twenty-five percent of the amount provided in a contested
16 31 primary election.

16 32 c. In a contested general election, if an eligible party
16 33 candidate or all of the candidates of the candidate's party
16 34 combined received at least twenty percent of the total number
16 35 of votes cast for all candidates seeking that office in the



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17 1 most recent primary election or in the previous general
17 2 election, the candidate shall receive the full amount of clean
17 3 election campaign funding for the general election, as
17 4 follows:

17 5 (1) Three million dollars for a candidate team running for
17 6 governor and lieutenant governor.

17 7 (2) Two hundred thousand dollars for a candidate for
17 8 statewide office other than governor and lieutenant governor.

17 9 (3) Forty thousand dollars for a candidate running for the
17 10 Iowa senate.

17 11 (4) Thirty thousand dollars for a candidate running for
17 12 the Iowa house of representatives.

17 13 d. The clean election campaign funding amount for an
17 14 eligible party candidate in an uncontested general election is
17 15 ten percent of the amount provided in a contested general
17 16 election for the same office.

17 17 2. a. For eligible independent candidates, the clean
17 18 election campaign funding amount for the primary election
17 19 campaign period is twenty-five percent of the amount of clean
17 20 election funding received by a party candidate in a contested
17 21 primary election for the same office.

17 22 b. The clean election campaign funding amount for an
17 23 eligible independent candidate in the general election is the
17 24 same as the full amount received by a party candidate in the
17 25 general election for the same office.

17 26 c. After the first cycle of clean election fund elections,
17 27 the board shall modify all clean election campaign funding
17 28 amounts based on the percentage increase in the consumer price
17 29 index, for all urban consumers, United States city average, as
17 30 published in the federal register by the United States
17 31 department of labor, bureau of labor statistics, that reflects
17 32 the percentage increase in the consumer price index for the
17 33 twelve-month period ending December 31 of the previous year.

17 34 Sec. 21. NEW SECTION. 68A.816 EXPENDITURES MADE WITH
17 35 CLEAN ELECTION CAMPAIGN FUNDS.



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18 1 1. The clean election campaign funding received by a
18 2 participating candidate shall be used only for the purpose of
18 3 defraying that candidate's campaign-related expenses during
18 4 the particular election campaign period for which the clean
18 5 election campaign funding was received.

18 6 2. Payments shall not be used for the following:

18 7 a. Payments that are in violation of the law.

18 8 b. Payments that repay any personal, family, or business
18 9 loans, expenditures, or debts.

18 10 Sec. 22. NEW SECTION. 68A.817 DISCLOSURE OF EXCESS
18 11 SPENDING BY NONPARTICIPATING CANDIDATES.

18 12 1. If a nonparticipating candidate's total expenditures
18 13 exceed the amount of clean election campaign funding allocated
18 14 to the candidate's clean election opponent, the candidate
18 15 shall declare to the board within forty-eight hours every
18 16 excess expenditure amount that, in the aggregate, is more than
18 17 one thousand dollars.

18 18 2. During the last twenty days before the end of the
18 19 relevant campaign period, a nonparticipating candidate shall
18 20 declare to the board each excess expenditure amount over five
18 21 hundred dollars within twenty-four hours of when the
18 22 expenditure is made or obligated to be made.

18 23 3. The board may make its own determination as to whether
18 24 excess expenditures have been made by nonparticipating
18 25 candidates.

18 26 4. Upon receiving an excess expenditure declaration, the
18 27 board shall immediately release additional clean election
18 28 campaign funding to the opposing participating candidate or
18 29 candidates equal to the excess expenditure amount the
18 30 nonparticipating candidate has spent or intends to spend,
18 31 subject to the limit set forth in section 68A.813.

18 32 Sec. 23. NEW SECTION. 68A.818 CAMPAIGN ADVERTISEMENTS.

18 33 All broadcast and print advertisements placed by candidates
18 34 or candidate's committees shall include a clear written or
18 35 spoken statement indicating that the candidate has approved of
19 1 the contents of the advertisement.

19 2 Sec. 24. NEW SECTION. 68A.819 DISCLOSURE OF INDEPENDENT
19 3 EXPENDITURES == ADDITIONAL CLEAN ELECTION CAMPAIGN FUNDING.

19 4 1. Any person or group of persons who makes or obligates
19 5 to make an independent expenditure during a primary or general
19 6 election campaign period which, in the aggregate, exceeds one
19 7 thousand dollars, shall report each expenditure within forty=
19 8 eight hours to the board.

19 9 2. The report to the board shall include a statement,
19 10 under penalty of perjury, by the person or persons making the
19 11 independent expenditure identifying the candidate whom the
19 12 independent expenditure is intended to help elect or defeat
19 13 and affirming that the expenditure is totally independent and
19 14 involves no coordination with a candidate or a political
19 15 party.

19 16 a. An individual or organization may file a complaint with
19 17 the board if the candidate or the organization believes that
19 18 the statement according to this subsection is false.

19 19 b. A hearing on a complaint under this subsection shall be
19 20 held within three business days of filing and a decision
19 21 issued within seven days of filing.



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19 22 3. Any person or group of persons who makes or obligates
19 23 to make an independent expenditure during the last twenty days
19 24 before the end of the relevant campaign period which, in the
19 25 aggregate, exceeds five hundred dollars, shall report each
19 26 expenditure within twenty-four hours to the board.

19 27 4. Upon receiving a report that an independent expenditure
19 28 has been made or obligated to be made, the board shall
19 29 immediately release additional clean election funding, equal
19 30 in amount to the cost of the independent expenditure, to all
19 31 participating candidates whom the independent expenditure is
19 32 intended to oppose or defeat provided that the maximum
19 33 aggregate amount of additional funding a participating
19 34 candidate shall receive to match independent expenditures and
19 35 the excess expenditures of nonparticipating candidates is no



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20 1 more than two hundred percent of the full amount of clean
20 2 election funding allocated to a participating candidate in
20 3 that election.

20 4 Sec. 25. NEW SECTION. 68A.820 DEFINITION AND DISCLOSURE
20 5 OF ELECTIONEERING COMMUNICATIONS == ADDITIONAL CLEAN ELECTION
20 6 CAMPAIGN FUNDING.

20 7 1. A person who makes or obligates to make a disbursement
20 8 to purchase an electioneering communication shall file a
20 9 report with the board not later than forty-eight hours after
20 10 making or obligating to make the disbursement, containing the
20 11 following information:

20 12 a. The amount of the disbursement.

20 13 b. The name and address of the person making the
20 14 disbursement.

20 15 c. The purpose of the electioneering communication.

20 16 2. Upon receiving a report that an electioneering
20 17 communication has been made or obligated to be made, and upon
20 18 determination that the electioneering communication can
20 19 reasonably be interpreted as having the effect of promoting
20 20 the defeat of a participating candidate or the election of
20 21 that candidate's opponent, the board shall immediately release
20 22 to that candidate additional clean election funding, equal in
20 23 amount to the cost of the electioneering communication.

20 24 Sec. 26. NEW SECTION. 68A.821 VOTER INFORMATION PROGRAM.

20 25 1. The board shall establish and administer a nonpartisan
20 26 voter information program, including an advisory council
20 27 consisting of representatives of nonprofit organizations,
20 28 political parties, the media, and interested citizens.

20 29 2. The voter information program advisory council may
20 30 establish a voter information program for the purpose of
20 31 providing voters with election-related information and
20 32 fostering political dialogue and debate.

20 33 3. The voter information program advisory council shall
20 34 organize the publication and distribution of a voter
20 35 information guide that includes important information about



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21 1 the following issues:

21 2 a. Candidates appearing on the ballot, including
21 3 biographical material submitted by the candidates.

21 4 b. Whether candidates are funding their campaigns with
21 5 public money or private money.

21 6 c. Policy statements by the candidates or their political
21 7 parties on issues designated by the council and other issues.

21 8 d. Candidates' voting records.

21 9 Sec. 27. NEW SECTION. 68A.822 BROADCAST DEBATES.

21 10 1. All public television and radio broadcast stations
21 11 funded in whole or in part by the state shall make available
21 12 free coverage for candidate debates in contested primary and
21 13 general elections. The minimum amount of time that
21 14 broadcasters shall broadcast, and participating candidates
21 15 shall participate in, shall be as follows:

21 16 a. For the office of governor and lieutenant governor:

21 17 (1) One one-hour debate during a contested primary
21 18 election.

21 19 (2) Two one-hour debates during a contested general
21 20 election.

21 21 b. For all other offices:

21 22 (1) One one-hour debate during a contested primary
21 23 election.

21 24 (2) One one-hour debate during a contested general
21 25 election.

21 26 2. All participating candidates shall participate in the
21 27 debates and all nonparticipating candidates for the same
21 28 office whose names will appear on the ballot shall be invited
21 29 to join the debates.

21 30 Sec. 28. NEW SECTION. 68A.823 IOWA VOTER-OWNED CLEAN
21 31 ELECTIONS FUND == NATURE AND PURPOSES.

21 32 1. An Iowa voter-owned clean elections fund is established
21 33 as a separate fund within the office of the state treasurer,
21 34 under the control of the board, for the following purposes:

21 35 a. Providing public financing for the election campaigns



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22 1 of certified participating candidates during primary election
22 2 and general election campaign periods.

22 3 b. Paying for the administrative and enforcement costs of
22 4 the board in relation to this subchapter.

22 5 2. The fund shall consist of moneys received according to
22 6 section 68A.824. Notwithstanding section 8.33, unencumbered
22 7 or unobligated moneys and any interest earned on moneys in the
22 8 fund on June 30 of any fiscal year shall not revert to the
22 9 general fund of the state but shall remain in the fund and be
22 10 available for expenditure in subsequent years.

22 11 Sec. 29. NEW SECTION. 68A.824 FUNDING.

22 12 1. In addition to any moneys appropriated by the general
22 13 assembly to the Iowa voter-owned clean elections fund
22 14 established in section 68A.823, the following moneys shall be
22 15 deposited in the fund:

22 16 a. The qualifying contributions required of candidates
22 17 seeking to become certified as participating candidates
22 18 according to section 68A.802 or 68A.803 and candidates' excess
22 19 qualifying contributions.

22 20 b. Moneys deposited with the fund pursuant to section
22 21 68A.610 or section 423.2, subsection 9A.

22 22 c. The excess seed money contributions of candidates
22 23 seeking to become certified as participating candidates.

22 24 d. Moneys distributed to any participating candidate who
22 25 does not remain a candidate until the primary or general
22 26 election for which they were distributed.

22 27 e. Civil penalties levied by the board against candidates
22 28 for violations of this subchapter.

22 29 f. Voluntary donations made directly to the fund.

22 30 g. Any other sources of revenue designated by the general
22 31 assembly.

22 32 2. The general assembly shall appropriate additional funds
22 33 as necessary to fully fund clean election campaign payments
22 34 required under this subchapter.

22 35 Sec. 30. NEW SECTION. 68A.825 POWERS AND PROCEDURES.



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23 1 The board shall have the following powers and procedures,
23 2 in addition to those granted in this chapter and chapter 68B,
23 3 when administering this subchapter:

23 4 1. After every primary and general election, the board may
23 5 conduct random audits and investigations to ensure compliance
23 6 with this subchapter.

23 7 2. The subjects of audits and investigations shall be
23 8 selected on the basis of impartial criteria established by a
23 9 vote of at least four members of the board.

23 10 3. The board may investigate anonymous complaints.

23 11 4. The identity of a complainant may be kept confidential
23 12 if the complainant states in the complaint that revealing the
23 13 identity of the complainant could reasonably result in
23 14 disciplinary action or loss of employment.

23 15 5. The board may seek injunctions when all of the
23 16 following conditions are met:

23 17 a. There is a substantial likelihood that a violation of
23 18 this subchapter is occurring or is about to occur.

23 19 b. The failure to act expeditiously will result in
23 20 irreparable harm to a party affected by the violation or
23 21 potential violation.

23 22 c. Expeditious action will not cause undue harm or
23 23 prejudice to the interests of others.

23 24 d. The public interest would be best served by the
23 25 issuance of an injunction.

23 26 6. The board may levy civil penalties for violations of
23 27 this subchapter. Civil penalties shall be deposited in the
23 28 Iowa voter-owned clean elections fund.

23 29 7. The board shall refer criminal violations to the county
23 30 attorney or attorney general for prosecution.

23 31 8. The board may participate fully in any actions filed
23 32 under this section.

23 33 9. The board shall adopt rules pursuant to chapter 17A as
23 34 necessary to administer this subchapter.

23 35 Sec. 31. NEW SECTION. 68A.826 CIVIL ACTIONS.



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24 1 1. A citizen who believes a candidate has violated this
24 2 subchapter may pursue a civil action in a court of relevant
24 3 jurisdiction, provided that both of the following are true:
24 4 a. The citizen has previously filed a complaint regarding
24 5 the same alleged violation with the board.
24 6 b. The board has failed to make a determination within
24 7 thirty days of the filing of the complaint.
24 8 2. A complainant who prevails in a civil action charging a
24 9 violation of this subchapter shall be entitled to receive
24 10 reasonable attorney fees and court costs from the defendant.
24 11 3. If a court in which a civil action has been filed under
24 12 subsection 1 finds that the complaint in that action was made
24 13 frivolously or without cause, the court may require the
24 14 complainant to pay the costs of the board, the court, and the
24 15 defendant parties.
24 16 Sec. 32. NEW SECTION. 68A.827 BOARD REPORTS.
24 17 1. The board shall report to the general assembly after
24 18 each election cycle.
24 19 2. The report shall include a detailed summary of all seed
24 20 money contributions, qualifying contributions, and campaign
24 21 funding benefits received, and expenditures made, by all
24 22 participating candidates. The report shall also include a
24 23 summary and evaluation of the board's activities and
24 24 recommendations relating to the implementation,
24 25 administration, and enforcement of this subchapter.
24 26 Sec. 33. NEW SECTION. 68A.828 REPAYMENTS OF EXCESS
24 27 EXPENDITURES.
24 28 1. If a participating candidate spends or obligates to
24 29 spend more than the clean election funding the candidate
24 30 receives, and if such is determined not to be an amount that
24 31 had or could have been expected to have a significant impact
24 32 on the outcome of the election, the candidate shall repay to
24 33 the Iowa voter-owned clean elections fund an amount equal to
24 34 the excess.
24 35 2. If a participating candidate spends or obligates to



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25 1 spend more than the clean election campaign funding the
25 2 candidate receives, and if such is determined to be an amount
25 3 that had or could have been expected to have a significant
25 4 impact on the outcome of the election, the candidate shall
25 5 repay to the Iowa voter-owned clean elections fund an amount
25 6 equal to five times the value of the excess.

25 7 Sec. 34. NEW SECTION. 68A.829 PENALTIES.

25 8 1. A candidate shall not knowingly accept more benefits
25 9 than those to which the candidate is entitled, spend more than
25 10 the amount of clean election campaign funding received, or
25 11 misuse such campaign funding benefits or clean election
25 12 campaign funding.

25 13 2. If a violation of subsection 1 was intentional and
25 14 involved an amount that had or could have been expected to
25 15 have a significant impact on the outcome of the election, the
25 16 candidate commits an aggravated misdemeanor.

25 17 3. If it is determined that the violation of subsection 1
25 18 was intentional and involved an amount that had or could have
25 19 been expected to have a significant impact on the outcome of
25 20 the election, and if, in the judgment of the board, the
25 21 violation is believed to have contributed to the violator
25 22 winning the election, the board may recommend to the
25 23 appropriate authority that proceedings be commenced to remove
25 24 the violator from office or to impeach the violator if
25 25 applicable.

25 26 4. A person shall not provide false information to the
25 27 board or conceal or withhold information from the board. A
25 28 violation of this subsection is an aggravated misdemeanor.

25 29 Sec. 35. Section 422.7, Code 2007, is amended by adding
25 30 the following new subsection:

25 31 NEW SUBSECTION. 50. Subtract, to the extent not otherwise
25 32 excluded, up to two hundred dollars of the amount contributed
25 33 to the Iowa voter-owned clean elections fund pursuant to
25 34 section 68A.824, subsection 1, paragraph f.

25 35 Sec. 36. Section 422.12E, unnumbered paragraph 1, Code



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26 1 2007, is amended to read as follows:

26 2 For tax years beginning on or after January 1, 2004, there
26 3 shall be allowed no more than four income tax return checkoffs
26 4 on each income tax return. When the same four income tax
26 5 return checkoffs have been provided on the income tax return
26 6 for two consecutive years, the two checkoffs for which the
26 7 least amount has been contributed, in the aggregate for the
26 8 first tax year and through March 15 of the second tax year,
26 9 are repealed. This section does not apply to the income tax
26 10 return ~~checkoff~~ checkoffs provided in ~~section~~ sections 68A.601
26 11 and 68A.610.

26 12 Sec. 37. NEW SECTION. 422.12K INCOME TAX CHECKOFF FOR
26 13 IOWA VOTER=OWNED CLEAN ELECTIONS FUND.

26 14 A person who files an individual or a joint income tax
26 15 return with the department of revenue under section 422.13 may
26 16 designate a contribution to the Iowa voter=owned clean
26 17 elections fund authorized pursuant to section 68A.610.

26 18 Sec. 38. Section 423.2, Code 2007, is amended by adding
26 19 the following new subsection:

26 20 NEW SUBSECTION. 9A. A tax of one percent is imposed upon
26 21 the sales price from any political advertising service.
26 22 Political advertising includes any print, broadcast, or
26 23 electronic advertising which refers to a clearly identified
26 24 candidate for statewide office, the general assembly, city,
26 25 county, school board, or any other political subdivision
26 26 office or has the effect of encouraging a vote for a candidate
26 27 for that office or has the effect of discouraging a vote for a
26 28 candidate for that office, regardless of whether the
26 29 advertising expressly advocates a vote for or against a
26 30 candidate. Moneys collected pursuant to this subsection shall
26 31 be paid over to the Iowa voter=owned clean elections fund, as
26 32 established in section 68A.823.

26 33 Sec. 39. SEVERABILITY. The provisions of this Act are
26 34 severable as provided in section 4.12.

26 35 Sec. 40. EFFECTIVE DATES.



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27 1 1. The sections of this Act enacting sections 68A.610 and
27 2 422.12K and amending sections 422.7 and 423.2 are effective
27 3 January 1, 2008.

27 4 2. The remaining sections of this Act take effect November
27 5 3, 2010.

27 6 Sec. 41. IMPLEMENTATION OF ACT. Section 25B.2, subsection
27 7 3, shall not apply to this Act.

27 8 EXPLANATION

27 9 This bill amends Code chapter 68A, relating to campaign
27 10 finance law.

27 11 New Code section 68A.401A requires electronic filing by any
27 12 candidate or committee that reaches a \$20,000 threshold, and
27 13 publishers of print and electronic media must file reports of
27 14 media buys pursuant to new Code section 68A.401B.

27 15 The bill enacts a "clean election" model for public
27 16 financing, and enacts new Code section 68A.801, providing
27 17 definitions for key terms related to a clean election model.

27 18 New Code section 68A.823 establishes a separate,
27 19 nonreverting fund in the state treasury for the Iowa
27 20 voter-owned clean elections fund, and new Code section 68A.824
27 21 provides sources of revenue for the fund.

27 22 New Code sections 68A.802 and 68A.803 specify eligibility
27 23 procedures for both party and independent candidates,
27 24 specifying the number and details for collection of qualifying
27 25 contributions.

27 26 New Code section 68A.806 prohibits a participating
27 27 candidate from accepting private funding during the primary
27 28 and general election campaign periods other than certain
27 29 permitted party funding. Contributions in the name of another
27 30 person are prohibited and subject to payment to the board as
27 31 are any applicable penalties. The use of personal funds for
27 32 seed money or as qualifying contributions is limited by new
27 33 Code section 68A.809.

27 34 New Code section 68A.808 limits political party
27 35 contributions and expenditures on behalf of candidates.



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28 1 New Code section 68A.810 details the collection of private
28 2 contributions for use as seed money, limited to \$100 per
28 3 individual contributor, and also limited in the aggregate in
28 4 differing amounts for candidates for governor and lieutenant
28 5 governor, for other statewide candidates, for Iowa senate
28 6 candidates, and for Iowa house of representatives candidates.
28 7 Seed money expenditures are limited to the clean election
28 8 qualifying period and seed money contributions and
28 9 expenditures must be fully disclosed at the end of the clean
28 10 election qualifying period.

28 11 New Code section 68A.812 provides for a certification
28 12 process after a candidate applies for clean election campaign
28 13 funding benefits and requires repayment of funds if
28 14 eligibility is revoked. The bill provides for audit and
28 15 judicial review of the certification decision.

28 16 New Code section 68A.813 provides certain benefits for
28 17 participating candidates, including specified amounts of
28 18 public funding pursuant to new Code section 68A.815, mandatory
28 19 participation in debates on public television pursuant to new
28 20 Code sections 68A.811 and 68A.822, and additional limited
28 21 public funding to respond to certain excess expenditures by
28 22 nonparticipating candidates, independent expenditures, and
28 23 electioneering communications expenditures pursuant to Code
28 24 sections 68A.817, 68A.819, and 68A.820. Any candidate who
28 25 accepts benefits during the primary campaign must continue to
28 26 comply with the requirements of the public financing program,
28 27 even if the candidate stops accepting benefits of the program
28 28 at any point during the primary or general election according
28 29 to new Code section 68A.805.

28 30 New Code section 68A.814 provides for a schedule of
28 31 payments to participating candidates, and new Code section
28 32 68A.815 specifies differing total amounts for primary and
28 33 general elections for candidates for governor and lieutenant
28 34 governor, for other statewide candidates, for Iowa senate
28 35 candidates, and for Iowa house of representatives candidates.
29 1 Alternate amounts are provided for uncontested races. Clean
29 2 election campaign funding payments must be used only for
29 3 campaign-related expenses, and cannot be used for payments in
29 4 violation of law or to repay personal or business loans,
29 5 expenditures, or debts, pursuant to new Code section 68A.816.

29 6 Nonparticipating candidates must disclose within 48 hours
29 7 every expenditure in excess of the clean election funding
29 8 allocated to the candidate's participating opponent, that in
29 9 the aggregate is more than \$1,000, pursuant to new Code
29 10 section 68A.817. Contributions to nonparticipating candidates
29 11 are limited in Code section 68A.807. Certain other reporting
29 12 requirements apply during the last 20 days of a campaign.

29 13 All candidates must include a statement with all
29 14 advertisements indicating that the candidate has approved of
29 15 the contents of the advertisement pursuant to new Code section
29 16 68A.818.

29 17 Public television and radio stations receiving any state
29 18 funds must offer certain free coverage for candidate debates
29 19 pursuant to new Code section 68A.822.

29 20 Persons making certain independent expenditures must report
29 21 such expenditures to the board, along with an affidavit



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29 22 affirming that the expenditure has not been coordinated with
29 23 the candidate or party, pursuant to new Code section 68A.818.
29 24 Alleged violations of the coordination affirmation are subject
29 25 to an expedited hearing procedure.

29 26 Persons making certain electioneering communications must
29 27 also report to the board pursuant to new Code section 68A.820.

29 28 New Code section 68A.821 provides that the board shall
29 29 administer a voter information program, including an advisory
29 30 council, to provide voters with election-related information,
29 31 including a voter guide with candidate biographical material,
29 32 policy statements, voting records, and whether the candidate
29 33 funds the campaign with public or private money.

29 34 New Code section 68A.825 provides the board with certain
29 35 specific enforcement powers in relation to the new subchapter,



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30 1 and new Code section 68A.827 provides for an election cycle
30 2 report to the general assembly on the public funding program.
30 3 New Code section 68A.826 creates a civil right of action
30 4 for citizens alleging that a candidate has violated the law.
30 5 Violations of the public funding program are subject to
30 6 aggravated misdemeanor penalties, pursuant to new Code section
30 7 68A.829. New Code section 68A.828 provides for repayment of
30 8 certain excess expenditures.
30 9 New Code sections 68A.610 and 422.12K create an income tax
30 10 checkoff for the Iowa voter=owned clean elections fund. This
30 11 checkoff allows a person to direct that one dollar and fifty
30 12 cents of that person's state income tax liability be paid over
30 13 to the Iowa voter=owned clean elections fund.
30 14 New Code section 422.7 is amended to provide up to a \$200
30 15 exemption from income for purposes of the individual income
30 16 tax for contributions to the voter=owned clean elections fund.
30 17 New Code section 423.2, subsection 9A, imposes a tax of one
30 18 percent on the sales price from any political advertising
30 19 service. Moneys collected shall be paid over to the Iowa
30 20 voter=owned clean elections fund.
30 21 The sections of the bill enacting the income tax checkoff
30 22 and the 1 percent sale tax take effect January 1, 2008. The
30 23 remainder of the bill takes effect November 3, 2010, which is
30 24 the day after general election day 2010, to allow the new
30 25 system to commence with a new campaign cycle. New Code
30 26 section 68A.804 provides guidelines for dealing with money
30 27 collected by candidates prior to the effective date of the
30 28 public financing program.
30 29 The bill may include a state mandate as defined in Code
30 30 section 25B.3. The bill makes inapplicable Code section
30 31 25B.2, subsection 3, which would relieve a political
30 32 subdivision from complying with a state mandate if funding for
30 33 the cost of the state mandate is not provided or specified.
30 34 Therefore, political subdivisions are required to comply with
30 35 any state mandate included in the bill.



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31 1 LSB 1668SC 82
31 2 jr:sc/gg/14.1



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Senate Study Bill 1174

SENATE FILE
 BY (PROPOSED COMMITTEE ON
 COMMERCE BILL BY
 CHAIRPERSON WARNSTADT)

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

A BILL FOR

1 An Act authorizing the formation of a professional corporation or
 2 a professional limited liability company by licensed real
 3 estate brokers.
 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 5 TLSB 2159SC 82
 6 rn/es/88

PAG LIN

1 1 Section 1. Section 490A.1501, subsection 4, Code 2007, 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, psychology, professional engineering, land surveying,
 1 6 landscape architecture, law, medicine and surgery, optometry,
 1 7 osteopathy, osteopathic medicine and surgery, accounting
 1 8 practitioner, podiatry, real estate brokerage, speech
 1 9 pathology, audiology, veterinary medicine, pharmacy, nursing,
 1 10 and marriage and family therapy, provided that the marriage
 1 11 and family therapist is licensed under chapters 147 and 154D.
 1 12 Sec. 2. Section 496C.2, subsection 4, Code 2007, is
 1 13 amended to read as follows:
 1 14 4. "Profession" means the profession of certified public
 1 15 accountancy, architecture, chiropractic, dentistry, physical
 1 16 therapy, psychology, professional engineering, land surveying,
 1 17 landscape architecture, law, medicine and surgery, optometry,
 1 18 osteopathy, osteopathic medicine and surgery, accounting
 1 19 practitioner, podiatry, real estate brokerage, speech
 1 20 pathology, audiology, veterinary medicine, pharmacy and the
 1 21 practice of nursing.
 1 22 Sec. 3. Section 543B.2, Code 2007, is amended to read as
 1 23 follows:
 1 24 543B.2 INDIVIDUAL LICENSES NECESSARY.
 1 25 A partnership, association, ~~or~~ corporation, professional
 1 26 corporation, or professional limited liability company shall
 1 27 not be granted a license, unless every member or officer of
 1 28 the partnership, association, ~~or~~ corporation, professional
 1 29 corporation, or professional limited liability company who
 1 30 actively participates in the brokerage business of the
 1 31 partnership, association, ~~or~~ corporation, professional



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1 32 corporation, or limited liability company holds a license as a
1 33 real estate broker or salesperson, and unless every employee
1 34 who acts as a salesperson for the partnership, association, ~~or~~
1 35 corporation, professional corporation, or professional limited



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2 1 liability company holds a license as a real estate broker or
2 2 salesperson. At least one member or officer of each
2 3 partnership, association, ~~or~~ corporation, professional
2 4 corporation, or professional limited liability company shall
2 5 be a real estate broker.

2 6 Sec. 4. Section 543B.5, subsection 18, Code 2007, is
2 7 amended to read as follows:

2 8 18. "Person" means an individual, partnership,
2 9 association, ~~or~~ corporation, professional corporation, or
2 10 professional limited liability company.

2 11 Sec. 5. Section 543B.31, Code 2007, is amended to read as
2 12 follows:

2 13 543B.31 PLACE OF BUSINESS.

2 14 Every real estate broker, except as provided in section
2 15 543B.22, shall maintain a place of business in this state. If
2 16 the real estate broker maintains more than one place of
2 17 business within the state, a duplicate license shall be issued
2 18 to such broker for each branch office maintained. Provided,
2 19 that if such broker be a copartnership, association, ~~or~~
2 20 corporation, professional corporation, or professional limited
2 21 liability company a duplicate shall be issued to the members
2 22 or officers thereof, and a fee determined by the real estate
2 23 commission in each case shall be paid for each duplicate
2 24 license.

2 25 Sec. 6. Section 543B.46, subsection 6, Code 2007, is
2 26 amended to read as follows:

2 27 6. The commission shall verify on a test basis, a random
2 28 sampling of the brokers, corporations, professional
2 29 corporations, professional limited liability companies, and
2 30 partnerships for their trust account compliance. The
2 31 commission may upon reasonable cause, or as a part of or after
2 32 an investigation, request or order a special report.

2 33 EXPLANATION

2 34 This bill provides for the inclusion of real estate brokers
2 35 in the list of professions authorized to form a professional



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Senate Study Bill 1173 continued

3 1 limited liability company in Code section 490A.1501 and a
3 2 professional corporation in Code section 496C.2. The bill
3 3 makes conforming changes to Code chapter 543B, which provides
3 4 for the licensing of real estate brokers.
3 5 LSB 2159SC 82
3 6 rn:nh/es/88



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Senate Study Bill 1175

SENATE FILE
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON WARNSTADT)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to qualifications for licensure as a real estate
- 2 broker or salesperson upon conviction of specified offenses.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2157SC 82
- 5 rn/es/88



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Senate Study Bill 1175 continued

PAG LIN

1 1 Section 1. Section 543B.15, subsection 3, Code 2007, is
1 2 amended by striking the subsection and inserting in lieu
1 3 thereof the following:

1 4 3. a. An applicant for a real estate broker's or
1 5 salesperson's license who has been convicted of an indictable
1 6 offense shall not be considered for licensure until the
1 7 following time periods have elapsed following completion of
1 8 any applicable period of incarceration, or payment of a fine
1 9 or fulfillment of any other type of sentence:

1 10 (1) For an offense which is classified as a serious or
1 11 aggravated misdemeanor, one year.

1 12 (2) For an offense which is classified as a felony, two
1 13 years.

1 14 (3) Notwithstanding subparagraphs (1) and (2), for
1 15 offenses including or involving forgery, embezzlement,
1 16 obtaining money under false pretenses, theft, arson,
1 17 extortion, conspiracy to defraud, or other offense involving a
1 18 criminal breach of fiduciary duty, five years.

1 19 b. After expiration of the time periods specified in
1 20 paragraph "a", an application shall be considered by the
1 21 commission pursuant to subsection 7 and may be denied on the
1 22 grounds of the conviction. An applicant may request a hearing
1 23 pursuant to section 543B.19 in the event of a denial.

1 24 c. For purposes of this section, "convicted" means a
1 25 guilty plea, deferred judgment from the time of entry of the
1 26 deferred judgment until the time the defendant is discharged
1 27 by the court without entry of judgment, or other finding of
1 28 guilt by a court of competent jurisdiction in this state, or
1 29 in any other state, territory, or district of the United
1 30 States, or in any foreign jurisdiction.

1 31 Sec. 2. Section 543B.15, subsection 6, Code 2007, is
1 32 amended to read as follows:

1 33 6. A licensed real estate broker or salesperson shall
1 34 notify the commission of the licensee's conviction of an
1 35 offense included in subsection 3 within ~~sixty~~ ten days of the



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2 1 conviction. Notification of a conviction for an offense which
2 2 is classified as a felony shall result in the immediate
2 3 suspension of a license pending the outcome of a hearing
2 4 conducted pursuant to section 543B.35. The failure of the
2 5 licensee to notify the commission of the conviction within
2 6 ~~sixty~~ ten days of the date of the conviction is sufficient
2 7 grounds for revocation of the license.

2 8 EXPLANATION

2 9 This bill relates to action taken by the real estate
2 10 commission in circumstances where an applicant for licensure,
2 11 or an existing licensee, has been convicted of specified
2 12 criminal offenses.

2 13 The bill provides that an applicant for a real estate
2 14 broker's or salesperson's license who has been convicted of an
2 15 indictable offense shall not be considered for licensure until
2 16 specified time periods have elapsed following completion of a
2 17 sentence. The bill defines "convicted" to refer to a guilty
2 18 plea, deferred judgment, or other finding of guilt. The time
2 19 periods are one year for a serious or aggravated misdemeanor,
2 20 two years for a felony, and five years for offenses which
2 21 include or involve forgery, embezzlement, obtaining money
2 22 under false pretenses, theft, arson, extortion, conspiracy to
2 23 defraud, or other criminal breach of fiduciary duty. The bill
2 24 provides that after these time periods have elapsed, the
2 25 commission shall consider an application and may deny it based
2 26 on the conviction. If denied, an applicant may request a
2 27 hearing pursuant to Code section 543B.19.

2 28 With regard to existing licensees, the bill modifies Code
2 29 section 543B.15 to require that a licensee notify the
2 30 commission of a conviction of any of the above-specified
2 31 offenses within 10 days of the conviction. That Code section
2 32 currently provides for a 30-day notification period. The bill
2 33 provides that notification of a conviction for an offense
2 34 which is classified as a felony will result in the immediate
2 35 suspension of a license pending the outcome of a revocation



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- 3 1 hearing conducted pursuant to Code section 543B.35.
- 3 2 LSB 2157SC 82
- 3 3 rn:nh/es/88



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Senate Study Bill 1176

SENATE/HOUSE FILE
BY (PROPOSED IOWA
TELECOMMUNICATIONS AND
TECHNOLOGY COMMISSION
BILL)

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

A BILL FOR

- 1 An Act relating to expenditure approval requirements applicable
- 2 to the purchase of telecommunications equipment or services by
- 3 the Iowa communications network.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1274XD 82
- 6 rn/je/5



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Senate Study Bill 1176 continued

PAG LIN

1 1 Section 1. Section 8D.11, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. The commission may purchase, lease, and improve
1 4 property, equipment, and services for telecommunications for
1 5 public and private agencies and may dispose of property and
1 6 equipment when not necessary for its purposes. ~~However, the~~
1 7 The commission shall not may enter into a contract for the
1 8 purchase, lease, or improvement of property, equipment, or
1 9 services for telecommunications pursuant to this subsection in
1 10 an amount not greater than ~~one~~ two million dollars without
1 11 prior authorization by a constitutional majority of each house
1 12 of the general assembly, or approval by the legislative
1 13 council if the general assembly is not in session. A contract
1 14 in an amount exceeding two million dollars shall require prior
1 15 authorization or approval. This authorized contractual limit
1 16 shall be adjusted annually pursuant to subsection 1A. The
1 17 commission shall not issue any bonding or other long-term
1 18 financing arrangements as defined in section 12.30, subsection
1 19 1, paragraph "b". Real or personal property to be purchased
1 20 by the commission through the use of a financing agreement
1 21 shall be done in accordance with the provisions of section
1 22 12.28, provided, however, that the commission ~~shall not may~~
1 23 purchase property, equipment, or services for
1 24 telecommunications pursuant to ~~this subsection~~ a financing
1 25 agreement in an amount not greater than ~~one~~ two million
1 26 dollars without prior authorization by a constitutional
1 27 majority of each house of the general assembly, or approval by
1 28 the legislative council if the general assembly is not in
1 29 session. A contract in an amount exceeding two million
1 30 dollars shall require prior authorization or approval. This
1 31 authorized limit for purchases pursuant to a financing
1 32 arrangement shall be adjusted annually pursuant to subsection
1 33 1A.
1 34 Sec. 2. Section 8D.11, Code 2007, is amended by adding the
1 35 following new subsection:



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2 1 NEW SUBSECTION. 1A. Beginning July 1, 2008, and each
2 2 succeeding July 1 thereafter, the director shall by rule
2 3 adjust the authorized contracted limitation set out in
2 4 subsection 1 to be applicable for the twelve-month period
2 5 commencing on September 1 of the year in which the adjustment
2 6 is made. The adjusted limitation shall be published annually
2 7 as a notice in the Iowa administrative bulletin prior to
2 8 September 1. The adjusted limitation shall be calculated by
2 9 applying the percentage change in the consumer price index for
2 10 all urban consumers for the most recent available twelve-month
2 11 period published in the federal register by the United States
2 12 department of labor, bureau of labor statistics, to the
2 13 existing limitation as an increase or decrease, rounded to the
2 14 nearest one-tenth of a cent. The calculation and publication
2 15 of the adjusted limitation by the director are exempt from the
2 16 provisions of chapter 17A.

2 17 EXPLANATION

2 18 This bill increases existing limitations on amounts which
2 19 may be expended by the Iowa communications network for
2 20 purchasing equipment or services for telecommunications
2 21 without prior authorization by the general assembly or
2 22 legislative council. The limitations are increased from \$1
2 23 million to \$2 million for amounts expended by the network
2 24 pursuant to a contract for the purchase, lease, or improvement
2 25 of property, equipment, or services for telecommunications, or
2 26 for the purchase of property, equipment, or services for
2 27 telecommunications pursuant to a financing agreement. The
2 28 bill provides that the increased authorized limitation shall
2 29 be adjusted annually to reflect increases in the consumer
2 30 price index for all urban consumers, as published in the
2 31 federal register by the United States department of labor,
2 32 bureau of labor statistics.

2 33 The bill specifies that the adjustment shall be made by the
2 34 executive director of the telecommunications and technology
2 35 commission beginning July 1, 2008, and each succeeding July 1



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3 1 thereafter, prescribes a method of computation, states that
3 2 the adjustments shall be applicable for the 12-month period
3 3 commencing on September 1 of the year in which made, and
3 4 provides for publication as a notice in the Iowa
3 5 administrative bulletin prior to the September 1 date.
3 6 LSB 1274XD 82
3 7 rn:rj/je/5.1



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Senate Study Bill 1177

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 requiring insurance coverage benefits for treatment of
2 mental illness and substance abuse and providing an effective
3 date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2180XC 82
6 av/es/88



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Senate Study Bill 1177 continued

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1 1 Section 1. Section 135H.3, Code 2007, is amended by adding
1 2 the following new unnumbered paragraph:

1 3 NEW UNNUMBERED PARAGRAPH. A child who requires treatment
1 4 for a mental illness or for substance abuse as defined in
1 5 section 514C.23, and meets the medical assistance program
1 6 criteria for admission to a psychiatric medical institution
1 7 for children shall be deemed to meet the acuity criteria for
1 8 inpatient benefits under a group policy, contract, or plan
1 9 providing for third-party payment or prepayment of health,
1 10 medical, and surgical coverage benefits issued by a carrier,
1 11 as defined in section 513B.2, or by an organized delivery
1 12 system authorized under 1993 Iowa Acts, ch. 158, that is
1 13 subject to section 514C.23.

1 14 Sec. 2. NEW SECTION. 514C.23 MENTAL ILLNESS AND
1 15 SUBSTANCE ABUSE TREATMENT COVERAGE.

1 16 1. Notwithstanding the uniformity of treatment
1 17 requirements of section 514C.6, a group policy or contract
1 18 providing for third-party payment or prepayment of health or
1 19 medical expenses issued by a carrier, as defined in section
1 20 513B.2, or by an organized delivery system authorized under
1 21 1993 Iowa Acts, chapter 158, shall provide coverage benefits
1 22 for treatment of mental illness and substance abuse if either
1 23 of the following is satisfied:

1 24 a. The policy or contract is issued to an employer who on
1 25 at least fifty percent of the employer's working days during
1 26 the preceding calendar year employed more than fifty full-time
1 27 equivalent employees. In determining the number of full-time
1 28 equivalent employees of an employer, employers who are
1 29 affiliated or who are able to file a consolidated tax return
1 30 for purposes of state taxation shall be considered one
1 31 employer.

1 32 b. The policy or contract is issued to a small employer as
1 33 defined in section 513B.2, and such policy or contract
1 34 provides coverage benefits for the treatment of mental illness
1 35 and substance abuse.



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2 1 2. Notwithstanding the uniformity of treatment
2 2 requirements of section 514C.6, a plan established pursuant to
2 3 chapter 509A for public employees shall provide coverage
2 4 benefits for treatment of mental illness and substance abuse.
2 5 3. For purposes of this section:
2 6 a. "Mental illness" means mental disorders as defined by
2 7 the commission by rule.
2 8 b. "Substance abuse" means a pattern of pathological use
2 9 of alcohol or a drug that causes impairment in social or
2 10 occupational functioning, or that produces physiological
2 11 dependency evidenced by physical tolerance or by physical
2 12 symptoms when the alcohol or drug is withdrawn.
2 13 4. The commissioner, by rule, shall define "mental
2 14 illness" consistent with definitions provided in the most
2 15 recent edition of the American psychiatric association's
2 16 diagnostic and statistical manual of mental disorders, as the
2 17 definitions may be amended from time to time. The
2 18 commissioner may adopt the definitions provided in such manual
2 19 by reference.
2 20 5. This section shall not apply to accident only,
2 21 specified disease, short-term hospital or medical, hospital
2 22 confinement indemnity, credit, dental, vision, Medicare
2 23 supplement, long-term care, basic hospital and medical=
2 24 surgical expense coverage as defined by the commissioner,
2 25 disability income insurance coverage, coverage issued as a
2 26 supplement to liability insurance, workers' compensation or
2 27 similar insurance, or automobile medical payment insurance, or
2 28 individual accident and sickness policies issued to
2 29 individuals or to individual members of a member association.
2 30 6. A carrier, organized delivery system, or plan
2 31 established pursuant to chapter 509A may manage the benefits
2 32 provided through common methods including but not limited to
2 33 providing payment of benefits or providing care and treatment
2 34 under a capitated payment system, prospective reimbursement
2 35 rate system, utilization control system, incentive system for



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3 1 the use of least restrictive and least costly levels of care,
3 2 a preferred provider contract limiting choice of specific
3 3 providers, or any other system, method, or organization
3 4 designed to assure services are medically necessary and
3 5 clinically appropriate.

3 6 7. a. A group policy or contract or plan covered under
3 7 this section shall not impose an aggregate annual or lifetime
3 8 limit on mental illness or substance abuse coverage benefits
3 9 unless the policy or contract or plan imposes an aggregate
3 10 annual or lifetime limit on substantially all medical and
3 11 surgical coverage benefits.

3 12 b. A group policy or contract or plan covered under this
3 13 section that imposes an aggregate annual or lifetime limit on
3 14 substantially all medical and surgical coverage benefits shall
3 15 not impose an aggregate annual or lifetime limit on mental
3 16 illness or substance abuse coverage benefits which is less
3 17 than the aggregate annual or lifetime limit imposed on
3 18 substantially all medical and surgical coverage benefits.

3 19 8. A group policy or contract or plan covered under this
3 20 section shall at a minimum allow for thirty inpatient days and
3 21 fifty-two outpatient visits annually. The policy or contract
3 22 or plan may also include deductibles, coinsurance, or
3 23 copayments, provided the amounts and extent of such
3 24 deductibles, coinsurance, or copayments applicable to other
3 25 medical or surgical services coverage under the policy or
3 26 contract or plan are the same. It is not a violation of this
3 27 section if the policy or contract or plan excludes entirely
3 28 from coverage benefits for the cost of providing the
3 29 following:

3 30 a. Care that is substantially custodial in nature.

3 31 b. Services and supplies that are not medically necessary
3 32 or clinically appropriate.

3 33 c. Experimental treatments.

3 34 9. This section applies to third-party payment provider
3 35 policies or contracts and plans established pursuant to



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4 1 chapter 509A delivered, issued for delivery, continued, or
4 2 renewed in this state on or after January 1, 2008.

4 3 Sec. 3. Section 514C.22, Code 2007, is repealed.

4 4 Sec. 4. EFFECTIVE DATE. The section of this bill
4 5 repealing section 514C.22 takes effect January 1, 2008.

4 6 EXPLANATION

4 7 This bill amends Code section 135H.3 to provide that a
4 8 child who requires treatment for mental illness or substance
4 9 abuse as provided in new Code section 514C.23, and meets the
4 10 medical assistance program criteria for admission to a
4 11 psychiatric medical institution for children is deemed to meet
4 12 the acuity criteria for specified third-party payment of
4 13 inpatient benefits.

4 14 The bill creates a new Code section 514C.23 and provides
4 15 that a group policy or contract providing for third-party
4 16 payment or prepayment of health or medical expenses issued by
4 17 a carrier, as defined in Code section 513B.2, or by an
4 18 organized delivery system authorized under 1993 Iowa Acts,
4 19 chapter 158, shall provide coverage benefits for treatment of
4 20 mental illness or substance abuse if the policy or contract is
4 21 issued to an employer who on at least 50 percent of the
4 22 employer's working days during the preceding calendar year
4 23 employed more than 50 full-time equivalent employees; if the
4 24 policy or contract is issued to a small employer as defined in
4 25 Code section 513B.2, and such policy or contract provides
4 26 coverage benefits for the treatment of mental illness; or if
4 27 the plan is established pursuant to Code chapter 509A for
4 28 public employees.

4 29 The bill defines "mental illness" as mental disorders as
4 30 defined by the commission by rule. The commissioner is
4 31 directed to establish the definition of mental illness
4 32 consistent with definitions provided in the most recent
4 33 edition of the American psychiatric association's diagnostic
4 34 and statistical manual of mental disorders, as such
4 35 definitions may be amended from time to time. The



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5 1 commissioner may adopt the definitions provided in such manual
5 2 by reference.

5 3 "Substance abuse" is defined as a pattern of pathological
5 4 use of alcohol or a drug that causes impairment in social or
5 5 occupational functioning, or that produces physiological
5 6 dependency evidenced by physical tolerance or by physical
5 7 symptoms when the alcohol or drug is withdrawn.

5 8 The bill provides that a carrier, organized delivery
5 9 system, or plan established pursuant to Code chapter 509A may
5 10 manage the benefits provided through common methods including
5 11 but not limited to providing payment of benefits or providing
5 12 care and treatment under a capitated payment system,
5 13 prospective reimbursement rate system, utilization control
5 14 system, incentive system for the use of least restrictive and
5 15 least costly levels of care, a preferred provider contract
5 16 limiting choice of specific providers, or any other system,
5 17 method, or organization designed to assure services are
5 18 medically necessary and clinically appropriate.

5 19 The bill provides that the new Code section created applies
5 20 to third-party payment provider contracts or policies and
5 21 public employer plans delivered, issued for delivery,
5 22 continued, or renewed in this state on or after January 1,
5 23 2008.

5 24 The bill repeals Code section 514C.22 concerning coverage
5 25 for biologically based mental illness, effective January 1,
5 26 2008.

5 27 LSB 2180XC 82

5 28 av:nh/es/88



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Senate Study Bill 1178

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
COMMERCE/DIVISION OF
BANKING BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the regulatory duties of the division of
2 banking of the department of commerce regarding banking, debt
3 management, mortgage banking, industrial loan companies, and
4 professional licensing.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 1299DP 82
7 rn/je/5



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PAG LIN

1 1 Section 1. Section 103A.10, subsection 3, Code 2007, is
1 2 amended to read as follows:
1 3 3. Provisions of the state building code relating to the
1 4 manufacture and installation of factory-built structures shall
1 5 apply throughout the state. Factory-built structures approved
1 6 by the commissioner shall be deemed to comply with all
1 7 building regulations applicable to its manufacture and
1 8 installation and shall be exempt from any other state or local
1 9 building regulations. A provision of this chapter relating to
1 10 the manufacture and installation of factory-built structures
1 11 shall not alter or supersede any provision of chapter 542B
1 12 concerning the practice of architecture or chapter 544A
1 13 concerning the practice of professional engineering.
1 14 Sec. 2. NEW SECTION. 524.215A PRESERVATION OF DIVISION
1 15 OF BANKING RECORDS.
1 16 1. The division of banking may preserve records, papers,
1 17 or documents kept by the division or in the possession or
1 18 custody of the division by any of the following means:
1 19 a. Photographing or microphotographing, or otherwise
1 20 reproducing upon film.
1 21 b. Preserving in any electronic medium or format capable
1 22 of being read or scanned by computer and capable of being
1 23 reproduced by printing or by any other form of reproduction of
1 24 electronically stored data.
1 25 2. Photographs, microphotographs, or photographic films or
1 26 copies thereof, or reproductions of electronically stored
1 27 data, created pursuant to subsection 1 shall be deemed to be
1 28 an original record for all purposes, including introduction in
1 29 evidence in all state and federal courts or administrative
1 30 hearings, and shall be admissible to prove any act,
1 31 transaction, occurrence, or event therein recorded.
1 32 3. Photographs, microphotographs, or photographic films or
1 33 copies thereof, or reproductions of electronically stored
1 34 data, created pursuant to subsection 1 shall be preserved in
1 35 such manner as the division prescribes, and the original



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2 1 photographs, microphotographs, photographic films, copies, and
2 2 reproductions may be destroyed or otherwise disposed of as the
2 3 division directs.

2 4 Sec. 3. Section 524.217, subsection 2, Code 2007, is
2 5 amended to read as follows:

2 6 2. The superintendent may furnish to the federal deposit
2 7 insurance corporation, the federal reserve system, ~~the office~~
~~2 8 of the comptroller of the currency, the office of thrift~~
~~2 9 supervision, the United States department of the treasury, the~~
2 10 national credit union administration, the federal home loan
2 11 bank, ~~the financial crimes enforcement network of the federal~~
~~2 12 department of the treasury, the United States internal revenue~~
~~2 13 service,~~ and financial institution regulatory authorities of
2 14 other states, or to any official or supervising examiner of
2 15 such regulatory authorities, a copy of the report of any or
2 16 all examinations made of any state bank and of any affiliate
2 17 of a state bank.

2 18 Sec. 4. Section 524.217, Code 2007, is amended by adding
2 19 the following new subsection:

2 20 NEW SUBSECTION. 6. The superintendent may enter into
2 21 contractual agreements with other state regulators of
2 22 financial institutions to share examiners or to assist in each
2 23 state's respective examinations. The division of banking
2 24 shall be reimbursed for any costs incurred when providing
2 25 services to other states pursuant to this subsection. Any
2 26 division of banking personnel assisting another state with its
2 27 examination shall be covered by the provisions of the other
2 28 state's tort claims act, to the extent permitted by the laws
2 29 of the other state. If the law of the other state does not
2 30 extend coverage to the division of banking personnel working
2 31 on the other state's examination, the provisions of chapter
2 32 669 shall apply.

2 33 Sec. 5. Section 524.310, subsection 1, Code 2007, is
2 34 amended to read as follows:

2 35 1. The name of a state bank originally incorporated or



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3 1 organized after the effective date of this chapter shall
3 2 include the word "bank" and may include the word "state" or
3 3 "trust" in its name. A state bank using the word "trust" in
3 4 its name must be authorized under this chapter to act in a
3 5 fiduciary capacity. A national bank or federal savings
3 6 association shall not use the word "state" in its legally
3 7 chartered name, trademark, or logo.

3 8 Sec. 6. Section 533A.10, Code 2007, is amended by adding
3 9 the following new subsection:

3 10 NEW SUBSECTION. 3. Except as otherwise provided by this
3 11 chapter, all papers, documents, examination reports and other
3 12 writings relating to the supervision of licensees are not
3 13 public records and are not subject to disclosure under chapter
3 14 22. The superintendent may disclose information to
3 15 representatives of other state or federal regulatory
3 16 authorities. The superintendent may release summary complaint
3 17 information as long as the information does not specifically
3 18 identify the complainant. The superintendent may prepare and
3 19 circulate reports reflecting financial information examination
3 20 results for all licensees on an aggregate basis, including
3 21 other information considered pertinent to the purpose of each
3 22 report for general statistical information. The
3 23 superintendent may prepare and circulate reports provided by
3 24 law. The superintendent may release the reports and
3 25 correspondence in the course of an enforcement proceeding or a
3 26 hearing held by the superintendent and may provide this
3 27 information to the attorney general for purposes of enforcing
3 28 this chapter or the consumer fraud Act, section 714.16.

3 29 Sec. 7. Section 535B.14, Code 2007, is amended to read as
3 30 follows:

3 31 535B.14 RULEMAKING AUTHORITY.

3 32 The administrator may adopt, amend, or repeal rules to aid
3 33 in the administration and enforcement of this chapter,
3 34 including rules providing the grounds for denial of an
3 35 individual registration based on information received as a



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4 1 result of a background check, character and fitness grounds,
4 2 and any other grounds for which an individual registrant or
4 3 licensee may be disciplined.

4 4 Sec. 8. Section 536A.22, unnumbered paragraph 1, Code
4 5 2007, is amended to read as follows:

4 6 Licensed industrial loan companies ~~may~~ shall not sell
4 7 senior debt to the general public in the form of thrift
4 8 certificates, installment thrift certificates, certificates of
4 9 indebtedness, promissory notes, or similar evidences of
4 10 indebtedness ~~if such debt instruments are insured by a federal~~
~~4 11 deposit insurance agency.~~ Licensees selling debt instruments
4 12 on January 1, 1996, may continue to do so ~~without obtaining~~
~~4 13 federal deposit insurance~~ until there is a change of control
4 14 of the licensee which occurs on or after January 1, 1996. If
4 15 there is a change of control of a licensee on or after January
4 16 1, 1996, and the licensee has sold senior debt instruments
4 17 ~~that are not insured by a federal deposit insurance agency~~
4 18 remain outstanding at the time of the change of control, such
4 19 outstanding senior debt instruments that do not have a stated
4 20 maturity date shall be redeemed within six months of the date
4 21 of the change of control. Such outstanding senior debt
4 22 instruments with stated maturity dates shall be redeemed on
4 23 their stated maturity dates.

4 24 Sec. 9. Section 546.10, Code 2007, is amended by adding
4 25 the following new subsections:

4 26 NEW SUBSECTION. 6. The licensing boards included in the
4 27 bureau pursuant to subsection 1 may refuse to issue or renew a
4 28 license to practice a profession to any person otherwise
4 29 qualified upon any of the grounds for which a license may be
4 30 revoked or suspended or a licensee may otherwise be
4 31 disciplined, or upon any other grounds set out in the chapter
4 32 governing the respective board.

4 33 NEW SUBSECTION. 7. The licensing boards included in the
4 34 bureau pursuant to subsection 1 may suspend, revoke, or refuse
4 35 to issue or renew a license, or may discipline a licensee



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5 1 based upon a suspension, revocation, or other disciplinary
5 2 action taken by a licensing authority in this or another
5 3 state, territory, or country. For purposes of this
5 4 subsection, "disciplinary action" includes the voluntary
5 5 surrender of a license to resolve a pending disciplinary
5 6 investigation or proceeding. A certified copy of the record
5 7 or order of suspension, revocation, voluntary surrender, or
5 8 other disciplinary action is prima facie evidence of such
5 9 fact.

5 10 NEW SUBSECTION. 8. Notwithstanding any other provision of
5 11 law to the contrary, the licensing boards included within the
5 12 bureau pursuant to subsection 1 may by rule establish the
5 13 conditions under which an individual licensed in a different
5 14 jurisdiction may be issued a reciprocal or comity license, if,
5 15 in the board's discretion, the applicant's qualifications for
5 16 licensure are substantially equivalent to those required of
5 17 applicants for initial licensure in this state.

5 18 NEW SUBSECTION. 9. Notwithstanding section 272C.6, the
5 19 licensing boards included within the bureau pursuant to
5 20 subsection 1 may by rule establish the conditions under which
5 21 the board may supply to a licensee who is the subject of a
5 22 disciplinary complaint or investigation, prior to the
5 23 initiation of a disciplinary proceeding, all or such parts of
5 24 a disciplinary complaint, disciplinary or investigatory file,
5 25 report, or other information, as the board in its sole
5 26 discretion believes would aid the investigation or resolution
5 27 of the matter.

5 28 Sec. 10. Sections 536A.32, 536A.33, and 536A.34, Code
5 29 2007, are repealed.

5 30 EXPLANATION

5 31 This bill relates to the operation and administration of
5 32 the division of banking of the department of commerce.

5 33 The bill specifies that provisions of Code chapter 103A.10
5 34 relating to the manufacture and installation of factory-built
5 35 structures, including the exemption of such structures if



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6 1 approved by the state building code commissioner from other
6 2 state and local building regulations, shall not alter or
6 3 supersede any provision of Code chapter 542B or 544A
6 4 concerning the practices of architecture or professional
6 5 engineering, respectively. The professional licensing bureau
6 6 within the division of banking administers these Code
6 7 chapters.

6 8 The bill contains provisions relating to the preservation
6 9 of records of the division of banking. The bill provides that
6 10 the division may cause records, papers, or documents to be
6 11 photographed, microphotographed, or otherwise reproduced upon
6 12 film; or preserved in any electronic medium or format capable
6 13 of being read or scanned by computer and reproduced. The bill
6 14 states that this stored material or data shall be considered
6 15 an original record for all purposes, including introduction in
6 16 evidence in all state and federal courts or administrative
6 17 hearings, and shall be admissible to prove any act,
6 18 transaction, occurrence, or event therein recorded. The bill
6 19 further provides that the material or data shall be preserved
6 20 in a manner as prescribed by the division, and that the
6 21 original records, papers, or documents may be destroyed or
6 22 otherwise disposed of as the division may direct.

6 23 The bill replaces the designation of several individual
6 24 offices of the United States department of the treasury with
6 25 the more general designation of the department with regard to
6 26 the furnishing of state bank or state bank affiliate
6 27 examination reports.

6 28 The bill provides that the superintendent of banking may
6 29 enter into contractual agreements with other state regulators
6 30 of financial institutions to share examiners or to assist in
6 31 examinations, and provides for reimbursement to the division
6 32 for resulting costs, protection of banking division personnel
6 33 assisting another state with its examination under that
6 34 state's tort claims act to the extent permitted by the laws of
6 35 the other state, and applicability of Code section 669 dealing



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7 1 with state tort claims to the extent coverage by another state
7 2 is not extended or permitted. The bill also extends a
7 3 prohibition against a national bank or federal savings
7 4 association from using the word "state" in its legally
7 5 chartered name to include prohibiting the word's use in
7 6 trademarks or logos.

7 7 The bill provides, with respect to the supervision of debt
7 8 management companies, that all papers, documents, examination
7 9 reports and other writings relating to the supervision of
7 10 licensees are not public records subject to disclosure
7 11 pursuant to Code chapter 22 dealing with open records. The
7 12 bill additionally provides, however, that the superintendent
7 13 of banking may disclose information to representatives of
7 14 other state or federal regulatory authorities, and may release
7 15 summary complaint information as long as the information does
7 16 not specifically identify the complainant. The bill states
7 17 that the superintendent may prepare and circulate reports
7 18 reflecting financial information examination results for
7 19 licensees on an aggregate basis, including information
7 20 considered pertinent to the purpose of each report for general
7 21 statistical information, may prepare and circulate reports
7 22 provided by law, may release reports and correspondence in the
7 23 course of an enforcement proceeding or a hearing held by the
7 24 superintendent, and may provide the information to the
7 25 attorney general for enforcement purposes.

7 26 The bill adds to existing rulemaking authority regarding
7 27 the licensing and regulation of mortgage bankers and brokers
7 28 in Code chapter 535B the authority to adopt rules providing
7 29 grounds for denial of an individual registration based on
7 30 information received as a result of a background check,
7 31 character and fitness grounds, or other grounds for which an
7 32 individual registrant or licensee may be disciplined.

7 33 The bill changes the authority of a licensed industrial
7 34 loan company to sell thrift certificates, installment thrift
7 35 certificates, certificates of indebtedness, promissory notes,



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8 1 or similar evidences of indebtedness. Currently, such debt
8 2 instruments may be sold if insured by a federal deposit
8 3 insurance agency. The bill prohibits such sales, deletes
8 4 references to federal deposit insurance agencies, and provides
8 5 that if a change in control of a licensee occurs on or after
8 6 January 1, 1996, debt instruments without a stated maturity
8 7 date which remain outstanding at the time of the change of
8 8 control shall be redeemed within six months of the change of
8 9 control date.

8 10 The bill additionally provides, with reference to the
8 11 authority of the professional licensing and regulation bureau
8 12 of the division of banking, that the licensing boards subject
8 13 to that authority may refuse to issue or renew a license to
8 14 practice a profession to any person otherwise qualified upon
8 15 any of the grounds for which a license may be revoked or
8 16 suspended, or a licensee otherwise disciplined, or upon any
8 17 other grounds set out in the Code chapter applicable to the
8 18 respective board. The bill specifies that the boards may
8 19 suspend, revoke, or refuse to issue or renew a license, or
8 20 discipline a licensee based upon a suspension, revocation, or
8 21 other disciplinary action taken by a licensing authority in
8 22 Iowa or another state, territory, or country, and that a
8 23 "disciplinary action" includes the voluntary surrender of a
8 24 license to resolve a pending disciplinary investigation or
8 25 proceeding. Further, the bill provides that the licensing
8 26 boards may by rule establish the conditions under which an
8 27 individual licensed in a different jurisdiction may be issued
8 28 a reciprocal or comity license, and under which information
8 29 may be supplied to a licensee who is the subject of a
8 30 disciplinary complaint or investigation which the board
8 31 believes would aid the investigation or assist in resolution
8 32 of the matter.

8 33 The bill repeals Code sections 536A.32 through 536A.34,
8 34 which currently, respectively, prohibit acquisitions of an
8 35 industrial loan company by out-of-state banks, prohibit
9 1 operation of branches and acquisitions of industrial loan
9 2 companies by out-of-state industrial loan companies, and
9 3 relate to the authorized activities of out-of-state industrial
9 4 loan companies, industrial banks, or similar institutions.

9 5 LSB 1299DP 82

9 6 rn:rj/je/5.1



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Senate Study Bill 1179

SENATE/HOUSE FILE
BY (PROPOSED GOVERNOR'S
BUDGET BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act appropriating federal funds made available from federal
- 2 block grants and other federal grants, allocating portions of
- 3 federal block grants, and providing procedures if federal
- 4 funds are more or less than anticipated or if federal block
- 5 grants are more or less than anticipated.
- 6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 7 TLSB 1122XG 82
- 8 jp/gg/14



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PAG LIN

1 1 Section 1. SUBSTANCE ABUSE APPROPRIATION.
 1 2 1. There is appropriated from the fund created by section
 1 3 8.41 to the department of public health for the federal fiscal
 1 4 year beginning October 1, 2007, and ending September 30, 2008,
 1 5 the following amount:
 1 6 \$ 13,474,900
 1 7 a. Funds appropriated in this subsection are the
 1 8 anticipated funds to be received from the federal government
 1 9 for the designated federal fiscal year under 42 U.S.C.,
 1 10 chapter 6A, subchapter XVII, which provides for the substance
 1 11 abuse prevention and treatment block grant. The department
 1 12 shall expend the funds appropriated in this subsection as
 1 13 provided in the federal law making the funds available and in
 1 14 conformance with chapter 17A.
 1 15 b. Of the funds appropriated in this subsection, an amount
 1 16 not exceeding 5 percent shall be used by the department for
 1 17 administrative expenses.
 1 18 c. The department shall expend no less than an amount
 1 19 equal to the amount expended for treatment services in the
 1 20 state fiscal year beginning July 1, 2006, for pregnant women
 1 21 and women with dependent children.
 1 22 d. Of the funds appropriated in this subsection, an amount
 1 23 not exceeding \$24,585 shall be used for audits.
 1 24 2. At least 20 percent of the funds remaining from the
 1 25 appropriation made in subsection 1 shall be allocated for
 1 26 prevention programs.
 1 27 3. In implementing the federal substance abuse prevention
 1 28 and treatment block grant under 42 U.S.C., chapter 6A,
 1 29 subchapter XVII, and any other applicable provisions of the
 1 30 federal Public Health Service Act under 42 U.S.C., chapter 6A,
 1 31 subchapter III=A, the department shall apply the provisions of
 1 32 Pub. L. No. 106=310, } 3305, as codified in 42 U.S.C. } 300x=
 1 33 65, relating to services under such federal law being provided
 1 34 by religious and other nongovernmental organizations.
 1 35 Sec. 2. COMMUNITY MENTAL HEALTH SERVICES APPROPRIATION.



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2 1 1. a. There is appropriated from the fund created by
2 2 section 8.41 to the department of human services for the
2 3 federal fiscal year beginning October 1, 2007, and ending
2 4 September 30, 2008, the following amount:
2 5 \$ 3,631,173
2 6 b. Funds appropriated in this subsection are the
2 7 anticipated funds to be received from the federal government
2 8 for the designated federal fiscal year under 42 U.S.C.,
2 9 chapter 6A, subchapter XVII, which provides for the community
2 10 mental health services block grant. The department shall
2 11 expend the funds appropriated in this subsection as provided
2 12 in the federal law making the funds available and in
2 13 conformance with chapter 17A.
2 14 c. The department shall allocate not less than 95 percent
2 15 of the amount of the block grant to eligible community mental
2 16 health services providers for carrying out the plan submitted
2 17 to and approved by the federal substance abuse and mental
2 18 health services administration for the fiscal year involved.
2 19 d. Of the amount allocated to eligible services providers
2 20 under paragraph "c", 70 percent shall be distributed to the
2 21 state's accredited community mental health centers established
2 22 or designated by counties in accordance with law or
2 23 administrative rule. If a county has not established or
2 24 designated a community mental health center and has received a
2 25 waiver from the mental health, mental retardation,
2 26 developmental disabilities, and brain injury commission, the
2 27 mental health services provider designated by that county is
2 28 eligible to receive funding distributed pursuant to this
2 29 paragraph in lieu of a community mental health center. The
2 30 funding distributed shall be used by recipients of the funding
2 31 for the purpose of developing and providing evidence-based
2 32 practices and emergency services to adults with a serious
2 33 mental illness and children with a serious emotional
2 34 disturbance. The distribution amounts shall be announced at
2 35 the beginning of the federal fiscal year and distributed on a



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3 1 quarterly basis according to the formulas used in previous
 3 2 fiscal years. Recipients shall submit quarterly reports
 3 3 containing data consistent with the performance measures
 3 4 approved by the federal substance abuse and mental health
 3 5 services administration.

3 6 2. An amount not exceeding 5 percent of the funds
 3 7 appropriated in subsection 1 shall be used by the department
 3 8 of human services for administrative expenses. From the funds
 3 9 set aside by this subsection for administrative expenses, the
 3 10 department shall pay to the auditor of state an amount
 3 11 sufficient to pay the cost of auditing the use and
 3 12 administration of the state's portion of the funds
 3 13 appropriated in subsection 1. The auditor of state shall bill
 3 14 the department for the costs of the audits.

3 15 Sec. 3. MATERNAL AND CHILD HEALTH SERVICES APPROPRIATIONS.

3 16 1. There is appropriated from the fund created by section
 3 17 8.41 to the department of public health for the federal fiscal
 3 18 year beginning October 1, 2007, and ending September 30, 2008,
 3 19 the following amount:

3 20 \$ 6,579,555

3 21 a. The funds appropriated in this subsection are the funds
 3 22 anticipated to be received from the federal government for the
 3 23 designated federal fiscal year under 42 U.S.C., chapter 7,
 3 24 subchapter V, which provides for the maternal and child health
 3 25 services block grant. The department shall expend the funds
 3 26 appropriated in this subsection as provided in the federal law
 3 27 making the funds available and in conformance with chapter
 3 28 17A.

3 29 b. Funds appropriated in this subsection shall not be used
 3 30 by the university of Iowa hospitals and clinics for indirect
 3 31 costs.

3 32 2. An amount not exceeding 10 percent of the funds
 3 33 appropriated in subsection 1 shall be used by the department
 3 34 of public health for administrative expenses.

3 35 3. The departments of public health, human services, and



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4 1 education and the university of Iowa's mobile and regional
 4 2 child health specialty clinics shall continue to pursue to the
 4 3 maximum extent feasible the coordination and integration of
 4 4 services to women and children.

4 5 4. a. Sixty=three percent of the remaining funds
 4 6 appropriated in subsection 1 shall be allocated to supplement
 4 7 appropriations for maternal and child health programs within
 4 8 the department of public health. Of these funds, \$300,291
 4 9 shall be set aside for the statewide perinatal care program.

4 10 b. Thirty=seven percent of the remaining funds
 4 11 appropriated in subsection 1 shall be allocated to the
 4 12 university of Iowa hospitals and clinics under the control of
 4 13 the state board of regents for mobile and regional child
 4 14 health specialty clinics. The university of Iowa hospitals
 4 15 and clinics shall not receive an allocation for indirect costs
 4 16 from the funds for this program. Priority shall be given to
 4 17 establishment and maintenance of a statewide system of mobile
 4 18 and regional child health specialty clinics.

4 19 5. The department of public health shall administer the
 4 20 statewide maternal and child health program and the disabled
 4 21 children's program by conducting mobile and regional child
 4 22 health specialty clinics and conducting other activities to
 4 23 improve the health of low=income women and children and to
 4 24 promote the welfare of children with actual or potential
 4 25 handicapping conditions and chronic illnesses in accordance
 4 26 with the requirements of Title V of the federal Social
 4 27 Security Act.

4 28 Sec. 4. PREVENTIVE HEALTH AND HEALTH SERVICES
 4 29 APPROPRIATIONS.

4 30 1. There is appropriated from the fund created by section
 4 31 8.41 to the department of public health for the federal fiscal
 4 32 year beginning October 1, 2007, and ending September 30, 2008,
 4 33 the following amount:

4 34 \$ 1,079,949

4 35 Funds appropriated in this subsection are the funds



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5 1 anticipated to be received from the federal government for the
 5 2 designated federal fiscal year under 42 U.S.C., chapter 6A,
 5 3 subchapter XVII, which provides for the preventive health and
 5 4 health services block grant. The department shall expend the
 5 5 funds appropriated in this subsection as provided in the
 5 6 federal law making the funds available and in conformance with
 5 7 chapter 17A.

5 8 2. Of the funds appropriated in subsection 1, an amount
 5 9 not more than 10 percent shall be used by the department for
 5 10 administrative expenses.

5 11 3. Of the funds appropriated in subsection 1, the specific
 5 12 amount of funds stipulated by the notice of the block grant
 5 13 award shall be allocated for services to victims of sex
 5 14 offenses and for rape prevention education.

5 15 4. After deducting the funds allocated in subsections 2
 5 16 and 3, the remaining funds appropriated in subsection 1 may be
 5 17 used by the department for healthy people 2010/healthy Iowans
 5 18 2010 program objectives, preventive health advisory committee,
 5 19 and risk reduction services, including nutrition programs,
 5 20 health incentive programs, chronic disease services, emergency
 5 21 medical services, monitoring of the fluoridation program and
 5 22 start-up fluoridation grants, and acquired immune deficiency
 5 23 syndrome services. The moneys specified in this subsection
 5 24 shall not be used by the university of Iowa hospitals and
 5 25 clinics or by the state hygienic laboratory for the funding of
 5 26 indirect costs.

5 27 Sec. 5. STOP VIOLENCE AGAINST WOMEN GRANT PROGRAM
 5 28 APPROPRIATION.

5 29 1. There is appropriated from the fund created by section
 5 30 8.41 to the department of justice for the federal fiscal year
 5 31 beginning October 1, 2007, and ending September 30, 2008, the
 5 32 following amount:

5 33 \$ 1,496,334

5 34 Funds appropriated in this subsection are the anticipated
 5 35 funds to be received from the federal government for the



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6 1 designated fiscal year under 42 U.S.C., chapter 46, section
 6 2 3796gg=1, which provides for grants to combat violent crimes
 6 3 against women. The department of justice shall expend the
 6 4 funds appropriated in this subsection as provided in the
 6 5 federal law making the funds available and in conformance with
 6 6 chapter 17A.

6 7 2. An amount not exceeding 10 percent of the funds
 6 8 appropriated in subsection 1 shall be used by the department
 6 9 of justice for administrative expenses. From the funds set
 6 10 aside by this subsection for administrative expenses, the
 6 11 department shall pay to the auditor of state an amount
 6 12 sufficient to pay the cost of auditing the use and
 6 13 administration of the state's portion of the funds
 6 14 appropriated in subsection 1.

6 15 Sec. 6. RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE
 6 16 PRISONERS FORMULA GRANT PROGRAM. There is appropriated from
 6 17 the fund created by section 8.41 to the office of the governor
 6 18 for the drug policy coordinator for the federal fiscal year
 6 19 beginning October 1, 2007, and ending September 30, 2008, the
 6 20 following amount:

6 21 \$ 87,514

6 22 Funds appropriated in this section are the funds
 6 23 anticipated to be received from the federal government for the
 6 24 designated fiscal year under 42 U.S.C., chapter 46, subchapter
 6 25 XII=G, which provides grants for substance abuse treatment
 6 26 programs in state and local correctional facilities. The drug
 6 27 policy coordinator shall expend the funds appropriated in this
 6 28 section as provided in federal law making the funds available
 6 29 and in conformance with chapter 17A.

6 30 Sec. 7. EDWARD BYRNE JUSTICE ASSISTANCE GRANT PROGRAM
 6 31 APPROPRIATION.

6 32 1. There is appropriated from the fund created by section
 6 33 8.41 to the office of the governor for the drug policy
 6 34 coordinator for the federal fiscal year beginning October 1,
 6 35 2007, and ending September 30, 2008, the following amount:



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7 1 \$ 1,881,623
7 2 Funds appropriated in this subsection are the anticipated
7 3 funds to be received from the federal government for the
7 4 designated fiscal year under 42 U.S.C., chapter 46, which
7 5 provides for the Edward Byrne memorial justice assistance
7 6 grant program. The drug policy coordinator shall expend the
7 7 funds appropriated in this subsection as provided in the
7 8 federal law making the funds available and in conformance with
7 9 chapter 17A.
7 10 2. An amount not exceeding 10 percent of the funds
7 11 appropriated in subsection 1 shall be used by the drug policy
7 12 coordinator for administrative expenses. From the funds set
7 13 aside by this subsection for administrative expenses, the drug
7 14 policy coordinator shall pay to the auditor of state an amount
7 15 sufficient to pay the cost of auditing the use and
7 16 administration of the state's portion of the funds
7 17 appropriated in subsection 1.
7 18 Sec. 8. COMMUNITY SERVICES APPROPRIATIONS.
7 19 1. a. There is appropriated from the fund created by
7 20 section 8.41 to the division of community action agencies of
7 21 the department of human rights for the federal fiscal year
7 22 beginning October 1, 2007, and ending September 30, 2008, the
7 23 following amount:
7 24 \$ 6,789,465
7 25 Funds appropriated in this subsection are the funds
7 26 anticipated to be received from the federal government for the
7 27 designated federal fiscal year under 42 U.S.C., chapter 106,
7 28 which provides for the community services block grant. The
7 29 division of community action agencies of the department of
7 30 human rights shall expend the funds appropriated in this
7 31 subsection as provided in the federal law making the funds
7 32 available and in conformance with chapter 17A.
7 33 b. The administrator of the division of community action
7 34 agencies of the department of human rights shall allocate not
7 35 less than 96 percent of the amount of the block grant to



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8 1 eligible community action agencies for programs benefiting
 8 2 low-income persons. Each eligible agency shall receive a
 8 3 minimum allocation of not less than \$100,000. The minimum
 8 4 allocation shall be achieved by redistributing increased funds
 8 5 from agencies experiencing a greater share of available funds.
 8 6 The funds shall be distributed on the basis of the poverty=
 8 7 level population in the area represented by the community
 8 8 action areas compared to the size of the poverty-level
 8 9 population in the state.

8 10 2. An amount not exceeding 4 percent of the funds
 8 11 appropriated in subsection 1 shall be used by the division of
 8 12 community action agencies of the department of human rights
 8 13 for administrative expenses. From the funds set aside by this
 8 14 subsection for administrative expenses, the division of
 8 15 community action agencies of the department of human rights
 8 16 shall pay to the auditor of state an amount sufficient to pay
 8 17 the cost of auditing the use and administration of the state's
 8 18 portion of the funds appropriated in subsection 1. The
 8 19 auditor of state shall bill the division of community action
 8 20 agencies for the costs of the audits.

8 21 Sec. 9. COMMUNITY DEVELOPMENT APPROPRIATIONS.

8 22 1. There is appropriated from the fund created by section
 8 23 8.41 to the department of economic development for the federal
 8 24 fiscal year beginning October 1, 2007, and ending September
 8 25 30, 2008, the following amount:

8 26 \$ 26,500,000

8 27 Funds appropriated in this subsection are the funds
 8 28 anticipated to be received from the federal government for the
 8 29 designated federal fiscal year under 42 U.S.C., chapter 69,
 8 30 which provides for community development block grants. The
 8 31 department of economic development shall expend the funds
 8 32 appropriated in this subsection as provided in the federal law
 8 33 making the funds available and in conformance with chapter
 8 34 17A.

8 35 2. An amount not exceeding \$1,260,000 for the federal
 9 1 fiscal year beginning October 1, 2007, shall be used by the
 9 2 department of economic development for administrative expenses
 9 3 for the community development block grant. The total amount
 9 4 used for administrative expenses includes \$630,000 for the
 9 5 federal fiscal year beginning October 1, 2007, of funds
 9 6 appropriated in subsection 1 and a matching contribution from
 9 7 the state equal to \$630,000 from the appropriation of state
 9 8 funds for the community development block grant and state
 9 9 appropriations for related activities of the department of
 9 10 economic development. From the funds set aside for
 9 11 administrative expenses by this subsection, the department of
 9 12 economic development shall pay to the auditor of state an
 9 13 amount sufficient to pay the cost of auditing the use and
 9 14 administration of the state's portion of the funds
 9 15 appropriated in subsection 1. The auditor of state shall bill
 9 16 the department for the costs of the audit.

9 17 Sec. 10. LOW-INCOME HOME ENERGY ASSISTANCE APPROPRIATIONS.

9 18 1. There is appropriated from the fund created by section
 9 19 8.41 to the division of community action agencies of the
 9 20 department of human rights for the federal fiscal year
 9 21 beginning October 1, 2007, and ending September 30, 2008, the



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9 22 following amount:
9 23 \$ 36,348,505
9 24 The funds appropriated in this subsection are the funds
9 25 anticipated to be received from the federal government for the
9 26 designated federal fiscal year under 42 U.S.C., chapter 94,
9 27 subchapter II, which provides for the low-income home energy
9 28 assistance block grants. The division of community action
9 29 agencies of the department of human rights shall expend the
9 30 funds appropriated in this subsection as provided in the
9 31 federal law making the funds available and in conformance with
9 32 chapter 17A.
9 33 2. Up to 15 percent of the amount appropriated in this
9 34 section that is actually received shall be used for
9 35 residential weatherization or other related home repairs for



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10 1 low-income households. Of this allocation amount, not more
 10 2 than 10 percent may be used for administrative expenses.
 10 3 3. After subtracting the allocation in subsection 2, up to
 10 4 10 percent of the remainder is allocated for administrative
 10 5 expenses of the low-income home energy assistance program of
 10 6 which \$377,000 is allocated for administrative expenses of the
 10 7 division. The costs of auditing the use and administration of
 10 8 the portion of the appropriation in this section that is
 10 9 retained by the state shall be paid from the amount allocated
 10 10 in this subsection to the division. The auditor of state
 10 11 shall bill the division for the audit costs.

10 12 4. The remainder of the appropriation in this section
 10 13 following the allocations made in subsections 2 and 3, shall
 10 14 be used to help eligible households as defined in 42 U.S.C.,
 10 15 chapter 94, subchapter II, to meet home energy costs.

10 16 5. Not more than 10 percent of the amount appropriated in
 10 17 this section that is actually received may be carried forward
 10 18 for use in the succeeding federal fiscal year.

10 19 6. Expenditures for assessment and resolution of energy
 10 20 problems shall be limited to 5 percent of the amount
 10 21 appropriated in this section that is actually received.

10 22 Sec. 11. SOCIAL SERVICES APPROPRIATIONS.

10 23 1. There is appropriated from the fund created by section
 10 24 8.41 to the department of human services for the federal
 10 25 fiscal year beginning October 1, 2007, and ending September
 10 26 30, 2008, the following amount:

10 27 \$ 16,902,644

10 28 Funds appropriated in this subsection are the funds
 10 29 anticipated to be received from the federal government for the
 10 30 designated federal fiscal year under 42 U.S.C., chapter 7,
 10 31 subchapter XX, which provides for the social services block
 10 32 grant. The department of human services shall expend the
 10 33 funds appropriated in this subsection as provided in the
 10 34 federal law making the funds available and in conformance with
 10 35 chapter 17A.



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11 1 2. Not more than \$1,074,798 of the funds appropriated in
11 2 subsection 1 shall be used by the department of human services
11 3 for general administration. From the funds set aside in this
11 4 subsection for general administration, the department of human
11 5 services shall pay to the auditor of state an amount
11 6 sufficient to pay the cost of auditing the use and
11 7 administration of the state's portion of the funds
11 8 appropriated in subsection 1.

11 9 3. In addition to the allocation for general
11 10 administration in subsection 2, the remaining funds
11 11 appropriated in subsection 1 shall be allocated in the
11 12 following amounts to supplement appropriations for the federal
11 13 fiscal year beginning October 1, 2007, for the following
11 14 programs within the department of human services:

11 15 a. Field operations:	
11 16	\$ 6,428,488
11 17 b. Child and family services:	
11 18	\$ 961,523
11 19 c. Local administrative costs and other local services:	
11 20	\$ 681,759
11 21 d. Volunteers:	
11 22	\$ 74,510
11 23 e. Community-based services:	
11 24	\$ 85,685
11 25 f. MH/MR/DD/BI community services (local purchase):	
11 26	\$ 7,595,881

11 27 Sec. 12. SOCIAL SERVICES BLOCK GRANT PLAN. The department
11 28 of human services during each state fiscal year shall develop
11 29 a plan for the use of federal social services block grant
11 30 funds for the subsequent state fiscal year.

11 31 The proposed plan shall include all programs and services
11 32 at the state level which the department proposes to fund with
11 33 federal social services block grant funds, and shall identify
11 34 state and other funds which the department proposes to use to
11 35 fund the state programs and services.



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12 1 The proposed plan shall also include all local programs and
12 2 services which are eligible to be funded with federal social
12 3 services block grant funds, the total amount of federal social
12 4 services block grant funds available for the local programs
12 5 and services, and the manner of distribution of the federal
12 6 social services block grant funds to the counties. The
12 7 proposed plan shall identify state and local funds which will
12 8 be used to fund the local programs and services.

12 9 The proposed plan shall be submitted with the department's
12 10 budget requests to the governor and the general assembly.

12 11 Sec. 13. PROJECTS FOR ASSISTANCE IN TRANSITION FROM
12 12 HOMELESSNESS.

12 13 1. Upon receipt of the minimum formula grant from the
12 14 federal alcohol, drug abuse, and mental health administration
12 15 to provide mental health services for the homeless, for the
12 16 federal fiscal year beginning October 1, 2007, and ending
12 17 September 30, 2008, the department of human services shall
12 18 assure that a project which receives funds under the formula
12 19 grant from either the federal or local match share of 25
12 20 percent in order to provide outreach services to persons who
12 21 have chronic mental illness and are homeless or who are
12 22 subject to a significant probability of becoming homeless
12 23 shall do all of the following:

12 24 a. Provide community mental health services, diagnostic
12 25 services, crisis intervention services, and habilitation and
12 26 rehabilitation services.

12 27 b. Refer clients to medical facilities for necessary
12 28 hospital services, and to entities that provide primary health
12 29 services and substance abuse services.

12 30 c. Provide appropriate training to persons who provide
12 31 services to persons targeted by the grant.

12 32 d. Provide case management to homeless persons.

12 33 e. Provide supportive and supervisory services to certain
12 34 homeless persons living in residential settings which are not
12 35 otherwise supported.



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13 1 2. Projects may expend funds for housing services
13 2 including minor renovation, expansion and repair of housing,
13 3 security deposits, planning of housing, technical assistance
13 4 in applying for housing, improving the coordination of housing
13 5 services, the costs associated with matching eligible homeless
13 6 individuals with appropriate housing, and one-time rental
13 7 payments to prevent eviction.
13 8 Sec. 14. CHILD CARE AND DEVELOPMENT APPROPRIATION. There
13 9 is appropriated from the fund created by section 8.41 to the
13 10 department of human services for the federal fiscal year
13 11 beginning October 1, 2007, and ending September 30, 2008, the
13 12 following amount:
13 13 \$ 41,571,218
13 14 Funds appropriated in this section are the funds
13 15 anticipated to be received from the federal government under
13 16 42 U.S.C., chapter 105, subchapter II=B, which provides for
13 17 the child care and development block grant. The department
13 18 shall expend the funds appropriated in this section as
13 19 provided in the federal law making the funds available and in
13 20 conformance with chapter 17A.
13 21 Moneys appropriated in this section that remain
13 22 unencumbered or unobligated at the close of the fiscal year
13 23 shall revert to be available for appropriation for purposes of
13 24 the child care and development block grant in the succeeding
13 25 fiscal year.
13 26 Sec. 15. PROCEDURE FOR REDUCED FEDERAL FUNDS.
13 27 1. If the funds received from the federal government for
13 28 the block grants specified in this Act are less than the
13 29 amounts appropriated, the funds actually received shall be
13 30 prorated by the governor for the various programs, other than
13 31 for the services to victims of sex offenses and for rape
13 32 prevention education under section 4, subsection 3, of this
13 33 Act, for which each block grant is available according to the
13 34 percentages that each program is to receive as specified in
13 35 this Act. However, if the governor determines that the funds



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14 1 allocated by the percentages will not be sufficient to effect
14 2 the purposes of a particular program, or if the appropriation
14 3 is not allocated by percentage, the governor may allocate the
14 4 funds in a manner which will effect to the greatest extent
14 5 possible the purposes of the various programs for which the
14 6 block grants are available.

14 7 2. Before the governor implements the actions provided for
14 8 in subsection 1, the following procedures shall be taken:

14 9 a. The chairpersons and ranking members of the senate and
14 10 house standing committees on appropriations, the appropriate
14 11 chairpersons and ranking members of subcommittees of those
14 12 committees, and the director of the legislative services
14 13 agency shall be notified of the proposed action.

14 14 b. The notice shall include the proposed allocations, and
14 15 information on the reasons why particular percentages or
14 16 amounts of funds are allocated to the individual programs, the
14 17 departments and programs affected, and other information
14 18 deemed useful. Chairpersons and ranking members notified
14 19 shall be allowed at least two weeks to review and comment on
14 20 the proposed action before the action is taken.

14 21 Sec. 16. PROCEDURE FOR INCREASED FEDERAL FUNDS.

14 22 1. If funds received from the federal government in the
14 23 form of block grants exceed the amounts appropriated in
14 24 sections 1, 2, 3, 4, 7, 9, and 11 of this Act, the excess
14 25 shall be prorated to the appropriate programs according to the
14 26 percentages specified in those sections, except additional
14 27 funds shall not be prorated for administrative expenses.

14 28 2. If actual funds received from the federal government
14 29 from block grants exceed the amount appropriated in section 10
14 30 of this Act for the low-income home energy assistance program,
14 31 not more than 15 percent of the excess may be allocated to the
14 32 low-income residential weatherization program and not more
14 33 than 5 percent of the excess may be used for administrative
14 34 costs.

14 35 3. If funds received from the federal government from



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15 1 community services block grants exceed the amount appropriated
15 2 in section 8 of this Act, 100 percent of the excess is
15 3 allocated to the community services block grant program.

15 4 Sec. 17. PROCEDURE FOR EXPENDITURE OF ADDITIONAL FEDERAL
15 5 FUNDS. If other federal grants, receipts, and funds and other
15 6 nonstate grants, receipts, and funds become available or are
15 7 awarded which are not available or awarded during the period
15 8 in which the general assembly is in session, but which require
15 9 expenditure by the applicable department or agency prior to
15 10 March 15 of the fiscal year beginning July 1, 2007, and ending
15 11 June 30, 2008, these grants, receipts, and funds are
15 12 appropriated to the extent necessary, provided that the fiscal
15 13 committee of the legislative council is notified within thirty
15 14 days of receipt of the grants, receipts, or funds and the
15 15 fiscal committee of the legislative council has an opportunity
15 16 to comment on the expenditure of the grants, receipts, or
15 17 funds.

15 18 Sec. 18. DEPARTMENT OF ADMINISTRATIVE SERVICES. Federal
15 19 grants, receipts, and funds and other nonstate grants,
15 20 receipts, and funds, available in whole or in part of the
15 21 fiscal year beginning July 1, 2007, and ending June 30, 2008,
15 22 are appropriated to the department of administrative services
15 23 for the purposes set forth in the grants, receipts, or
15 24 conditions accompanying the receipt of the funds, unless
15 25 otherwise provided by law.

15 26 Sec. 19. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP.
15 27 Federal grants, receipts, and funds and other nonstate grants,
15 28 receipts, and funds, available in whole or in part for the
15 29 fiscal year beginning July 1, 2007, and ending June 30, 2008,
15 30 are appropriated to the department of agriculture and land
15 31 stewardship for the purposes set forth in the grants,
15 32 receipts, or conditions accompanying the receipt of the funds,
15 33 unless otherwise provided by law.

15 34 Sec. 20. OFFICE OF AUDITOR OF STATE. Federal grants,
15 35 receipts, and funds and other nonstate grants, receipts, and



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16 1 funds, available in whole or in part for the fiscal year
16 2 beginning July 1, 2007, and ending June 30, 2008, are
16 3 appropriated to the office of auditor of state for the
16 4 purposes set forth in the grants, receipts, or conditions
16 5 accompanying the receipt of the funds, unless otherwise
16 6 provided by law.

16 7 Sec. 21. DEPARTMENT FOR THE BLIND. Federal grants,
16 8 receipts, and funds and other nonstate grants, receipts, and
16 9 funds, available in whole or in part for the fiscal year
16 10 beginning July 1, 2007, and ending June 30, 2008, are
16 11 appropriated to the department for the blind for the purposes
16 12 set forth in the grants, receipts, or conditions accompanying
16 13 the receipt of the funds, unless otherwise provided by law.

16 14 Sec. 22. IOWA STATE CIVIL RIGHTS COMMISSION. Federal
16 15 grants, receipts, and funds and other nonstate grants,
16 16 receipts, and funds, available in whole or in part for the
16 17 fiscal year beginning July 1, 2007, and ending June 30, 2008,
16 18 are appropriated to the Iowa state civil rights commission for
16 19 the purposes set forth in the grants, receipts, or conditions
16 20 accompanying the receipt of the funds, unless otherwise
16 21 provided by law.

16 22 Sec. 23. COLLEGE STUDENT AID COMMISSION. Federal grants,
16 23 receipts, and funds and other nonstate grants, receipts, and
16 24 funds, available in whole or in part for the fiscal year
16 25 beginning July 1, 2007, and ending June 30, 2008, are
16 26 appropriated to the college student aid commission for the
16 27 purposes set forth in the grants, receipts, or conditions
16 28 accompanying the receipt of the funds, unless otherwise
16 29 provided by law.

16 30 Sec. 24. DEPARTMENT OF COMMERCE. Federal grants,
16 31 receipts, and funds and other nonstate grants, receipts, and
16 32 funds, available in whole or in part for the fiscal year
16 33 beginning July 1, 2007, and ending June 30, 2008, are
16 34 appropriated to the department of commerce for the purposes
16 35 set forth in the grants, receipts, or conditions accompanying



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17 1 the receipt of the funds, unless otherwise provided by law.
17 2 Sec. 25. DEPARTMENT OF CORRECTIONS. Federal grants,
17 3 receipts, and funds and other nonstate grants, receipts, and
17 4 funds, available in whole or in part for the fiscal year
17 5 beginning July 1, 2007, and ending June 30, 2008, are
17 6 appropriated to the department of corrections for the purposes
17 7 set forth in the grants, receipts, or conditions accompanying
17 8 the receipt of the funds, unless otherwise provided by law.
17 9 Sec. 26. DEPARTMENT OF CULTURAL AFFAIRS. Federal grants,
17 10 receipts, and funds and other nonstate grants, receipts, and
17 11 funds, available in whole or in part for the fiscal year
17 12 beginning July 1, 2007, and ending June 30, 2008, are
17 13 appropriated to the department of cultural affairs for the
17 14 purposes set forth in the grants, receipts, or conditions
17 15 accompanying the receipt of the funds, unless otherwise
17 16 provided by law.
17 17 Sec. 27. DEPARTMENT OF ECONOMIC DEVELOPMENT. Federal
17 18 grants, receipts, and funds and other nonstate grants,
17 19 receipts, and funds, available in whole or in part for the
17 20 fiscal year beginning July 1, 2007, and ending June 30, 2008,
17 21 are appropriated to the department of economic development for
17 22 the purposes set forth in the grants, receipts, or conditions
17 23 accompanying the receipt of the funds, unless otherwise
17 24 provided by law.
17 25 Sec. 28. DEPARTMENT OF EDUCATION. Federal grants,
17 26 receipts, and funds and other nonstate grants, receipts, and
17 27 funds, available in whole or in part for the fiscal year
17 28 beginning July 1, 2007, and ending June 30, 2008, are
17 29 appropriated to the department of education for the purposes
17 30 set forth in the grants, receipts, or conditions accompanying
17 31 the receipt of the funds, unless otherwise provided by law.
17 32 Sec. 29. DEPARTMENT OF ELDER AFFAIRS. Federal grants,
17 33 receipts, and funds and other nonstate grants, receipts, and
17 34 funds, available in whole or in part for the fiscal year
17 35 beginning July 1, 2007, and ending June 30, 2008, are



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18 1 appropriated to the department of elder affairs for the
18 2 purposes set forth in the grants, receipts, or conditions
18 3 accompanying the receipt of the funds, unless otherwise
18 4 provided by law.

18 5 Sec. 30. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD.
18 6 Federal grants, receipts, and funds and other nonstate grants,
18 7 receipts, and funds, available in whole or in part for the
18 8 fiscal year beginning July 1, 2007, and ending June 30, 2008,
18 9 are appropriated to the Iowa ethics and campaign disclosure
18 10 board for the purposes set forth in the grants, receipts, or
18 11 conditions accompanying the receipt of the funds, unless
18 12 otherwise provided by law.

18 13 Sec. 31. OFFICES OF THE GOVERNOR AND LIEUTENANT GOVERNOR.
18 14 Federal grants, receipts, and funds and other nonstate grants,
18 15 receipts, and funds, available in whole or in part for the
18 16 fiscal year beginning July 1, 2007, and ending June 30, 2008,
18 17 are appropriated to the offices of the governor and lieutenant
18 18 governor for the purposes set forth in the grants, receipts,
18 19 or conditions accompanying the receipt of the funds, unless
18 20 otherwise provided by law.

18 21 Sec. 32. GOVERNOR'S OFFICE OF DRUG CONTROL POLICY.
18 22 Federal grants, receipts, and funds and other nonstate grants,
18 23 receipts, and funds, available in whole or in part for the
18 24 fiscal year beginning July 1, 2007, and ending June 30, 2008,
18 25 are appropriated to the governor's office of drug control
18 26 policy for the purposes set forth in the grants, receipts, or
18 27 conditions accompanying the receipt of the funds, unless
18 28 otherwise provided by law.

18 29 Sec. 33. DEPARTMENT OF HUMAN RIGHTS. Federal grants,
18 30 receipts, and funds and other nonstate grants, receipts, and
18 31 funds, available in whole or in part for the fiscal year
18 32 beginning July 1, 2007, and ending June 30, 2008, are
18 33 appropriated to the department of human rights for the
18 34 purposes set forth in the grants, receipts, or conditions
18 35 accompanying the receipt of the funds, unless otherwise
19 1 provided by law.

19 2 Sec. 34. DEPARTMENT OF HUMAN SERVICES. Federal grants,
19 3 receipts, and funds and other nonstate grants, receipts, and
19 4 funds, available in whole or in part for the fiscal year
19 5 beginning July 1, 2007, and ending June 30, 2008, are
19 6 appropriated to the department of human services, for the
19 7 purposes set forth in the grants, receipts, or conditions
19 8 accompanying the receipt of the funds, unless otherwise
19 9 provided by law.

19 10 Sec. 35. DEPARTMENT OF INSPECTIONS AND APPEALS. Federal
19 11 grants, receipts, and funds and other nonstate grants,
19 12 receipts, and funds, available in whole or in part for the
19 13 fiscal year beginning July 1, 2007, and ending June 30, 2008,
19 14 are appropriated to the department of inspections and appeals
19 15 for the purposes set forth in the grants, receipts, or
19 16 conditions accompanying the receipt of the funds, unless
19 17 otherwise provided by law.

19 18 Sec. 36. JUDICIAL BRANCH. Federal grants, receipts, and
19 19 funds and other nonstate grants, receipts, and funds,
19 20 available in whole or in part for the fiscal year beginning
19 21 July 1, 2007, and ending June 30, 2008, are appropriated to



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19 22 the judicial branch for the purposes set forth in the grants,
19 23 receipts, or conditions accompanying the receipt of the funds,
19 24 unless otherwise provided by law.

19 25 Sec. 37. DEPARTMENT OF JUSTICE. Federal grants, receipts,
19 26 and funds and other nonstate grants, receipts, and funds,
19 27 available in whole or in part for the fiscal year beginning
19 28 July 1, 2007, and ending June 30, 2008, are appropriated to
19 29 the department of justice for the purposes set forth in the
19 30 grants, receipts, or conditions accompanying the receipt of
19 31 the funds, unless otherwise provided by law.

19 32 Sec. 38. IOWA LAW ENFORCEMENT ACADEMY. Federal grants,
19 33 receipts, and funds and other nonstate grants, receipts, and
19 34 funds, available in whole or in part for the fiscal year
19 35 beginning July 1, 2007, and ending June 30, 2008, are



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20 1 appropriated to the Iowa law enforcement academy for the
20 2 purposes set forth in the grants, receipts, or conditions
20 3 accompanying the receipt of the funds, unless otherwise
20 4 provided by law.

20 5 Sec. 39. DEPARTMENT OF MANAGEMENT. Federal grants,
20 6 receipts, and funds and other nonstate grants, receipts, and
20 7 funds, available in whole or in part for the fiscal year
20 8 beginning July 1, 2007, and ending June 30, 2008, are
20 9 appropriated to the department of management for the purposes
20 10 set forth in the grants, receipts, or conditions accompanying
20 11 the receipt of the funds, unless otherwise provided by law.

20 12 Sec. 40. DEPARTMENT OF NATURAL RESOURCES. Federal grants,
20 13 receipts, and funds and other nonstate grants, receipts, and
20 14 funds, available in whole or in part for the fiscal year
20 15 beginning July 1, 2007, and ending June 30, 2008, are
20 16 appropriated to the department of natural resources for the
20 17 purposes set forth in the grants, receipts, or conditions
20 18 accompanying the receipt of the funds, unless otherwise
20 19 provided by law.

20 20 Sec. 41. BOARD OF PAROLE. Federal grants, receipts, and
20 21 funds and other nonstate grants, receipts, and funds,
20 22 available in whole or in part for the fiscal year beginning
20 23 July 1, 2007, and ending June 30, 2008, are appropriated to
20 24 the board of parole for the purposes set forth in the grants,
20 25 receipts, or conditions accompanying the receipt of the funds,
20 26 unless otherwise provided by law.

20 27 Sec. 42. DEPARTMENT OF PUBLIC DEFENSE. Federal grants,
20 28 receipts, and funds and other nonstate grants, receipts, and
20 29 funds, available in whole or in part for the fiscal year
20 30 beginning July 1, 2007, and ending June 30, 2008, are
20 31 appropriated to the department of public defense for the
20 32 purposes set forth in the grants, receipts, or conditions
20 33 accompanying the receipt of the funds, unless otherwise
20 34 provided by law.

20 35 Sec. 43. PUBLIC EMPLOYMENT RELATIONS BOARD. Federal



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21 1 grants, receipts, and funds and other nonstate grants,
21 2 receipts, and funds, available in whole or in part for the
21 3 fiscal year beginning July 1, 2007, and ending June 30, 2008,
21 4 are appropriated to the public employment relations board for
21 5 the purposes set forth in the grants, receipts, or conditions
21 6 accompanying the receipt of the funds, unless otherwise
21 7 provided by law.

21 8 Sec. 44. DEPARTMENT OF PUBLIC HEALTH. Federal grants,
21 9 receipts, and funds and other nonstate grants, receipts, and
21 10 funds, available in whole or in part for the fiscal year
21 11 beginning July 1, 2007, and ending June 30, 2008, are
21 12 appropriated to the department of public health for the
21 13 purposes set forth in the grants, receipts, or conditions
21 14 accompanying the receipt of the funds, unless otherwise
21 15 provided by law.

21 16 Sec. 45. DEPARTMENT OF PUBLIC SAFETY. Federal grants,
21 17 receipts, and funds and other nonstate grants, receipts, and
21 18 funds, available in whole or in part for the fiscal year
21 19 beginning July 1, 2007, and ending June 30, 2008, are
21 20 appropriated to the department of public safety, for the
21 21 purposes set forth in the grants, receipts, or conditions
21 22 accompanying the receipt of the funds, unless otherwise
21 23 provided by law.

21 24 Sec. 46. STATE BOARD OF REGENTS. Federal grants,
21 25 receipts, and funds and other nonstate grants, receipts, and
21 26 funds, available in whole or in part for the fiscal year
21 27 beginning July 1, 2007, and ending June 30, 2008, are
21 28 appropriated to the state board of regents for the purposes
21 29 set forth in the grants, receipts, or conditions accompanying
21 30 the receipt of the funds, unless otherwise provided by law.

21 31 Sec. 47. DEPARTMENT OF REVENUE. Federal grants, receipts,
21 32 and funds and other nonstate grants, receipts, and funds,
21 33 available in whole or in part for the fiscal year beginning
21 34 July 1, 2007, and ending June 30, 2008, are appropriated to
21 35 the department of revenue for the purposes set forth in the



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22 1 grants, receipts, or conditions accompanying the receipt of
22 2 the funds, unless otherwise provided by law.

22 3 Sec. 48. OFFICE OF SECRETARY OF STATE. Federal grants,
22 4 receipts, and funds and other nonstate grants, receipts, and
22 5 funds, available in whole or in part for the fiscal year
22 6 beginning July 1, 2007, and ending June 30, 2008, are
22 7 appropriated to the office of secretary of state for the
22 8 purposes set forth in the grants, receipts, or conditions
22 9 accompanying the receipt of the funds, unless otherwise
22 10 provided by law.

22 11 Sec. 49. IOWA STATE FAIR AUTHORITY. Federal grants,
22 12 receipts, and funds and other nonstate grants, receipts, and
22 13 funds, available in whole or in part for the fiscal year
22 14 beginning July 1, 2007, and ending June 30, 2008, are
22 15 appropriated to the Iowa state fair authority for the purposes
22 16 set forth in the grants, receipts, or conditions accompanying
22 17 the receipt of the funds, unless otherwise provided by law.

22 18 Sec. 50. OFFICE OF STATE=FEDERAL RELATIONS. Federal
22 19 grants, receipts, and funds and other nonstate grants,
22 20 receipts, and funds, available in whole or in part for the
22 21 fiscal year beginning July 1, 2007, and ending June 30, 2008,
22 22 are appropriated to the office of state=federal relations for
22 23 the purposes set forth in the grants, receipts, or conditions
22 24 accompanying the receipt of the funds, unless otherwise
22 25 provided by law.

22 26 Sec. 51. IOWA TELECOMMUNICATIONS AND TECHNOLOGY
22 27 COMMISSION. Federal grants, receipts, and funds and other
22 28 nonstate grants, receipts, and funds, available in whole or in
22 29 part for the fiscal year beginning July 1, 2007, and ending
22 30 June 30, 2008, are appropriated to the Iowa telecommunications
22 31 and technology commission for the purposes set forth in the
22 32 grants, receipts, or conditions accompanying the receipt of
22 33 the funds, unless otherwise provided by law.

22 34 Sec. 52. OFFICE OF TREASURER OF STATE. Federal grants,
22 35 receipts, and funds and other nonstate grants, receipts, and



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24 1 increased or decreased. General appropriations are made for
24 2 the 2007=2008 state fiscal year which begins July 1, 2007, of
24 3 all other nonstate grants, receipts, and funds available to
24 4 agencies of this state.
24 5 LSB 1122XG 82
24 6 jp:mg/gg/14.1



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Senate Study Bill 1180

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
INSPECTIONS AND APPEALS
AND DEPARTMENT OF PUBLIC
SAFETY BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning electrical and mechanical amusement devices and
- 2 providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1347XD 82
- 5 ec/es/88



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PAG LIN

1 1 Section 1. Section 99B.1, subsections 12, 18, 19, and 23,
1 2 Code 2007, are amended to read as follows:

1 3 12. "Distributor" means, for the purposes of sections
1 4 99B.10, 99B.10A, and 99B.10B, any person that owns electrical
1 5 and mechanical amusement devices registered as provided in
1 6 section 99B.10, subsection 4 1, paragraph "e", that are
1 7 offered for use at more than a single location or premises.

1 8 18. "Manufacturer" means, for the purposes of sections
1 9 99B.10, 99B.10A, and 99B.10B, any person engaged in business
1 10 in this state who originally produces an electrical and
1 11 mechanical amusement device required to be registered under
1 12 section 99B.10, subsection 4 1, paragraph "e", or individual
1 13 components for use in such a device.

1 14 19. "Manufacturer's representative" means, for the
1 15 purposes of sections 99B.10, 99B.10A, and 99B.10B, any person
1 16 engaged in business in this state who promotes or sells
1 17 electrical and mechanical amusement devices required to be
1 18 registered under section 99B.10, subsection 4 1, paragraph
1 19 "e", or individual components for use in such devices on
1 20 behalf of a manufacturer of such devices or components.

1 21 23. "Owner" means, for the purposes of sections 99B.10A
1 22 and 99B.10B, any person who owns an operable electrical and
1 23 mechanical amusement device required to be registered under
1 24 section 99B.10, subsection 4 1, paragraph "e".

1 25 Sec. 2. Section 99B.10, Code 2007, is amended to read as
1 26 follows:

1 27 99B.10 ELECTRICAL AND MECHANICAL AMUSEMENT DEVICES ==
1 28 PENALTIES.

1 29 1. It is lawful to own, possess, and offer for use by any
1 30 person at any location an electrical or mechanical amusement
1 31 device and the use of the electrical or mechanical amusement
1 32 device shall not be deemed gambling, but only if all of the
1 33 following are complied with:

1 34 ~~1.~~ a. A prize of merchandise exceeding five dollars in
1 35 value or cash shall not be awarded for use of the device.



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2 1 However, a mechanical or amusement device may be designed or
2 2 adapted to award a prize or one or more free games or portions
2 3 of games without payment of additional consideration by the
2 4 participant.

2 5 ~~2.~~ b. An amusement device shall not be designed or adapted
2 6 to cause or to enable a person to cause the release of free
2 7 games or portions of games when designated as a potential
2 8 award for use of the device, and shall not contain any meter
2 9 or other measurement device for recording the number of free
2 10 games or portions of games which are awarded.

2 11 ~~3.~~ c. An amusement device shall not be designed or adapted
2 12 to enable a person using the device to increase the chances of
2 13 winning free games or portions of games by paying more than is
2 14 ordinarily required to play the game.

2 15 d. An amusement device required to be registered as
2 16 provided in paragraph "e", shall not be placed into operation
2 17 without first obtaining a new amusement device registration
2 18 tag if electronic or mechanical components have been adapted,
2 19 altered, or replaced and such adaptation, alteration, or
2 20 replacement changes the operational characteristics of the
2 21 amusement device, including but not limited to the game being
2 22 changed.

2 23 ~~4.~~ e. (1) Each electrical and mechanical amusement device
2 24 in operation or distributed in this state that awards a prize,
2 25 as provided in this section, where the outcome is not
2 26 primarily determined by the skill or knowledge of the
2 27 operator, is registered by the department as provided by this
2 28 ~~subsection~~ lettered paragraph and is only located on premises
2 29 for which a class "A", class "B", class "C", or class "D"
2 30 liquor control license or class "B" or class "C" beer permit
2 31 has been issued pursuant to chapter 123. For an organization
2 32 that meets the requirements of section 99B.7, subsection 1,
2 33 paragraph "m", no more than four, and for all other persons,
2 34 no more than two electrical and mechanical amusement devices
2 35 registered as provided by this ~~subsection~~ lettered paragraph



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3 1 shall be permitted or offered for use in any single location
3 2 or premises for which a class "A", class "B", class "C", or
3 3 class "D" liquor control license or class "B" or class "C"
3 4 beer permit has been issued pursuant to chapter 123.

3 5 (2) Each person owning an electrical and mechanical
3 6 amusement device in this state shall obtain a registration tag
3 7 for each electrical and mechanical amusement device owned that
3 8 is required to be registered as provided in this ~~subsection~~
3 9 lettered paragraph. Upon receipt and approval of an
3 10 application and a fee of twenty-five dollars for each device
3 11 required to be registered, the department shall issue an
3 12 annual registration tag ~~which tag shall be displayed as~~
~~3 13 required by rules adopted by the department. The application~~
~~3 14 shall be submitted on forms designated by the department and~~
~~3 15 contain the information required by rule of the department. A~~
3 16 registration may be renewed annually upon submission of a
3 17 registration application and payment of the annual
3 18 registration fee and compliance with this chapter and the
3 19 rules adopted pursuant to this chapter. ~~However, the~~

3 20 (3) The number of electrical and mechanical amusement
3 21 devices registered by the department under this ~~subsection~~
3 22 lettered paragraph shall not exceed the total number of
3 23 devices registered by the department as of April 28, 2004. In
3 24 addition, the department shall not initially register an
3 25 electrical and mechanical amusement device that is required to
3 26 be registered as provided in this ~~subsection~~ lettered
3 27 paragraph to an owner for a location for which only a class
3 28 "B" or class "C" beer permit has been issued pursuant to
3 29 chapter 123 on or after April 28, 2004.

3 30 (4) A person owning or leasing an electrical and
3 31 mechanical amusement device required to be registered under
3 32 this ~~subsection~~ lettered paragraph shall only own or lease an
3 33 electrical and mechanical amusement device that is required to
3 34 be registered that has been purchased from a manufacturer,
3 35 manufacturer's representative, or distributor registered with



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4 1 the department under section 99B.10A ~~and shall not advertise~~
4 2 ~~or promote the availability of the device to the public as~~
4 3 ~~anything other than an electrical and mechanical amusement~~
4 4 ~~device pursuant to rules adopted by the department. In~~
4 5 ~~addition, an~~
4 6 (5) An owner at a location for which only a class "B" or
4 7 class "C" beer permit has been issued pursuant to chapter 123
4 8 shall not relocate an amusement device registered as provided
4 9 in this ~~subsection~~ lettered paragraph to a location other than
4 10 the location of the device on April 28, 2004, and shall not
4 11 transfer, assign, sell, or lease an amusement device
4 12 registered as provided in this ~~subsection~~ lettered paragraph
4 13 to another person for which only a class "B" or class "C" beer
4 14 permit has been issued pursuant to chapter 123 after April 28,
4 15 2004.
4 16 f. A person owning or leasing an electrical and mechanical
4 17 amusement device required to be registered under paragraph
4 18 "e", shall display the registration tag as required by rules
4 19 adopted by the department.
4 20 g. A person owning or leasing an electrical and mechanical
4 21 amusement device required to be registered under paragraph "e"
4 22 shall not allow the electrical and mechanical amusement device
4 23 to be operated or made available for operation with an expired
4 24 registration.
4 25 h. A person owning or leasing an electrical and mechanical
4 26 amusement device required to be registered under paragraph
4 27 "e", or and an employee of a person owning or leasing an
4 28 electrical and mechanical amusement device required to be
4 29 registered under paragraph "e", shall not advertise or promote
4 30 the availability of the device to the public as anything other
4 31 than an electrical and mechanical amusement device pursuant to
4 32 rules adopted by the department.
4 33 i. A person owning or leasing an electrical and mechanical
4 34 amusement device required to be registered under paragraph "e"
4 35 shall not relocate and place into operation an amusement



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5 1 device in any location other than the location at which the
5 2 amusement device is registered.
5 3 ~~5. j.~~ Any awards given for use of an amusement device
5 4 shall only be redeemed on the premises where the device is
5 5 located and only for merchandise sold in the normal course of
5 6 business for the premises.
5 7 ~~6. k.~~ Each electrical or mechanical amusement device
5 8 required to be registered as provided by this section shall
~~5 9 by January 1, 2006,~~ include on the device a counting mechanism
5 10 which establishes the volume of business of the device. The
5 11 department and the department of public safety shall have
5 12 access to the information provided by the counting mechanism.
5 13 ~~7. l.~~ Each electrical or mechanical amusement device
5 14 required to be registered as provided by this section at a
5 15 location for which only a class "B" or class "C" beer permit
5 16 has been issued pursuant to chapter 123 shall include on the
5 17 device a security mechanism which prevents the device from
5 18 being operated by a person until action is taken by the owner
5 19 or owner's designee to allow the person to operate the device.
5 20 ~~8. m.~~ An electrical or mechanical amusement device
5 21 required to be registered as provided in this section shall
5 22 not be a gambling device, as defined in section 725.9, or a
5 23 device that plays poker, blackjack, or keno.
5 24 ~~9. n.~~ Any other requirements as determined by the
5 25 department by rule. Rules adopted pursuant to this ~~subsection~~
5 26 lettered paragraph shall be formulated in consultation with
5 27 affected state agencies and industry and consumer groups.
5 28 2. A person who violates any provision of subsection 1,
5 29 paragraph "a", commits a serious misdemeanor.
5 30 3. A person who violates any provision of subsection 1,
5 31 paragraph "d", "f", "g", "h", "i", "j", or "l", shall be
5 32 subject to the following:
5 33 a. For a first offense under an applicable paragraph, the
5 34 person commits a simple misdemeanor, punishable as a scheduled
5 35 violation pursuant to section 805.8C, subsection 4, paragraph



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6 1 "b".

6 2 b. For a second or subsequent offense under the same

6 3 applicable paragraph, the person commits a serious

6 4 misdemeanor.

6 5 4. ~~It~~ Notwithstanding any provision of this section to the

6 6 contrary, it is lawful for an individual other than an owner

6 7 or promoter of an amusement device to operate an amusement

6 8 device, whether or not the amusement device is owned,

6 9 possessed or offered for use in compliance with this section.

6 10 ~~The use of an amusement device which complies with this~~

~~6 11 section shall not be deemed gambling.~~

6 12 Sec. 3. Section 99B.10A, subsection 1, Code 2007, is

6 13 amended to read as follows:

6 14 1. A person engaged in business in this state as a

6 15 manufacturer, manufacturer's representative, distributor, or

6 16 for-profit owner of electrical and mechanical amusement

6 17 devices required to be registered as provided in section

6 18 99B.10, subsection 4 1, paragraph "e", shall register with the

6 19 department. Each person who registers with the department

6 20 under this section shall pay an annual registration fee in an

6 21 amount as provided in subsection 2. Registration shall be

6 22 submitted on application forms designated by the department

6 23 that shall contain the information required by the department

6 24 by rule, including provisions requiring a federal bureau of

6 25 investigation fingerprint-based criminal background check of

6 26 each applicant by the division of criminal investigation of

6 27 the department of public safety, the cost of which shall be

6 28 paid for by the applicant. The department shall adopt rules

6 29 establishing the criteria for approval or denial of a

6 30 registration application and providing for the submission of

6 31 information to the department by a person registered pursuant

6 32 to this section if information in the initial registration is

6 33 changed, including discontinuing the business in this state.

6 34 Sec. 4. Section 99B.10A, subsection 2, paragraph c, Code

6 35 2007, is amended to read as follows:



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7 1 c. For an owner of no more than two electrical and
7 2 mechanical amusement devices registered as provided in section
7 3 99B.10, subsection 4 1, paragraph "e", at a single location or
7 4 premises that is not an organization that meets the
7 5 requirements of section 99B.7, subsection 1, paragraph "m",
7 6 two thousand five hundred dollars.

7 7 Sec. 5. Section 99B.10B, subsection 1, Code 2007, is
7 8 amended by striking the subsection and inserting in lieu
7 9 thereof the following:

7 10 1. a. The department may deny, suspend, or revoke a
7 11 registration issued pursuant to section 99B.10 or 99B.10A, if
7 12 the department finds that an applicant, registrant, or an
7 13 agent of a registrant violated or permitted a violation of a
7 14 provision of section 99B.10, 99B.10A, or 99B.10C, or a
7 15 departmental rule adopted pursuant to chapter 17A, or for any
7 16 other cause for which the director of the department would be
7 17 or would have been justified in refusing to issue a
7 18 registration, or upon the conviction of a person of a
7 19 violation of this chapter or a rule adopted under this chapter
7 20 which occurred on the premises where the registered amusement
7 21 device is or is to be located. However, the denial,
7 22 suspension, or revocation of a registration for one amusement
7 23 device does not require, but may result in, the denial,
7 24 suspension, or revocation of the registration for a different
7 25 amusement device held by the same distributor or owner.

7 26 b. If a person owning or employed by an establishment
7 27 having a class "A", class "B", class "C", or class "D" liquor
7 28 control license or having a class "B" or class "C" beer permit
7 29 issued pursuant to chapter 123 violates a provision of section
7 30 99B.10, 99B.10A, or 99B.10C, or a departmental rule adopted
7 31 pursuant to chapter 17A, the department may restrict the
7 32 number of amusement devices required to be registered as
7 33 provided in section 99B.10, subsection 1, paragraph "e", that
7 34 are permitted in the establishment for a period of up to two
7 35 years.



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8 1 Sec. 6. Section 99B.10B, subsection 2, Code 2007, is
8 2 amended to read as follows:

8 3 2. a. The department shall revoke a registration issued
8 4 pursuant to section 99B.10 or 99B.10A, for a period of ten
8 5 years ~~following at least ten days' written notice and~~
~~8 6 opportunity for an evidentiary hearing, if a person awards~~
8 7 commits an offense of awarding a cash prize in violation of
8 8 section 99B.10, subsection 1, paragraph "a", pursuant to rules
8 9 adopted by the department. A person whose registration is
8 10 revoked under this subsection who is a person for which a
8 11 class "A", class "B", class "C", or class "D" liquor control
8 12 license has been issued pursuant to chapter 123 shall have the
8 13 person's liquor control license suspended for a period of
8 14 fourteen days in the same manner as provided in section
8 15 123.50, subsection 3, paragraph "a". ~~In addition, a~~ A person
8 16 whose registration is revoked under this subsection who is a
8 17 person for which only a class "B" or class "C" beer permit has
8 18 been issued pursuant to chapter 123 shall have the person's
8 19 class "B" or class "C" beer permit suspended and that person's
8 20 sales tax permit suspended for a period of fourteen days in
8 21 the same manner as provided in section 123.50, subsection 3,
8 22 paragraph "a".

8 23 b. If a person owning or employed by an establishment
8 24 having a class "A", class "B", class "C", or class "D" liquor
8 25 control license issued pursuant to chapter 123 commits an
8 26 offense of awarding a cash prize in violation of section
8 27 99B.10, subsection 1, paragraph "a", pursuant to rules adopted
8 28 by the department, the liquor control license of the
8 29 establishment shall be suspended for a period of fourteen days
8 30 in the same manner as provided in section 123.50, subsection
8 31 3, paragraph "a". If a person owning or employed by an
8 32 establishment having a class "B" or class "C" beer permit
8 33 issued pursuant to chapter 123 awards a cash prize in
8 34 violation of section 99B.10, subsection 1, paragraph "a",
8 35 pursuant to rules adopted by the department, the beer permit
9 1 of the establishment and the establishment's sales tax permit
9 2 shall be suspended for a period of fourteen days in the same
9 3 manner as provided in section 123.50, subsection 3, paragraph
9 4 "a".

9 5 Sec. 7. Section 99B.10B, Code 2007, is amended by adding
9 6 the following new subsection:

9 7 NEW SUBSECTION. 3. a. The process for denial,
9 8 suspension, or revocation of a registration issued pursuant to
9 9 section 99B.10 or 99B.10A, shall commence by delivering to the
9 10 applicant or registrant by certified mail, return receipt
9 11 requested, or by personal service a notice setting forth the
9 12 proposed action and the particular reasons for such action.

9 13 b. (1) If a written request for a hearing is not received
9 14 within thirty days after the mailing or service of the notice,
9 15 the denial, suspension, or revocation of a registrant shall
9 16 become effective pending a final determination by the
9 17 department. The proposed action in the notice may be
9 18 affirmed, modified, or set aside by the department in a
9 19 written decision.

9 20 (2) If a request for a hearing is timely received by the
9 21 department, the applicant or registrant shall be given an



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9 22 opportunity for a prompt and fair hearing before the
9 23 department and the denial, suspension, or revocation shall be
9 24 deemed suspended until the department makes a final
9 25 determination. However, the director of the department may
9 26 suspend a registration prior to a hearing if the director
9 27 finds that the public integrity of the registered activity is
9 28 compromised or there is a risk to public health, safety, or
9 29 welfare. In addition, at any time during or prior to the
9 30 hearing, the department may rescind the notice of the denial,
9 31 suspension, or revocation upon being satisfied that the
9 32 reasons for the denial, suspension, or revocation have been or
9 33 will be removed. On the basis of any such hearing, the
9 34 proposed action in the notice may be affirmed, modified, or
9 35 set aside by the department in a written decision. The



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10 1 procedure governing hearings authorized by this paragraph
10 2 shall be in accordance with the rules promulgated by the
10 3 department and chapter 17A.

10 4 c. A copy of the final decision of the department shall be
10 5 sent by certified mail, return receipt requested, or served
10 6 personally upon the applicant or registrant. The applicant or
10 7 registrant may seek judicial review in accordance with the
10 8 terms of the Iowa administrative procedure Act, chapter 17A.

10 9 d. If the department finds cause for denial of a
10 10 registration issued pursuant to section 99B.10 or 99B.10A, the
10 11 applicant shall not reapply for the same registration for a
10 12 period of two years. If the department finds cause for a
10 13 suspension or revocation, the registration shall be suspended
10 14 or revoked for a period not to exceed two years.

10 15 Sec. 8. Section 99B.10C, subsections 2 and 3, Code 2007,
10 16 are amended to read as follows:

10 17 2. A person owning or leasing an electrical and mechanical
10 18 amusement device, or an employee of a person owning or leasing
10 19 an electrical and mechanical amusement device, who knowingly
10 20 allows a person under the age of twenty-one years to
10 21 participate in the operation of an electrical and mechanical
10 22 amusement device, or a person who knowingly participates in
10 23 the operation of an electrical and mechanical amusement
10 24 device, with a person under the age of twenty-one years, is
10 25 guilty of a simple misdemeanor.

10 26 3. For purposes of this section, an electrical and
10 27 mechanical amusement device means an electrical and mechanical
10 28 amusement device required to be registered as provided in
10 29 section 99B.10, subsection 4 1, paragraph "e".

10 30 Sec. 9. Section 805.8C, subsection 4, Code 2007, is
10 31 amended to read as follows:

10 32 4. ELECTRICAL AND MECHANICAL AMUSEMENT DEVICE VIOLATIONS.

10 33 a. For violations of legal age for operating an electrical
10 34 and mechanical amusement device required to be registered as
10 35 provided in section 99B.10, subsection 4 1, paragraph "e",



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11 1 pursuant to section 99B.10C, subsection 1, the scheduled fine
11 2 is two hundred fifty dollars. Failure to pay the fine by a
11 3 person under the age of eighteen shall not result in the
11 4 person being detained in a secure facility.
11 5 b. For first offense violations concerning electrical and
11 6 mechanical amusement devices as provided in section 99B.10,
11 7 subsection 3, the scheduled fine is two hundred fifty dollars.

11 8 EXPLANATION

11 9 This bill makes changes concerning electrical and
11 10 mechanical amusement devices authorized pursuant to Code
11 11 chapter 99B.

11 12 Code section 99B.10, concerning electrical and mechanical
11 13 amusement devices, is amended by adding several new
11 14 requirements for authorization to offer electrical and
11 15 mechanical amusement devices to any person. The bill provides
11 16 that an amusement device that is required to be registered
11 17 shall not be placed into operation without a new registration
11 18 tag if the device has been altered in a way that changes the
11 19 operational characteristics of the amusement device. In
11 20 addition, the bill provides that an amusement device shall not
11 21 be operated with an expired registration tag and shall not be
11 22 relocated to any location other than the location at which the
11 23 device is registered.

11 24 Code section 99B.10 is also amended relative to the
11 25 penalties applicable for violations of certain requirements
11 26 applicable to electrical and mechanical amusement devices.
11 27 The bill provides that a violation concerning awarding a cash
11 28 prize is a serious misdemeanor. The bill provides that a
11 29 first violation of other applicable requirements is a simple
11 30 misdemeanor punishable as a scheduled violation and that a
11 31 second or subsequent violation of the same requirement is a
11 32 serious misdemeanor. The violations subject to these
11 33 penalties are violations concerning operating an altered
11 34 device without a new or revised registration tag, failing to
11 35 display a registration tag, operating a device with an expired



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12 1 registration, advertising of the device as anything other than
12 2 an electrical and mechanical amusement device, relocating a
12 3 device to an unauthorized location, redeeming awards off the
12 4 premises or for merchandise the location does not usually
12 5 sell, and failing to include a security mechanism on devices
12 6 required to be registered. The bill provides that the
12 7 scheduled fine for a first offense is \$250.

12 8 Code section 99B.10A, is amended. The bill provides that
12 9 manufacturers, distributors, and owners of electrical and
12 10 mechanical amusement devices shall include in their
12 11 registration application a federal bureau of investigation
12 12 fingerprint-based background check of the applicant to be paid
12 13 for by the applicant.

12 14 Code section 99B.10B, concerning administrative penalties
12 15 relative to the electrical and mechanical amusement device
12 16 registration, is amended.

12 17 The bill provides that the department of inspections and
12 18 appeals has the ability to deny or suspend the registration
12 19 for an electrical or mechanical amusement device in addition
12 20 to the current ability to revoke the registration for
12 21 violations of Code sections 99B.10 or 99B.10A, rules adopted
12 22 by the department, or for any other cause that the director of
12 23 the department would justify such action. The bill also
12 24 provides that if a person owning or employed by an
12 25 establishment with a liquor control license violates a
12 26 provision of law relative to amusement devices or a department
12 27 rule, the department may restrict the number of registered
12 28 amusement devices in the establishment for up to two years.

12 29 The bill provides that if a person owning or employed by an
12 30 establishment with a class "A", "B", "C", or "D" liquor
12 31 control license commits an offense of awarding a cash prize,
12 32 the liquor control license shall be suspended for a period of
12 33 14 days. In addition, the bill provides that if a person
12 34 owning or employed by an establishment having a class "B" or
12 35 "C" beer permit commits an offense of awarding a cash prize,



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13 1 the beer permit and sales tax permit of the establishment
13 2 shall be suspended for a period of 14 days.
13 3 The bill also adds a new provision concerning the process
13 4 the department must follow to take action to deny, revoke, or
13 5 suspend a registration issued pursuant to Code section 99B.10
13 6 or 99B.10A. The bill requires that the process shall start
13 7 with delivery to the applicant or registrant by certified
13 8 mail, return receipt requested, or by personal service, a
13 9 notice setting forth the proposed action and the reasons for
13 10 the action. If a written request for hearing is not received
13 11 within 30 days, the intended denial, suspension, or revocation
13 12 shall become effective pending a final determination by the
13 13 department. If a request for hearing is timely received, a
13 14 hearing shall be held subject to the requirements of Code
13 15 chapter 17A and rules promulgated by the department and any
13 16 adverse action shall be suspended pending a final
13 17 determination. However, the bill provides that the director
13 18 of the department may still suspend a registration prior to
13 19 hearing if there is a risk to public health, safety, or
13 20 welfare. The bill further provides that a copy of the final
13 21 decision shall be sent by certified mail or served personally
13 22 upon the applicant or registrant who may seek judicial review
13 23 pursuant to Code chapter 17A. The bill provides that if a
13 24 registration is denied, the applicant shall not be able to
13 25 reapply for the same registration for two years. In addition,
13 26 if the department suspends or revokes a registration, the
13 27 suspension or revocation shall be for a period not to exceed
13 28 two years.
13 29 Code section 99B.10C, concerning operation of registered
13 30 electrical and mechanical amusement devices by persons under
13 31 21, is amended to provide that an employee, in addition to the
13 32 owner or lessee of a registered device, who knowingly allows a
13 33 person under 21 to operate the device is guilty of a simple
13 34 misdemeanor.
13 35 LSB 1347XD 82



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14 1 ec:nh/es/88.1



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Senate Study Bill 1181

SENATE/HOUSE FILE
 BY (PROPOSED GOVERNOR'S BUDGET
 BILL)

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to and making transportation and other
 2 infrastructure-related appropriations to the department of
 3 transportation, including allocation and use of moneys from
 4 the road use tax fund, the primary road fund, and the state
 5 aviation fund.
 6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 7 TLSB 1120XG 82
 8 dea/gg/14



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1 1 Section 1. ROAD USE TAX FUND. There is appropriated from
1 2 the road use tax fund to the department of transportation for
1 3 the fiscal year beginning July 1, 2007, and ending June 30,
1 4 2008, the following amounts, or so much thereof as is
1 5 necessary, to be used for the purposes designated:
1 6 1. For the payment of costs associated with the production
1 7 of driver's licenses, as defined in section 321.1, subsection
1 8 20A:
1 9 \$ 3,047,000
1 10 Notwithstanding section 8.33, unencumbered or unobligated
1 11 funds remaining on June 30, 2008, from the appropriation made
1 12 in this subsection shall not revert, but shall remain
1 13 available for subsequent fiscal years for the purposes
1 14 specified in this subsection.
1 15 2. For salaries, support, maintenance, and miscellaneous
1 16 purposes:
1 17 a. Operations:
1 18 \$ 6,237,000
1 19 b. Planning:
1 20 \$ 470,000
1 21 c. Motor vehicles:
1 22 \$ 33,347,113
1 23 3. For payments to the department of administrative
1 24 services for utility services:
1 25 \$ 145,000
1 26 4. Unemployment compensation:
1 27 \$ 17,000
1 28 5. For payments to the department of administrative
1 29 services for paying workers' compensation claims under chapter
1 30 85 on behalf of employees of the department of transportation:
1 31 \$ 108,000
1 32 6. For payment to the general fund of the state for
1 33 indirect cost recoveries:
1 34 \$ 102,000
1 35 7. For reimbursement to the auditor of state for audit



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2 1 expenses as provided in section 11.5B:
2 2 \$ 60,988
2 3 8. For automation, telecommunications, and related costs
2 4 associated with the county issuance of driver's licenses and
2 5 vehicle registrations and titles:
2 6 \$ 1,832,000
2 7 9. For transfer to the department of public safety for
2 8 operating a system providing toll-free telephone road and
2 9 weather conditions information:
2 10 \$ 100,000
2 11 10. For costs associated with the participation in the
2 12 Mississippi river parkway commission:
2 13 \$ 40,000
2 14 11. For membership in the North America's superhighway
2 15 corridor coalition:
2 16 \$ 50,000
2 17 12. For costs associated with scale maintenance:
2 18 \$ 100,000
2 19 13. For development of an international registration plan
2 20 and international fuel tax administration system:
2 21 \$ 1,000,000
2 22 Notwithstanding section 8.33, moneys appropriated in
2 23 subsection 13 that remain unencumbered or unobligated at the
2 24 close of the fiscal year shall not revert but shall remain
2 25 available for expenditure for the purposes designated until
2 26 the close of the fiscal year that begins July 1, 2009.
2 27 Sec. 2. PRIMARY ROAD FUND. There is appropriated from the
2 28 primary road fund to the department of transportation for the
2 29 fiscal year beginning July 1, 2007, and ending June 30, 2008,
2 30 the following amounts, or so much thereof as is necessary, to
2 31 be used for the purposes designated:
2 32 1. For salaries, support, maintenance, and miscellaneous
2 33 purposes:
2 34 a. Operations:
2 35 \$ 38,311,652



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3	1	b. Planning:	
3	2	\$ 8,920,908
3	3	c. Highways:	
3	4	\$209,436,880
3	5	d. Motor vehicles:	
3	6	\$ 1,384,000
3	7	2. For payments to the department of administrative	
3	8	services for utility services:	
3	9	.....	\$ 888,000
3	10	3. Unemployment compensation:	
3	11	.....	\$ 328,000
3	12	4. For payments to the department of administrative	
3	13	services for paying workers' compensation claims under chapter	
3	14	85 on behalf of the employees of the department of	
3	15	transportation:	
3	16	.....	\$ 2,592,000
3	17	5. For disposal of hazardous wastes from field locations	
3	18	and the central complex:	
3	19	.....	\$ 800,000
3	20	6. For payment to the general fund for indirect cost	
3	21	recoveries:	
3	22	.....	\$ 748,000
3	23	7. For reimbursement to the auditor of state for audit	
3	24	expenses as provided in section 11.5B:	
3	25	.....	\$ 376,212
3	26	8. For costs associated with producing transportation	
3	27	maps:	
3	28	.....	\$ 242,000
3	29	9. For inventory and equipment replacement:	
3	30	.....	\$ 2,250,000
3	31	10. For utility improvements at various locations:	
3	32	.....	\$ 400,000
3	33	11. For garage roofing projects at various locations:	
3	34	\$ 100,000
3	35	12. For heating, cooling, and exhaust system improvements	



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Senate Study Bill 1180 continued

4 1 at various locations:
 4 2 \$ 100,000
 4 3 13. For deferred maintenance projects at field facilities
 4 4 throughout the state:
 4 5 \$ 351,500
 4 6 14. For construction of a new Clarinda garage:
 4 7 \$ 2,300,000
 4 8 15. For federal Americans with Disabilities Act
 4 9 improvements at various locations:
 4 10 \$ 200,000
 4 11 16. For elevator upgrades at the Ames complex:
 4 12 \$ 100,000
 4 13 Notwithstanding section 8.33, moneys appropriated in
 4 14 subsections 10 through 16 that remain unencumbered or
 4 15 unobligated at the close of the fiscal year shall not revert
 4 16 but shall remain available for expenditure for the purposes
 4 17 designated until the close of the fiscal year that begins July
 4 18 1, 2010.
 4 19 Sec. 3. STATE AVIATION FUND. There is appropriated from
 4 20 the state aviation fund created in section 328.56, as enacted
 4 21 in 2006 Acts, chapter 1179, section 57, to the department of
 4 22 transportation for the fiscal year beginning July 1, 2007, and
 4 23 ending June 30, 2008, the following amount, or so much thereof
 4 24 as is necessary, to be used for the purpose designated:
 4 25 For airport improvement projects, as provided in section
 4 26 328.56, as enacted in 2006 Acts, chapter 1179, section 57:
 4 27 \$ 1,600,000

EXPLANATION

4 28
 4 29 This bill makes and limits appropriations for the 2007=2008
 4 30 fiscal year from the road use tax fund and the primary road
 4 31 fund to the department of transportation.
 4 32 Appropriations from the road use tax fund include
 4 33 appropriations for driver's license production costs,
 4 34 salaries, operations, planning, motor vehicles, utility
 4 35 services provided by the department of administrative



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5 1 services, unemployment and workers' compensation, indirect
5 2 cost recoveries, audits, county issuance of driver's licenses
5 3 and vehicle registration and titling, a system providing
5 4 toll-free telephone road and weather reports, participation in
5 5 the Mississippi river parkway commission, membership in the
5 6 North America's superhighway corridor coalition, scale
5 7 maintenance, and development of an international registration
5 8 plan and international fuel tax administration system.
5 9 Appropriations from the primary road fund include
5 10 appropriations for salaries, operations, planning, highways,
5 11 motor vehicles, utility services provided by the department of
5 12 administrative services, unemployment and workers'
5 13 compensation, hazardous waste disposal, indirect cost
5 14 recoveries, audits, production of transportation maps,
5 15 inventory and equipment replacement, utility projects, garage
5 16 roofing, heating and cooling improvements, deferred
5 17 maintenance at field facilities, replacement of the Clarinda
5 18 garage, various Americans With Disabilities Act improvements,
5 19 and elevator upgrades at the Ames complex.
5 20 The bill makes an appropriation for the 2007=2008 fiscal
5 21 year from the state aviation fund to the department of
5 22 transportation for airport improvement projects.
5 23 LSB 1120XG 82
5 24 dea:mg/gg/14.2



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Senate Study Bill 1182

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON CONNOLLY)

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 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1951XC 82
- 4 eg/es/88



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1 1 Section 1. Section 331.752, subsection 5, Code 2007, 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, 2007, 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, 2008, 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, 2009, 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, 2007, 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, 2008, 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, 2009, 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 2007,
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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Senate Study Bill 1182 continued

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 EXPLANATION

4 26 This bill provides a minimum annual salary to be paid to
4 27 county attorneys. Based upon the population of the county in
4 28 which the county attorney serves, the county attorney shall
4 29 receive an amount which is a percentage of the annual salary
4 30 received by a district judge. The minimum salary requirement
4 31 is phased in over three years, beginning with fiscal year
4 32 2007-2008 and ending with fiscal year 2009-2010. The bill
4 33 addresses both full-time and part-time county attorneys.
4 34 The bill requires the county compensation board to consider
4 35 the minimum salary amounts when setting the salary of the



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5 1 county attorney. The bill also prohibits a county board of
5 2 supervisors, in determining the final compensation schedule
5 3 for each elected county officer, from reducing a county
5 4 attorney's salary increase below the applicable minimum
5 5 amounts in Code section 331.752A.
5 6 LSB 1951XC 82
5 7 eg:sc/es/88



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Senate Study Bill 1183

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON CONNOLLY)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring a certificate of need for the relocation of an
- 2 institutional health facility within a county.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1639SC 82
- 5 nh/cf/24



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Senate Study Bill 1183 continued

PAG LIN

1 1 Section 1. Section 135.61, subsection 18, paragraph b,
1 2 Code 2007, is amended to read as follows:
1 3 b. Relocation of an institutional health facility,
1 4 including relocation within a county.

1 5 EXPLANATION

1 6 This bill requires an institutional health facility to
1 7 apply to the department of public health for a certificate of
1 8 need for relocation of the facility within the county.

1 9 Current law prohibits a new or changed institutional health
1 10 service from being offered or developed in the state without
1 11 prior application to the department for and receipt of a
1 12 certificate of need. A new or changed institutional health
1 13 service includes relocation of an institutional health
1 14 facility. Pursuant to current departmental rules, a facility
1 15 is relocated if a facility located in one county is replaced
1 16 with a facility located in another county. An "institutional
1 17 health facility" means a hospital, a health care facility, an
1 18 organized outpatient health facility, an outpatient surgical
1 19 facility, a community mental health facility, or a birth
1 20 center.

1 21 LSB 1639SC 82

1 22 nh:rj/cf/24



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Senate Study Bill 1184

SENATE FILE
 BY (PROPOSED COMMITTEE ON
 AGRICULTURE BILL BY
 CHAIRPERSON FRAISE)

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

A BILL FOR

- 1 An Act providing for the regulation of confinement feeding
- 2 operations, by providing for separation distances.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2116XC 82
- 5 da/es/88



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Senate Study Bill 1184 continued

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1 1 Section 1. Section 459.202, subsection 4, unnumbered
 1 2 paragraph 1, Code 2007, is amended to read as follows:
 1 3 Except as provided in subsection 5 and sections 459.203,
 1 4 459.205, and 459.206, this subsection applies to confinement
 1 5 feeding operation structures constructed on or after March 1,
 1 6 2003, but prior to the effective date of this Act, and to the
 1 7 expansion of confinement feeding operation structures
 1 8 constructed on or after March 1, 2003, but prior to the
 1 9 effective date of this Act.

1 10 Sec. 2. Section 459.202, subsection 5, unnumbered
 1 11 paragraph 1, Code 2007, is amended to read as follows:
 1 12 Except as provided in sections 459.203, 459.205, and
 1 13 459.206, this subsection applies to confinement feeding
 1 14 operation structures constructed on or after March 1, 2003,
 1 15 but prior to the effective date of this Act, and to the
 1 16 expansion of confinement feeding operation structures
 1 17 constructed on or after March 1, 2003, but prior to the
 1 18 effective date of this Act.

1 19 Sec. 3. Section 459.202, Code 2007, is amended by adding
 1 20 the following new subsection:

1 21 NEW SUBSECTION. 5A. Except as provided in sections
 1 22 459.203, 459.205, and 459.206, this subsection applies to
 1 23 confinement feeding operation structures constructed on or
 1 24 after the effective date of this Act, and to the expansion of
 1 25 confinement feeding operation structures constructed on or
 1 26 after the effective date of this Act.

1 27 The following table represents the minimum separation
 1 28 distance in feet required between a confinement feeding
 1 29 operation structure and a confinement feeding operation
 1 30 structure and a residence not owned by the owner of the
 1 31 confinement feeding operation, a commercial enterprise, a bona
 1 32 fide religious institution, or an educational institution, or
 1 33 a public use area:

1 34		For a	
1 35	For a	confinement	For a



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2	1	confinement	feeding	confinement
2	2	feeding	operation	feeding
2	3	operation	having an	operation
2	4	having an	animal unit	having an
2	5	animal unit	capacity of	animal unit
2	6	capacity of	1,000 or more	capacity of
2	7	less than	but less than	3,000 or
2	8	1,000 animal	3,000 animal	more animal
2	9	<u>Type of structure</u>	<u>units</u>	<u>units</u>
2	10	Confinement feeding		
2	11	operation		
2	12	structure	2,640	3,960
2	13	Sec. 4. Section 459.203, subsection 1, paragraph c, Code		5,280
2	14	2007, is amended to read as follows:		
2	15	c. For a confinement feeding operation constructed on or		
2	16	after March 1, 2003, <u>but prior to the effective date of this</u>		
2	17	<u>Act, any construction or expansion of a confinement feeding</u>		
2	18	<u>operation structure complies with the distance requirements</u>		
2	19	<u>applying to that structure as provided in section 459.202,</u>		
2	20	<u>subsections 4 and 5.</u>		
2	21	Sec. 5. Section 459.203, subsection 1, Code 2007, is		
2	22	amended by adding the following new paragraph:		
2	23	<u>NEW PARAGRAPH.</u> d. For a confinement feeding operation		
2	24	constructed on or after the effective date of this Act, any		
2	25	construction or expansion of a confinement feeding operation		
2	26	structure complies with the distance requirements applying to		
2	27	that structure as provided in section 459.202, subsection 5A.		
2	28	Sec. 6. Section 459.203, subsection 2, paragraph c,		
2	29	subparagraph (1), Code 2007, is amended to read as follows:		
2	30	(1) Double its animal unit capacity on <u>the following</u>		
2	31	<u>dates:</u>		
2	32	<u>(a) March 1, 2003, for a confinement feeding operation</u>		
2	33	<u>that includes a confinement feeding operation structure</u>		
2	34	<u>constructed prior to the effective date of this Act.</u>		
2	35	<u>(b) The effective date of this Act, for a confinement</u>		



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Senate Study Bill 1184 continued

3 1 feeding operation that only includes a confinement feeding
3 2 operation structure constructed on or after March 1, 2003, but
3 3 does include a confinement feeding operation structure
3 4 constructed prior to the effective date of this Act.

3 5 Sec. 7. Section 459.203, subsection 3, unnumbered
3 6 paragraph 1, Code 2007, is amended to read as follows:
3 7 The confinement feeding operation includes a confinement
3 8 feeding operation structure that is constructed ~~prior to March~~
~~3 9 1, 2003,~~ and is expanded by replacing one or more unformed
3 10 manure storage structures with one or more formed manure
3 11 storage structures, if all of the following apply:

3 12 EXPLANATION
3 13 BACKGROUND. This bill amends provisions in Code chapter
3 14 459 (the animal agriculture compliance Act) regulating animal
3 15 feeding operations by the department of natural resources,
3 16 including confinement feeding operations. The bill provides
3 17 for the construction of confinement feeding operation
3 18 structures (i.e., confinement buildings, manure storage
3 19 structures, and egg washwater lagoons).

3 20 CURRENT REQUIREMENTS. Code section 459.202 provides
3 21 various separation distance requirements between confinement
3 22 feeding operation structures and homes, schools, businesses,
3 23 churches, public use areas (portions of parks and cemeteries).
3 24 The Code section also provides various separation distance
3 25 requirements between those structures and homes, schools,
3 26 businesses, and churches located within the corporate limits
3 27 of a city.

3 28 According to Code section 459.202, the amount of the
3 29 separation distance required depends upon (1) when the
3 30 confinement feeding operation structure was constructed or
3 31 expanded which is usually related to when a new separation
3 32 distance became effective, and (2) the size of the confinement
3 33 feeding operation which increases the distance according to
3 34 the capacity of the confinement feeding operation (either
3 35 animal weight capacity or animal unit capacity).



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4 1 Code section 459.203 provides that a confinement feeding
4 2 operation constructed or expanded prior to the date that a
4 3 distance requirement became effective may continue to operate
4 4 regardless of the new distance requirement, and under certain
4 5 circumstances may be expanded. For example, a confinement
4 6 feeding operation may expand if it continues to meet the
4 7 separation distance requirements applicable when the
4 8 confinement feeding operation was established or it meets
4 9 minimum capacity threshold requirements. It may expand so
4 10 long as the confinement feeding operation stays within a
4 11 minimum capacity (e.g., double its capacity on the date that a
4 12 new separation requirement was established). Finally, it
4 13 authorizes expansion by replacing an unformed (earthen) manure
4 14 storage structure with a formed (concrete) manure storage
4 15 structure.

4 16 INCREASED SEPARATION DISTANCES. The bill amends Code
4 17 section 459.202 to provide increased separation distance
4 18 requirements for confinement feeding operation structures
4 19 constructed or expanded on or after the effective date of the
4 20 bill. The increased separation distance requirements are
4 21 one-half mile, three-quarter miles, or one mile, based on the
4 22 animal unit capacity of the confinement feeding operation. It
4 23 also provides that the same exceptions that allow a
4 24 confinement feeding operation established between March 1,
4 25 2003, and the effective date of the bill to expand applies to
4 26 allow a confinement feeding operation established on and after
4 27 the effective date of the bill to expand. The bill allows
4 28 expansion by the replacement of an unformed manure storage
4 29 structure with a formed manure structure regardless of the
4 30 date that the confinement feeding operation was constructed.

4 31 LSB 2116XC 82

4 32 da:rj/es/88