



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 14, 2009

House File 10

HOUSE FILE
BY ABDUL=SAMAD

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

A BILL FOR

- 1 An Act relating to employees who are breast=feeding.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1184HH 83
- 4 ak/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 14, 2009

House File 10 continued

PAG LIN

1 1 Section 1. Section 91.5, Code 2009, is amended to read as
1 2 follows:

1 3 91.5 OTHER DUTIES == JURISDICTION IN GENERAL.

1 4 The commissioner shall have jurisdiction and it shall be
1 5 the commissioner's duty to supervise the enforcement of:

1 6 1. All laws relating to safety appliances and inspection
1 7 thereof and health conditions in manufacturing and mercantile
1 8 establishments, workshops, machine shops, other industrial
1 9 concerns within the commissioner's jurisdiction and sanitation
1 10 and shelter for railway employees.

1 11 2. All laws of the state relating to child labor.

1 12 3. All laws relating to employment agencies.

1 13 4. All laws relating to issues of breast=feeding in the
1 14 workplace.

1 15 ~~4-~~ 5. Such other provisions of law as are now or shall
1 16 hereafter be within the commissioner's jurisdiction.

1 17 Sec. 2. NEW SECTION. 91F.1 BREAST=FEEDING AT WORK.

1 18 1. An employer shall provide reasonable unpaid break time
1 19 each day to an employee who needs to express breast milk or
1 20 breast=feed a child. The break time shall, if possible, run
1 21 concurrently with any break time already provided to the
1 22 employee. An employer is not required to provide break time
1 23 under this section if to do so would unduly disrupt the
1 24 operations of the employer.

1 25 2. The employer shall make reasonable efforts to provide a
1 26 room or other location, other than a toilet stall, in close
1 27 proximity to the work area where the employee can express the
1 28 breast milk or breast=feed in privacy.

1 29 3. For the purposes of this section, "employer" means a
1 30 person who employs one or more employees.

1 31 EXPLANATION

1 32 This bill places the enforcement of laws concerning nursing
1 33 mothers in the workplace under the auspices of the labor
1 34 commissioner.

1 35 The bill requires that an employer provide reasonable daily



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2 1 unpaid break time to an employee who needs to express breast
2 2 milk or breast-feed a child. The break shall be the same
2 3 break if one is already given to the employee. An employer is
2 4 not required to provide a break if doing so would unduly
2 5 disrupt the employer's work operations.
2 6 The bill also requires that the employer make reasonable
2 7 efforts to provide a room or other location, other than a
2 8 toilet stall, in close proximity to the work area for the
2 9 employee to express breast milk or breast-feed in privacy.
2 10 For the purposes of the bill, an employer is defined as a
2 11 person who employs one or more employees.
2 12 LSB 1184HH 83
2 13 ak/nh/14



Iowa General Assembly
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House File 11 - Introduced

HOUSE FILE
BY HUNTER

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

A BILL FOR

1 An Act to increase the state minimum hourly wage by the same
2 percentage as the increase in federal social security
3 benefits.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1621HH 83
6 kh/rj/5



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House File 11 - Introduced continued

PAG LIN

1 1 Section 1. Section 91D.1, subsection 1, paragraph a, Code
1 2 2009, is amended to read as follows:

1 3 a. The state hourly wage shall be at least \$6.20 as of
1 4 April 1, 2007, and \$7.25 as of January 1, 2008. The state
1 5 hourly wage, including the state hourly wage for the first
1 6 ninety calendar days of employment provided in paragraph "d",
1 7 shall be increased annually on July 1 by the same percentage
1 8 as the cost-of-living increase in federal social security
1 9 benefits authorized in the previous fiscal year by the federal
1 10 social security administration pursuant to section 215 of the
1 11 federal Social Security Act, 42 U.S.C. } 415.

1 12 EXPLANATION

1 13 This bill increases the state minimum hourly wage,
1 14 including the minimum hourly wage established for employees
1 15 employed for less than 90 days, annually on July 1 by the same
1 16 percentage as the cost-of-living increase in social security
1 17 benefits authorized in the previous fiscal year by the federal
1 18 social security administration.

1 19 LSB 1621HH 83

1 20 kh/rj/5



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House File 12 - Introduced

HOUSE FILE
BY PETTENGILL

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

A BILL FOR

- 1 An Act prohibiting the use of artificial light on certain
- 2 wildlife during specified dates for hunting or recreational
- 3 purposes and making a penalty applicable.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLBS 1608HH 83
- 6 av/sc/8



Iowa General Assembly
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House File 12 - Introduced continued

PAG LIN

1 1 Section 1. Section 481A.93, Code 2009, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 1A. A person shall not throw or cast the
1 4 rays of a spotlight, headlight, or other artificial light on a
1 5 highway, or in a field, woodland, or forest for the purpose of
1 6 spotting, locating, or taking or attempting to take or hunt a
1 7 bird or animal, except raccoons or other fur-bearing animals
1 8 when treed with the aid of dogs, from the dates of September
1 9 15 through December 31 of each year.

1 10 EXPLANATION

1 11 This bill prohibits the use of spotlights, headlights, or
1 12 other artificial lights to spot, locate, take or attempt to
1 13 take, or hunt birds or animals, except raccoons or other
1 14 fur-bearing animals when treed with the aid of dogs, from the
1 15 dates of September 15 through December 31 of each year. This
1 16 prohibition is in addition to the current prohibition against
1 17 use of such artificial lights by a person or group of persons
1 18 while in possession of weapons or other devices to kill or
1 19 take birds or animals.

1 20 A violation of the new provision is punishable by a
1 21 scheduled fine of \$100.

1 22 LSB 1608HH 83

1 23 av/sc/8



Iowa General Assembly
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House File 7

HOUSE FILE
BY ABDUL=SAMAD

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act establishing a parental involvement grant program and
- 2 making an appropriation.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1144HH 83
- 5 kh/nh/5



Iowa General Assembly
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House File 7 continued

PAG LIN

1 1 Section 1. NEW SECTION. 256.27 PARENTAL INVOLVEMENT
1 2 GRANT PROGRAM.
1 3 1. There is established a parental involvement grant
1 4 program within the department to provide competitive grants to
1 5 school districts that substantially involve parents and
1 6 guardians in efforts to improve the academic achievement of
1 7 at-risk and minority student subgroups at any or all grade
1 8 levels from prekindergarten through grade twelve.
1 9 2. Grant applications shall be evaluated by the department
1 10 based on the targeted student population and whether the
1 11 application meets all of the following conditions:
1 12 a. Includes a detailed plan to involve parents and
1 13 guardians in a school and the school culture. The plan shall
1 14 require a parent or guardian who agrees to participate in the
1 15 program to sign a compact with the school district in which
1 16 the school district agrees to maintain regular communication
1 17 and work collaboratively with the parent or guardian in the
1 18 child's education and the parent or guardian agrees to promote
1 19 the educational advancement of the child, attend
1 20 parent-teacher conferences, and assist the child with
1 21 activities recommended by the school district, including but
1 22 not limited to homework and community service.
1 23 b. Demonstrates partnerships and collaboration with
1 24 not-for-profit community organizations.
1 25 c. Demonstrates that the school district is able to
1 26 sustain the program after the grant is exhausted.
1 27 3. Grant moneys may be expended for services and
1 28 activities that include but are not limited to diagnostic
1 29 assessments and appropriate interventions to identify student
1 30 needs; tutoring and supplemental instruction in basic skills,
1 31 such as reading, math, and science; relationship building
1 32 among parents, guardians, educators, community leaders, and
1 33 public officials; promotion and support of parenting and
1 34 leadership skills and capabilities; conflict resolution; team
1 35 building; outreach strategies to involve families;



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House File 7 continued

2 1 establishing or improving homework skills; counseling;
 2 2 character development and civic participation; or mentoring.
 2 3 4. The department shall provide grants to the following:
 2 4 a. Three school districts, each of which with a budget
 2 5 enrollment for the fiscal year beginning July 1, 2008, of more
 2 6 than sixteen thousand students.
 2 7 b. One school district with a budget enrollment for the
 2 8 fiscal year beginning July 1, 2008, of more than ten thousand
 2 9 eight hundred students, but less than eleven thousand
 2 10 students.
 2 11 c. One school district with a budget enrollment for the
 2 12 fiscal year beginning July 1, 2008, of more than six hundred
 2 13 forty-seven students, but less than six hundred forty-nine
 2 14 students.
 2 15 5. The department shall make every effort to leverage
 2 16 additional funding from other public and private sources to
 2 17 support the grant program.
 2 18 6. Grant funding may be used for programming for multiple
 2 19 fiscal years as proposed by the applicant and approved by the
 2 20 department.
 2 21 Sec. 2. DEPARTMENT OF EDUCATION == PARENTAL INVOLVEMENT
 2 22 PROGRAM GRANTS. There is appropriated from the general fund
 2 23 of the state to the department of education for the fiscal
 2 24 year beginning July 1, 2009, and ending June 30, 2010, the
 2 25 following amount, or so much thereof as is necessary, to be
 2 26 used for the purposes designated:
 2 27 For competitive grants to school districts which
 2 28 substantially involve parents and guardians to improve the
 2 29 academic achievement of at-risk and minority student subgroups
 2 30 at any or all grade levels from prekindergarten through grade
 2 31 twelve in accordance with section 256.27:
 2 32 \$ 500,000
 2 33 EXPLANATION
 2 34 This bill establishes a parental involvement grant program
 2 35 to provide competitive grants to school districts that



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House File 7 continued

3 1 substantially involve parents and guardians in efforts to
3 2 improve the academic achievement of at-risk and minority
3 3 student subgroups at any or all grade levels from
3 4 prekindergarten through grade 12. The bill appropriates
3 5 \$500,000 to the department of education to fund the grant
3 6 program for the fiscal year beginning July 1, 2009.
3 7 Grant applications must include a detailed plan to involve
3 8 parents and guardians. Under the plan, a parent or guardian
3 9 who agrees to participate in the program must sign a compact
3 10 with the school district in which the school district agrees
3 11 to maintain regular communication and work collaboratively
3 12 with the parent or guardian and the parent or guardian agrees
3 13 to promote the educational advancement of the child, attend
3 14 parent-teacher conferences, and assist the child with
3 15 activities recommended by the school district. The
3 16 application must also demonstrate partnerships and
3 17 collaboration with not-for-profit community organizations.
3 18 The bill lists services and activities for which grant
3 19 recipients may expend grant funds.
3 20 The department is directed to award grants to five school
3 21 districts, including three school districts having enrollments
3 22 of more than 16,000, one school district with an enrollment
3 23 between 10,800 and 11,000, and one school district with an
3 24 enrollment between 647 and 649 students. Grant funding may be
3 25 used for programming for multiple fiscal years as proposed by
3 26 the applicant and approved by the department.
3 27 LSB 1144HH 83
3 28 kh/nh/5



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House File 8

HOUSE FILE
BY MERTZ

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

A BILL FOR

1 An Act relating to child abuse involving members of the clergy
2 and child abuse reporting requirements, and making penalties
3 applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1023YH 83
6 jp/nh/5



Iowa General Assembly
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House File 8 continued

PAG LIN

1 1 Section 1. Section 232.68, subsection 2, paragraph d, Code
1 2 2009, is amended to read as follows:

1 3 d. The failure on the part of a person responsible for the
1 4 care of a child to provide for the adequate food, shelter,
1 5 clothing or other care necessary for the child's health and
1 6 welfare when financially able to do so or when offered
1 7 financial or other reasonable means to do so. A parent or
1 8 guardian legitimately practicing religious beliefs who does
1 9 not provide specified medical treatment for a child for that
1 10 reason alone shall not be considered abusing the child,
1 11 however this provision shall not preclude a court from
1 12 ordering that medical service be provided to the child where
1 13 the child's health requires it. Such a failure on the part of
1 14 a member of the clergy who is a person responsible for the
1 15 care of a child shall be considered child abuse only to the
1 16 extent and duration of the care provided to the child by the
1 17 member of the clergy.

1 18 Sec. 2. Section 232.68, subsection 7, Code 2009, is
1 19 amended by adding the following new paragraph:

1 20 NEW PARAGRAPH. e. A member of the clergy who came to know
1 21 a child through an official capacity or position of trust.

1 22 Sec. 3. Section 232.69, subsection 1, paragraph b, Code
1 23 2009, is amended by adding the following new subparagraph:

1 24 NEW SUBPARAGRAPH. (14) A member of the clergy.

1 25 Sec. 4. Section 232.70, subsection 2, Code 2009, is
1 26 amended to read as follows:

1 27 2. A mandatory or permissive reporter may also notify the
1 28 reporter's employer or supervisor or other person with
1 29 authority over the mandatory or permissive reporter regarding
1 30 the child abuse report. The employer or supervisor of a
1 31 person who is a mandatory or permissive reporter or a person
1 32 in authority receiving the report shall not apply a policy,
1 33 work rule, or other requirement that interferes with the
1 34 person making a report of child abuse and shall not exercise
1 35 any control or restraint in the making of the report or



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House File 8 continued

2 1 initiate a modification or other change in the report content.

2 2 EXPLANATION

2 3 This bill relates to child abuse involving members of the
2 4 clergy and child abuse reporting requirements, and makes
2 5 penalties applicable.

2 6 Iowa law involving child abuse defines various acts as
2 7 child abuse and provides that child abuse exists when any of
2 8 the acts in the definition are committed on a child by a
2 9 caretaker defined as a "person responsible for the care of a
2 10 child". The bill explicitly expands the child abuse law to
2 11 include members of the clergy who came to know a child through
2 12 an official capacity or position of trust in the child abuse
2 13 law by amending the law's definitions to include such clergy.
2 14 Under the definitions, child abuse acts include nonaccidental
2 15 physical injury, mental injury, various sexual offenses,
2 16 neglect, and the presence of an illegal drug in a child's
2 17 body.

2 18 The "neglect" portion of the definition of the term "child
2 19 abuse" in Code section 232.68, involving failure of a person
2 20 responsible for the care of a child to provide adequate food,
2 21 shelter, clothing, or other care necessary for the child's
2 22 health and welfare, is amended to clarify that this portion's
2 23 applicability to a member of the clergy who is such a person
2 24 is limited to the extent and duration of the care provided to
2 25 the child by the member of the clergy.

2 26 The definition in Code section 232.68 of the term "person
2 27 responsible for the care of a child" used in the child abuse
2 28 statute is expanded. The expansion includes in the definition
2 29 a member of the clergy who came to know a child through an
2 30 official capacity or position of trust. This inclusion
2 31 triggers requirements in law for reporting of child abuse acts
2 32 by such members of the clergy.

2 33 A report of child abuse is made to the department of human
2 34 services and the department involves law enforcement and
2 35 notifies the county attorney. The department performs an



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House File 8 continued

3 1 assessment of the child abuse allegations and issues a written
3 2 report. If the department finds that child abuse occurred,
3 3 unless the injury or risk of harm was determined to be minor,
3 4 isolated, and unlikely to recur, the name of the person
3 5 alleged to have committed the abuse is placed on the central
3 6 child abuse registry as having committed founded child abuse.

3 7 The list of those who are mandatory reporters of child
3 8 abuse in Code section 232.69 is expanded to include members of
3 9 the clergy. A mandatory reporter is required to complete two
3 10 hours of training relating to the identification and reporting
3 11 of child abuse within six months of initial employment and to
3 12 complete at least two hours of additional child abuse
3 13 identification and reporting training every five years.

3 14 The requirements for the process of making a child abuse
3 15 report in Code section 232.70 are also expanded. The bill
3 16 explicitly authorizes a mandatory or permissive reporter to
3 17 notify the reporter's employer or supervisor or other person
3 18 with authority over the reporter regarding the report.

3 19 Current law prohibits an employer or supervisor from applying
3 20 a policy, work rule, or other requirement that interferes with
3 21 a person making a report of child abuse. The bill also
3 22 prohibits an employer or supervisor or a person in authority
3 23 from exercising any control or restraint in the making of a
3 24 report or from initiating any modification or other change in
3 25 the report content.

3 26 Penalties in current law would apply to the changes made in
3 27 the bill. Any person, official, agency, or institution
3 28 required to report a suspected case of child abuse who
3 29 knowingly and willfully fails to do so commits a simple
3 30 misdemeanor. A simple misdemeanor is punishable by
3 31 confinement for no more than 30 days or a fine of at least \$65
3 32 but not more than \$625 or by both.

3 33 Any person, official, agency, or institution required to
3 34 report a suspected case of child abuse who knowingly fails to
3 35 do so or who knowingly interferes with the making of such a



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House File 8 continued

4 1 report in violation of Code section 232.70 is civilly liable
4 2 for the damages proximately caused by such failure or
4 3 interference.
4 4 LSB 1023YH 83
4 5 jp/nh/5



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House File 9 - Introduced

HOUSE FILE
BY ABDUL=SAMAD

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

A BILL FOR

- 1 An Act relating to the use of cellular telephones and other
- 2 wireless communication devices by motor vehicle operators and
- 3 providing a penalty.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1178HH 83
- 6 dea/nh/5



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House File 9 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 321.363A USE OF WIRELESS
1 2 COMMUNICATION DEVICES RESTRICTED.
1 3 1. A person shall not operate or use a cellular telephone
1 4 or other wireless communication device while operating a motor
1 5 vehicle on a street or highway, as defined in section 321.1,
1 6 subsection 78, unless the person uses a headset or hands-free
1 7 adapter to operate or use the telephone or communication
1 8 device.
1 9 2. This section does not apply to the use of a handheld
1 10 cellular telephone or other handheld wireless communication
1 11 device to call 911 or to contact law enforcement authorities
1 12 or an emergency response agency in an emergency situation.
1 13 3. This section does not apply when the motor vehicle is
1 14 at a complete stop off the roadway.
1 15 4. A person who violates this section commits a simple
1 16 misdemeanor, punishable as a scheduled violation under section
1 17 805.8A, subsection 6, paragraph "e".
1 18 Sec. 2. Section 805.8A, subsection 6, Code 2009, is
1 19 amended by adding the following new paragraph:
1 20 NEW PARAGRAPH. e. For violations under section 321.363A,
1 21 the scheduled fine is thirty dollars.
1 22 EXPLANATION
1 23 This bill prohibits the driver of a motor vehicle from
1 24 operating or using a cellular telephone or other wireless
1 25 communication device without using a headset or hands-free
1 26 adapter while operating a motor vehicle on a street or
1 27 highway. An exception is allowed for emergency situations
1 28 when the use of a handheld phone or device is to call 911 or
1 29 contact law enforcement authorities or an emergency response
1 30 agency. The bill does not prohibit a driver from using any
1 31 cellular telephone or other wireless communication device when
1 32 the motor vehicle is at a complete stop off the roadway.
1 33 The bill establishes a scheduled fine of \$30 as the penalty
1 34 for a violation.
1 35 LSB 1178HH 83



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House File 9 - Introduced continued

2 1 dea/nh/5.1



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House Study Bill 10

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
VETERANS AFFAIRS BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act exempting certain persons who transport members of the
2 Iowa veterans home from the requirement to be licensed as a
3 chauffeur.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1450DP 83
6 dea/rj/5



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House Study Bill 10 continued

PAG LIN

1 1 Section 1. Section 321.1, subsection 8, Code 2009, is
1 2 amended by adding the following new unnumbered paragraph:
1 3 NEW UNNUMBERED PARAGRAPH. If authorized to transport
1 4 patients or residents of the Iowa veterans home by the
1 5 commandant or the commandant's designee, an employee of or
1 6 volunteer at the Iowa veterans home is not a chauffeur when
1 7 transporting the patients or residents in an automobile in the
1 8 course of the employee's or volunteer's normal duties.

1 9 EXPLANATION

1 10 Generally, Iowa law provides that a person who operates a
1 11 motor vehicle in the transportation of passengers for wages,
1 12 compensation, or hire is considered a chauffeur subject to
1 13 specific driver's licensing requirements. This bill amends
1 14 the definition of "chauffeur" to exclude authorized employees
1 15 and volunteers of the Iowa veterans home who, in the course of
1 16 their regular duties, transport patients or residents of the
1 17 home in an automobile, a motor vehicle designed for up to nine
1 18 passengers.

1 19 LSB 1450DP 83

1 20 dea/rj/5



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House Study Bill 9

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning preferential hiring treatment by government for
- 2 veterans.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1352DP 83
- 5 ec/nh/5



Iowa General Assembly
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House Study Bill 9 continued

PAG LIN

1 1 Section 1. Section 35C.1, subsection 1, Code 2009, is
1 2 amended to read as follows:
1 3 1. In every public department and upon all public works in
1 4 the state, and of the counties, cities, and school
1 5 corporations of the state, veterans ~~as defined in section 35.1~~
1 6 who are citizens and residents of this state the United States
1 7 are entitled to preference in appointment and employment over
1 8 other applicants of no greater qualifications. The preference
1 9 in appointment and employment for employees of cities under a
1 10 municipal civil service is the same as provided in section
1 11 400.10. For purposes of this section, "veteran" means as
1 12 defined in section 35.1 except that the requirement that the
1 13 person be a resident of this state shall not apply.

1 14 Sec. 2. Section 400.10, Code 2009, is amended to read as
1 15 follows:

1 16 400.10 PREFERENCES.

1 17 In all examinations and appointments under this chapter,
1 18 other than promotions and appointments of chief of the police
1 19 department and chief of the fire department, veterans ~~as~~
1 20 ~~defined in section 35.1,~~ who are citizens and residents of
1 21 this state the United States, shall have five percentage
1 22 points added to the veteran's grade or score attained in
1 23 qualifying examinations for appointment to positions and five
1 24 additional percentage points added to the grade or score if
1 25 the veteran has a service-connected disability or is receiving
1 26 compensation, disability benefits or pension under laws
1 27 administered by the veterans administration. An honorably
1 28 discharged veteran who has been awarded the Purple Heart ~~for~~
1 29 ~~disabilities~~ incurred in action shall be considered to have a
1 30 service-connected disability. However, the percentage points
1 31 shall be given only upon passing the exam and shall not be the
1 32 determining factor in passing. Veteran's preference
1 33 percentage points shall be applied once to the final scores
1 34 used to rank applicants for selection for an interview. For
1 35 purposes of this section, "veteran" means as defined in



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House Study Bill 9 continued

2 1 section 35.1 except that the requirement that the person be a
2 2 resident of this state shall not apply.

2 3 EXPLANATION

2 4 This bill removes the requirement that a person be a
2 5 citizen and resident of Iowa in order to receive a veterans
2 6 preference in appointment or employment for public employment,
2 7 including municipal civil service employment under Code
2 8 chapter 400.

2 9 For purposes of municipal civil service employment, the
2 10 bill also provides that the veteran's preference points are
2 11 percentage points and that the percentage points shall be
2 12 applied once to the final scores used to rank applicants for
2 13 selection for an interview. In addition, the bill strikes the
2 14 phrase "for disabilities" as a qualifier as to whether a
2 15 person awarded a Purple Heart shall be considered to have a
2 16 disability for purposes of determining veterans preference.

2 17 LSB 1352DP 83

2 18 ec/nh/5.2



Iowa General Assembly
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January 14, 2009

Senate File 14

SENATE FILE
BY JOCHUM

(COMPANION TO LSB 1469HH
BY SHOMSHOR)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

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



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Senate File 14 continued

PAG LIN

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

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



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Senate File 15

SENATE FILE
BY BEALL

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

A BILL FOR

1 An Act specifying those authorized to solemnize marriages in this
2 state.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1190XS 83
5 pf/rj/5



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Senate File 15 continued

PAG LIN

1 1 Section 1. Section 595.10, subsection 1, Code 2009, is
1 2 amended to read as follows:

1 3 1. A judge of the supreme court, court of appeals, or
1 4 district court, including a district associate judge,
1 5 associate juvenile judge, or a judicial magistrate, and
1 6 including a senior judge or a retired senior judge as defined
1 7 in section 602.9202, ~~subsection 3.~~

1 8 Sec. 2. Section 595.12, Code 2009, is amended to read as
1 9 follows:

1 10 595.12 FEE AND EXPENSES.

1 11 1. A judge or magistrate authorized to solemnize a
1 12 marriage under section 595.10, subsection 1, may charge a
1 13 reasonable fee for officiating and making return for each
1 14 marriage solemnized at a time other than regular judicial
1 15 working hours. In addition the judge or magistrate may charge
1 16 the parties to the marriage for expenses incurred in
1 17 solemnizing the marriage. ~~No~~ A judge or magistrate shall ~~make~~
1 18 ~~any not~~ charge for solemnizing a marriage during regular
1 19 judicial working hours. The supreme court shall adopt rules
1 20 prescribing the maximum fee and expenses that the judge or
1 21 magistrate may charge.

1 22 2. ~~A minister~~ An individual authorized to solemnize a
1 23 marriage under section 595.10, subsection 2, may charge a
1 24 reasonable fee for each marriage solemnization and making
1 25 return in an amount agreed to by the parties.

1 26 Sec. 3. Section 595.13, Code 2009, is amended to read as
1 27 follows:

1 28 595.13 CERTIFICATE == RETURN.

1 29 After the marriage has been solemnized, the officiating
1 30 ~~minister or magistrate~~ individual authorized to solemnize a
1 31 marriage under section 595.10 shall attest to the marriage on
1 32 the blank provided for that purpose and return the certificate
1 33 of marriage within fifteen days to the county registrar who
1 34 issued the marriage license.

1 35 Sec. 4. Section 595.16, Code 2009, is amended to read as



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Senate File 15 continued

2 1 follows:

2 2 595.16 SPOUSE RESPONSIBLE FOR RETURN.

2 3 When a marriage is consummated without the services of a

~~2 4 cleric or magistrate an individual authorized to solemnize a~~

2 5 marriage under section 595.10, the required return of the

2 6 marriage may be made to the county registrar by either spouse.

2 7 EXPLANATION

2 8 This bill authorizes retired senior judges to solemnize

2 9 marriages in this state. The bill also makes corrective

2 10 changes in provisions of Code chapter 595 (marriage) relating

2 11 to those who currently are authorized to solemnize marriages.

2 12 LSB 1190XS 83

2 13 pf/rj/5



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Senate File 16 - Introduced

SENATE FILE
BY JOCHUM

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

A BILL FOR

1 An Act relating to third-party payment of health care coverage
2 costs for mental health conditions, including alcohol or
3 substance abuse treatment services, and creating a mental
4 health insurance advisory committee.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1468SS 83
7 av/nh/8



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Senate File 16 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 514C.24 MANDATED COVERAGE FOR
1 2 MENTAL HEALTH CONDITIONS == MENTAL HEALTH INSURANCE ADVISORY
1 3 COMMITTEE.
1 4 1. For purposes of this section, unless the context
1 5 otherwise requires:
1 6 a. "Mental health condition" means a condition or disorder
1 7 involving mental illness or alcohol or substance abuse as
1 8 defined by the commissioner of insurance by rule, consistent
1 9 with definitions provided in the most recent edition of the
1 10 American psychiatric association's diagnostic and statistical
1 11 manual of mental disorders. The commission may adopt the
1 12 definitions provided in such manual by reference.
1 13 b. "Rates, terms, and conditions" means any lifetime
1 14 payment limits, deductibles, copayments, coinsurance, and any
1 15 other cost-sharing requirements, out-of-pocket limits, visit
1 16 limitations, and any other financial component of benefits
1 17 coverage that affects the covered individual.
1 18 2. a. Notwithstanding section 514C.6, a policy, contract,
1 19 or plan providing for third-party payment or prepayment of
1 20 health or medical expenses shall provide coverage benefits for
1 21 mental health conditions based on rates, terms, and conditions
1 22 which are no more restrictive than the rates, terms, and
1 23 conditions for coverage benefits provided for other health or
1 24 medical conditions under the policy, contract, or plan.
1 25 Additionally, any rates, terms, and conditions involving
1 26 deductibles, copayments, coinsurance, and any other cost=
1 27 sharing requirements shall be cumulative for coverage of both
1 28 mental health conditions and other health or medical
1 29 conditions under the policy, contract, or plan.
1 30 b. Coverage required under this subsection shall be as
1 31 follows:
1 32 (1) For the treatment of mental illness, coverage shall be
1 33 for services provided by a licensed mental health professional
1 34 or services provided in a licensed hospital or health
1 35 facility.



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Senate File 16 - Introduced continued

2 1 (2) For the treatment of alcohol or substance abuse,
2 2 coverage shall be for services provided by a substance abuse
2 3 counselor, as approved by the department of human services; a
2 4 licensed health facility providing a program for the treatment
2 5 of alcohol or substance abuse approved by the department of
2 6 human services; or a substance abuse treatment and
2 7 rehabilitation facility, as licensed by the department of
2 8 public health pursuant to chapter 125.
2 9 3. This section applies to the following classes of third=
2 10 party payment provider policies, contracts, or plans
2 11 delivered, issued for delivery, continued, or renewed in this
2 12 state on or after January 1, 2010:
2 13 a. Individual or group accident and sickness insurance
2 14 providing coverage on an expense-incurred basis.
2 15 b. An individual or group hospital or medical service
2 16 contract issued pursuant to chapter 509, 514, or 514A.
2 17 c. A plan established pursuant to chapter 509A for public
2 18 employees.
2 19 d. An individual or group health maintenance organization
2 20 contract regulated under chapter 514B.
2 21 e. An individual or group Medicare supplemental policy,
2 22 unless coverage pursuant to such policy is preempted by
2 23 federal law.
2 24 f. Any other entity engaged in the business of insurance,
2 25 risk transfer, or risk retention, which is subject to the
2 26 jurisdiction of the commissioner.
2 27 g. An organized delivery system licensed by the director
2 28 of public health.
2 29 4. The commissioner shall adopt rules to administer this
2 30 section after consultation with the mental health insurance
2 31 advisory committee.
2 32 a. The commissioner shall appoint members to a mental
2 33 health insurance advisory committee. Members shall include
2 34 all sectors of society impacted by issues associated with
2 35 coverage of mental health treatment by third-party payors



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Senate File 16 - Introduced continued

3 1 including but not limited to representatives of the insurance
3 2 industry, small and large employers, employee representatives
3 3 including labor, individual consumers, health care providers,
3 4 and other groups and individuals that may be identified by the
3 5 insurance division of the department of commerce.

3 6 b. The committee shall meet upon the request of the
3 7 commissioner to review rules proposed under this section by
3 8 the commissioner, and to make suggestions as appropriate.

3 9 Sec. 2. Section 514C.22, Code 2009, is repealed effective
3 10 January 1, 2010.

3 11 EXPLANATION

3 12 This bill creates new Code section 514C.24 and provides
3 13 that, effective January 1, 2010, a policy, contract, or plan
3 14 providing for third-party payment or prepayment of health or
3 15 medical expenses must provide coverage benefits for mental
3 16 health conditions based on rates, terms, and conditions which
3 17 are no more restrictive than the rates, terms, and conditions
3 18 associated with coverage benefits provided for other
3 19 conditions under the policy, contract, or plan. "Mental
3 20 health condition" means a condition or disorder involving
3 21 mental illness or alcohol or substance abuse as defined by the
3 22 commissioner of insurance, by rule, consistent with
3 23 definitions provided in the most recent edition of the
3 24 American psychiatric association's diagnostic and statistical
3 25 manual of mental disorders, as periodically revised. The
3 26 rules may include such definitions by reference.

3 27 The bill also requires the insurance commissioner to adopt
3 28 rules to administer the new Code section, after consultation
3 29 with the new mental health insurance advisory committee, whose
3 30 members are appointed by the commissioner including
3 31 representatives from business, insurance, consumer, and health
3 32 groups.

3 33 Code section 514C.22, which currently mandates coverage for
3 34 certain biologically based mental illnesses, is repealed
3 35 effective January 1, 2010.



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Senate File 16 - Introduced continued

4 1 LSB 1468SS 83
4 2 av/nh/8.1



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January 14, 2009

Senate File 17 - Introduced

SENATE FILE
BY DANDEKAR, GRONSTAL, BEALL,
DANIELSON, HATCH, COURTNEY,
KIBBIE, APPEL, RIELLY, HORN,
BOLKCOM, and DEARDEN

(COMPANION TO LSB 1343HH
BY HEDDENS)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the compulsory school attendance age and
- 2 providing effective dates.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLBS 1343SS 83
- 5 kh/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 14, 2009

Senate File 17 - Introduced continued

PAG LIN

1 1 Section 1. Section 299.1A, Code 2009, is amended to read
1 2 as follows:
1 3 299.1A COMPULSORY ATTENDANCE AGE.
1 4 1. a. ~~A Except as provided in paragraph "b" and section~~
1 5 ~~299.2, a child who has reached the age of six and is under~~
1 6 ~~sixteen through seventeen years of age by September 15 is of~~
1 7 ~~compulsory attendance age. However, if a child enrolled in a~~
1 8 ~~school district or accredited nonpublic school reaches the age~~
1 9 ~~of sixteen on or after September 15, the child remains of~~
1 10 ~~compulsory age until the end of the regular school calendar.~~
1 11 b. A child who will receive competent private instruction
1 12 in accordance with chapter 299A and who reaches the age of six
1 13 by September 15 is of compulsory attendance age. A child
1 14 receiving such private instruction is of compulsory attendance
1 15 age until the age of sixteen if the child reaches age sixteen
1 16 on or before September 15. A child receiving such private
1 17 instruction who reaches age sixteen on or after September 15
1 18 remains of compulsory attendance age until the end of the
1 19 school year.
1 20 2. a. An individual who reaches the age of eighteen on or
1 21 after September 15 during the school year and intends to
1 22 terminate school enrollment prior to graduation is encouraged
1 23 to file with the board of directors of the school district or
1 24 the accredited nonpublic school of enrollment a formal
1 25 declaration of intent to terminate school enrollment and, to
1 26 the degree possible, participate in an exit interview pursuant
1 27 to paragraph "b" and complete a survey in accordance with
1 28 paragraph "c". The school district or accredited nonpublic
1 29 school shall make every effort to notify the individual's
1 30 parent or guardian of receipt of the individual's declaration
1 31 of intent to terminate school enrollment.
1 32 b. To the degree possible, a guidance counselor or other
1 33 school personnel designated by the school district or
1 34 accredited nonpublic school shall conduct an exit interview
1 35 with the individual to do all of the following:



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Senate File 17 - Introduced continued

2 1 (1) Determine the reasons for the individual's decision to
2 2 terminate school enrollment.
2 3 (2) Discuss actions that could be taken to assist the
2 4 individual to stay in school.
2 5 (3) Inform the individual of opportunities to continue the
2 6 individual's education in a different environment, including
2 7 but not limited to adult education and test preparation
2 8 designed to qualify the individual for a high school
2 9 equivalency diploma.
2 10 c. To the degree possible, the individual and the
2 11 individual's parent or guardian are encouraged to complete a
2 12 survey provided by the school district in a format prescribed
2 13 by the department of education to provide data on the
2 14 individual's reasons for terminating enrollment and actions
2 15 taken by the school to keep the individual enrolled. The
2 16 survey shall include an open-ended question asking why the
2 17 individual is dropping out of school. The school district or
2 18 accredited nonpublic school shall submit the data from the
2 19 completed surveys to the department of education annually.
2 20 Sec. 2. Section 299.2, unnumbered paragraph 1, Code 2009,
2 21 is amended to read as follows:
2 22 Section Sections 299.1 and 299.1A shall not apply to any
2 23 child:
2 24 Sec. 3. Section 299A.8, Code 2009, is amended to read as
2 25 follows:
2 26 299A.8 DUAL ENROLLMENT.
2 27 If a parent, guardian, or legal custodian of a child who is
2 28 receiving competent private instruction under this chapter ~~or~~
~~2 29 a child over compulsory age who is receiving private~~
~~2 30 instruction submits a request, the child shall also be~~
2 31 registered in a public school for dual enrollment purposes.
2 32 If the child is enrolled in a public school district for dual
2 33 enrollment purposes, the child shall be permitted to
2 34 participate in any academic activities in the district and
2 35 shall also be permitted to participate on the same basis as



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Senate File 17 - Introduced continued

3 1 public school children in any extracurricular activities
3 2 available to children in the child's grade or group, and the
3 3 parent, guardian, or legal custodian shall not be required to
3 4 pay the costs of any annual evaluation under this chapter. If
3 5 the child is enrolled for dual enrollment purposes, the child
3 6 shall be included in the public school's basic enrollment
3 7 under section 257.6. A pupil who is participating only in
3 8 extracurricular activities shall be counted under section
3 9 257.6, subsection 1, paragraph "a", subparagraph (6). A pupil
3 10 enrolled in grades nine through twelve under this section
3 11 shall be counted in the same manner as a shared-time pupil
3 12 under section 257.6, subsection 1, paragraph "a", subparagraph
3 13 (3).

3 14 Sec. 4. SCHOOL DISTRICT COMPULSORY ATTENDANCE SUPPORT
3 15 REVIEW. The board of directors of each school district shall,
3 16 during the school year beginning July 1, 2009, convene a
3 17 working group comprised of educational and community
3 18 stakeholders to review financial and programmatic supports for
3 19 students affected by an increase in the compulsory attendance
3 20 age from sixteen through seventeen. The working group shall
3 21 consider, at a minimum, the necessity of expansion of support
3 22 programs and services for such students, web-based at-risk
3 23 academy courses, summer school offerings, credit recovery
3 24 efforts, mentoring and tutoring services, before and after
3 25 school supports, career academies, and at-risk allowable
3 26 growth provisions, and the use of the instructional support
3 27 levy. The working group shall include in the comprehensive
3 28 school improvement plan submitted to the department of
3 29 education in accordance with section 256.7, subsection 21, a
3 30 plan for addressing the needs of students at risk of dropping
3 31 out, including any proposed changes to the local program or
3 32 funding priorities.

3 33 Sec. 5. COMPULSORY ATTENDANCE WORKING GROUP. The
3 34 department of education shall convene a working group
3 35 comprised of the director of the department of education, or



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Senate File 17 - Introduced continued

4 1 the director's designee, and other education stakeholders
4 2 appointed by the department to review supports for students
4 3 affected by an increase in the compulsory attendance age from
4 4 sixteen to eighteen years of age. The working group shall
4 5 consider, at a minimum, the necessity of expansion of support
4 6 programs and services for such students, online at-risk
4 7 academy courses, career academies, and current at-risk
4 8 allowable growth provisions, and full funding of the
4 9 instructional support levy. The working group shall submit
4 10 its findings and recommendations, including any proposed
4 11 changes in policy or statute, to the state board of education
4 12 and the general assembly by January 15, 2010.

4 13 Sec. 6. STATE MANDATE FUNDING SPECIFIED. In accordance
4 14 with section 25B.2, subsection 3, the state cost of requiring
4 15 compliance with any state mandate included in this Act shall
4 16 be paid by a school district from state school foundation aid
4 17 received by the school district under section 257.16. This
4 18 specification of the payment of the state cost shall be deemed
4 19 to meet all the state funding-related requirements of section
4 20 25B.2, subsection 3, and no additional state funding shall be
4 21 necessary for the full implementation of this Act by and
4 22 enforcement of this Act against all affected school districts.

4 23 Sec. 7. EFFECTIVE DATES. The section of this Act
4 24 providing for a compulsory attendance working group takes
4 25 effect July 1, 2009, and the remainder of the Act takes effect
4 26 July 1, 2010.

4 27 EXPLANATION

4 28 This bill raises the compulsory school attendance age from
4 29 16 to 17 for students other than those receiving competent
4 30 private instruction. The bill encourages students, other than
4 31 those who received competent private instruction, who reach
4 32 age 18 on or after September 15 and intend to leave school, to
4 33 file with the school district or accredited nonpublic school a
4 34 formal declaration of intent to terminate school enrollment
4 35 and, to the degree possible, participate in an exit interview



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Senate File 17 - Introduced continued

5 1 and complete a survey that will provide data annually to the
5 2 department of education regarding the reasons students are
5 3 terminating enrollment.

5 4 The school district or nonpublic school must make every
5 5 effort to notify the individual's parent or guardian of a
5 6 student's intent to terminate enrollment. To the degree
5 7 possible, in conducting the exit interview, school personnel
5 8 must determine the reasons for the individual's decision to
5 9 terminate school enrollment, discuss actions that could be
5 10 taken to assist the individual to stay in school, and inform
5 11 the individual of opportunities to continue the individual's
5 12 education in a different environment, including but not
5 13 limited to adult education and test preparation designed to
5 14 qualify the individual for a high school equivalency diploma.
5 15 The survey must include an open-ended question asking why the
5 16 student is dropping out.

5 17 The bill directs each school district to convene a working
5 18 group during the 2009=2010 school year to review financial and
5 19 programmatic supports for students affected by the increase in
5 20 the compulsory age of attendance. The working group must
5 21 include in the school district's comprehensive school
5 22 improvement plan a plan for addressing the needs of students
5 23 at risk of dropping out.

5 24 The bill also directs the department of education to
5 25 convene a compulsory attendance working group. The working
5 26 group is to review supports for affected students and to
5 27 consider the necessity of expanding support programs and
5 28 services, online at-risk academy courses, career academies,
5 29 current at-risk allowable growth provisions, and full funding
5 30 of the instructional support levy. The working group must
5 31 submit a report to the general assembly and the department of
5 32 education by January 15, 2010.

5 33 The bill includes technical amendments to eliminate a
5 34 reference to the compulsory attendance age for purposes of
5 35 dual enrollment and to exempt children who meet conditions



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Senate File 17 - Introduced continued

6 1 existing in Code section 299.2.
6 2 The provision relating to the compulsory attendance working
6 3 group takes effect July 1, 2009, while the remainder of the
6 4 bill takes effect July 1, 2010.
6 5 The bill may include a state mandate as defined in Code
6 6 section 25B.3. The bill requires that the state cost of any
6 7 state mandate included in the bill be paid by a school
6 8 district from state school foundation aid received by the
6 9 school district under Code section 257.16. The specification
6 10 is deemed to constitute state compliance with any state
6 11 mandate funding-related requirements of Code section 25B.2.
6 12 The inclusion of this specification is intended to reinstate
6 13 the requirement of political subdivisions to comply with any
6 14 state mandates included in the bill.
6 15 LSB 1343SS 83
6 16 kh/nh/14



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Senate File 18 - Introduced

SENATE FILE
BY HANCOCK

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act creating an exception to axle weight limitations for a
2 vehicle whose retractable axles are raised while the vehicle
3 is waiting to be unloaded.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1566SS 83
6 dea/nh/5



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Senate File 18 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.463, Code 2009, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 13. The operator of a vehicle that has
1 4 arrived at its destination and has one or more retractable
1 5 axles raised while waiting to be unloaded shall not be cited
1 6 for a violation of this section if the vehicle, with the
1 7 retractable axle or axles lowered, would be in compliance with
1 8 the axle weight limitations of this section.

1 9 EXPLANATION

1 10 This bill provides that the operator of a vehicle shall not
1 11 be cited for a violation of axle weight limitations if the
1 12 vehicle has arrived at its destination and the operator has
1 13 raised one or more retractable axles while waiting for the
1 14 vehicle to be unloaded. The provision only applies if the
1 15 vehicle would otherwise be in compliance with applicable axle
1 16 weight limitations if its retractable axles were lowered.

1 17 LSB 1566SS 83

1 18 dea/nh/5



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Senate File 19 - Introduced

SENATE FILE
BY HANCOCK

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the membership of the public safety
- 2 communications interoperability board and providing an
- 3 effective and applicability date provision.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1560XS 83
- 6 jp/rj/8



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Senate File 19 - Introduced continued

PAG LIN

1 1 Section 1. Section 80.28, subsection 2, paragraph b, Code
1 2 2009, is amended to read as follows:

1 3 b. The following members, to be appointed by the governor
1 4 from nominees submitted by volunteer and professional
1 5 organizations associated with the following:

1 6 (1) Two members who are representatives from municipal
1 7 police departments.

1 8 (2) Two members who are representatives of sheriff's
1 9 offices.

1 10 (3) Two members who are representatives from fire
1 11 departments. One of the members shall be a volunteer fire
1 12 fighter.

1 13 (4) Two members who are law communication center managers
1 14 employed by state or local government agencies.

1 15 (5) One at-large member.

1 16 Sec. 2. Section 80.28, Code 2009, is amended by adding the
1 17 following new subsection:

1 18 NEW SUBSECTION. 2A. In addition to the voting members,
1 19 the board membership shall include four members of the general
1 20 assembly with one member designated by each of the following:
1 21 the majority leader of the senate, the minority leader of the
1 22 senate, the speaker of the house of representatives, and the
1 23 minority leader of the house of representatives. A
1 24 legislative member serves for a term as provided in section
1 25 69.16B in an ex officio, nonvoting capacity and is eligible
1 26 for per diem and expenses as provided in section 2.10.

1 27 Sec. 3. Section 80.28, subsection 3, Code 2009, is amended
1 28 to read as follows:

1 29 3. ~~Board~~ The voting members of the board shall be
1 30 appointed in compliance with sections 69.16 and 69.16A.
1 31 Members shall elect a chairperson and vice chairperson from
1 32 the board membership, who shall serve two-year terms. The
1 33 members appointed by the governor shall be appointed to
1 34 three-year staggered terms and the terms shall commence and
1 35 end as provided by section 69.19. ~~The governor shall solicit~~



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~~Senate File 19 — Introduced continued~~

~~2 1 and consider recommendations from professional or volunteer
2 2 organizations in making appointments to the board. If a
2 3 vacancy occurs among the voting members, a successor shall be
2 4 appointed to serve the unexpired term. A successor shall be
2 5 appointed in the same manner and subject to the same
2 6 qualifications as the original appointment to serve the
2 7 unexpired term. ~~Members~~ The voting members of the board are
2 8 entitled to receive reimbursement for actual expenses incurred
2 9 while engaged in the performance of official duties from funds
2 10 appropriated to the department of public safety and the state
2 11 department of transportation for that purpose. The
2 12 departments shall enter into an agreement to provide
2 13 administrative assistance and support to the board.~~

2 14 Sec. 4. EFFECTIVE DATE. This Act, being deemed of
2 15 immediate importance, takes effect upon enactment and
2 16 initially applies to appointments made on or after April 1,
2 17 2009.

2 18 EXPLANATION

2 19 This bill relates to the membership of the public safety
2 20 communications interoperability board under Code section
2 21 80.28. The term "interoperability" means the ability of
2 22 public safety and public services personnel to communicate and
2 23 to share data on an immediate basis, on demand, when needed,
2 24 and when authorized.

2 25 The bill revises requirements for the voting members of the
2 26 board representing various types of public safety and public
2 27 services personnel by requiring appointments from nominees
2 28 submitted by professional and volunteer organizations
2 29 associated with the personnel. This provision replaces
2 30 current law which requires the governor to solicit and
2 31 consider recommendations in making appointments. The bill
2 32 specifies that one of the two members representing fire
2 33 departments must be a volunteer fire fighter.

2 34 The bill also adds four legislators to serve in an ex
2 35 officio, nonvoting capacity. The legislators are appointed by



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Senate File 19 - Introduced continued

3 1 legislators to serve two-year terms coinciding with the
3 2 legislative biennium.
3 3 The bill takes effect upon enactment and initially applies
3 4 to appointments made on or after April 1, 2009.
3 5 LSB 1560XS 83
3 6 jp/rj/8



Iowa General Assembly
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Senate Joint Resolution 1 - Introduced

SENATE JOINT RESOLUTION
BY DEARDEN

(COMPANION TO LSB 1196HH BY BELL)

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

SENATE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution of
2 the State of Iowa to dedicate a portion of state revenue from
3 the tax imposed on certain retail sales of tangible personal
4 property and services for the benefit of the state's natural
5 resources.
6 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLBS 1196SS 83
8 da/rj/5



Iowa General Assembly
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Senate Joint Resolution 1 - Introduced continued

PAG LIN

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

1 3 Article VII of the Constitution of the State of Iowa is
1 4 amended by adding the following new section:

1 5 NATURAL RESOURCES. SEC. 10. A natural resources and
1 6 outdoor recreation trust fund is created within the treasury
1 7 for the purposes of protecting and enhancing water quality and
1 8 natural areas in this State including parks, trails, and fish
1 9 and wildlife habitat, and conserving agricultural soils in
1 10 this State. Moneys in the fund shall be exclusively
1 11 appropriated by law for these purposes.

1 12 The general assembly shall provide by law for the
1 13 implementation of this section, including by providing for the
1 14 administration of the fund and at least annual audits of the
1 15 fund.

1 16 Except as otherwise provided in this section, the fund
1 17 shall be annually credited with an amount equal to the amount
1 18 generated by a sales tax rate of three-eighths of one percent
1 19 as may be imposed upon the retail sales price of tangible
1 20 personal property and the furnishing of enumerated services
1 21 sold in this State.

1 22 No revenue shall be credited to the fund until the tax rate
1 23 for the sales tax imposed upon the retail sales price of
1 24 tangible personal property and the furnishing of enumerated
1 25 services sold in this State in effect on the effective date of
1 26 this section is increased. After such an increased tax rate
1 27 becomes effective, an amount equal to the amount generated by
1 28 the increase in the tax rate shall be annually credited to the
1 29 fund, not to exceed an amount equal to the amount generated by
1 30 a tax rate of three-eighths of one percent imposed upon the
1 31 retail sales price of tangible personal property and the
1 32 furnishing of enumerated services sold in this State.

1 33 Sec. 2. SUBMISSION FOR RATIFICATION. The foregoing
1 34 proposed amendment, having been adopted and agreed to by the
1 35 Eighty-second General Assembly, 2008 Session, thereafter duly



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Senate Joint Resolution 1 - Introduced continued

2 1 published, and now adopted and agreed to by the Eighty-third
2 2 General Assembly in this joint resolution, shall be submitted
2 3 to the people of the State of Iowa at the general election in
2 4 November of the year two thousand ten in the manner required
2 5 by the Constitution of the State of Iowa and the laws of the
2 6 State of Iowa.

2 7 EXPLANATION

2 8 This joint resolution proposes an amendment to the
2 9 Constitution of the State of Iowa to dedicate a portion of
2 10 state sales and service tax revenue for the benefit of water
2 11 quality, natural areas, and agricultural soils in this state.

2 12 The joint resolution establishes a natural resources and
2 13 outdoor recreation trust fund. The joint resolution credits
2 14 the fund with an amount equal to the amount generated by a
2 15 sales tax rate of three-eighths of 1 percent as may be imposed
2 16 upon the retail sales price of tangible personal property and
2 17 the furnishing of enumerated services sold in this state.

2 18 The joint resolution provides that no revenue is to be
2 19 credited to the fund until the tax rate in effect on the
2 20 effective date of the joint resolution is increased. After
2 21 the increased tax rate becomes effective, an amount equal to
2 22 the amount generated by the increase in the tax rate is
2 23 credited to the fund, not to exceed the amount generated by
2 24 the tax rate of three-eighths of 1 percent.

2 25 The proposed amendment to the Constitution of the State of
2 26 Iowa in this joint resolution was previously passed as Senate
2 27 Joint Resolution 2002 by the Eighty-second General Assembly,
2 28 2008 Session (2008 Iowa Acts, chapter 1194). If adopted and
2 29 agreed to by the Eighty-third General Assembly, the proposed
2 30 amendment will be submitted to the state electorate at the
2 31 general election held in November 2010, for ratification.

2 32 LSB 1196SS 83

2 33 da/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 14, 2009

Senate Study Bill 1023

SENATE/HOUSE FILE
BY (PROPOSED ATTORNEY
GENERAL BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the crime of human trafficking.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1355DP 83
- 4 rh/rj/14



Iowa General Assembly
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Senate Study Bill 1023 continued

PAG LIN

1 1 Section 1. Section 710A.1, subsection 1, Code 2009, is
1 2 amended to read as follows:

1 3 1. "Commercial sexual activity" means any ~~sex act on~~
1 4 ~~behalf~~ activity of a sexual nature for the performance of
1 5 which anything of value is given, promised to, or received by
1 6 any person and ~~includes,~~ includes but is not limited ~~to,~~ to a
1 7 sex act, prostitution, participation in the production of
1 8 pornography, and performance in strip clubs.

1 9 Sec. 2. Section 915.35, subsection 1, Code 2009, is
1 10 amended to read as follows:

1 11 1. As used in this section, "victim" means a child under
1 12 the age of eighteen who has been sexually abused or subjected
1 13 to any other unlawful sexual conduct under chapter 709, 710A,
1 14 or 726 or who has been the subject of a forcible felony.

1 15 Sec. 3. Section 915.36, subsection 1, Code 2009, is
1 16 amended to read as follows:

1 17 1. Prior to an arrest or the filing of an information or
1 18 indictment, whichever occurs first, against a person charged
1 19 with a violation of chapter 709 or 710A, section 726.2, or
1 20 section 728.12, committed with or on a child, ~~as defined in~~
1 21 ~~section 702.5~~ under the age of eighteen, the identity of the
1 22 child or any information reasonably likely to disclose the
1 23 identity of the child shall not be released to the public by
1 24 any public employee except as authorized by the court of
1 25 jurisdiction.

1 26 Sec. 4. Section 915.37, Code 2009, is amended to read as
1 27 follows:

1 28 915.37 GUARDIAN AD LITEM FOR PROSECUTING CHILD WITNESSES.

1 29 1. A prosecuting witness who is a child, as defined in
1 30 section 702.5, in a case involving a violation of chapter 709
1 31 or 710A, or section 726.2, 726.3, 726.6, or 728.12, is
1 32 entitled to have the witness's interests represented by a
1 33 guardian ad litem at all stages of the proceedings arising
1 34 from such violation. The guardian ad litem shall be a
1 35 practicing attorney and shall be designated by the court after



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Senate Study Bill 1023 continued

2 1 due consideration is given to the desires and needs of the
2 2 child and the compatibility of the child and the child's
2 3 interests with the prospective guardian ad litem. If a
2 4 guardian ad litem has previously been appointed for the child
2 5 in a proceeding under chapter 232 or a proceeding in which the
2 6 juvenile court has waived jurisdiction under section 232.45,
2 7 the court shall appoint the same guardian ad litem under this
2 8 section. The guardian ad litem shall receive notice of and
2 9 may attend all depositions, hearings, and trial proceedings to
2 10 support the child and advocate for the protection of the child
2 11 but shall not be allowed to separately introduce evidence or
2 12 to directly examine or cross-examine witnesses. However, the
2 13 guardian ad litem shall file reports to the court as required
2 14 by the court. If a prosecuting witness is fourteen, fifteen,
2 15 sixteen, or seventeen years of age, and would be entitled to
2 16 the appointment of a guardian ad litem if the prosecuting
2 17 witness were a child, the court may appoint a guardian ad
2 18 litem if the requirements for guardians ad litem in this
2 19 section are met, and the guardian ad litem agrees to
2 20 participate without compensation.

2 21 2. References in this section to a guardian ad litem shall
2 22 be interpreted to include references to a court appointed
2 23 special advocate as defined in section 232.2, subsection 9.

2 24 EXPLANATION

2 25 This bill relates to human trafficking.

2 26 The bill amends the definition of "commercial sexual
2 27 activity" as an element of the crime of human trafficking to
2 28 include any sexual activity of a sexual nature for the
2 29 performance of which anything of value is given, promised to,
2 30 or received by any person including but not limited to a sex
2 31 act as defined in Code section 702.17, prostitution,
2 32 participation in the production of pornography, and
2 33 performance in strip clubs.

2 34 Current law provides that a person who knowingly engages in
2 35 human trafficking by soliciting services or benefiting from



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Senate Study Bill 1023 continued

3 1 the services of a victim is guilty of a class "D" felony,
3 2 except that if the victim is under the age of 18, the person
3 3 is guilty of a class "C" felony. "Services" means an ongoing
3 4 relationship between a person and the actor in which the
3 5 person performs activities under the supervision of or for the
3 6 benefit of the actor, including commercial sexual activity and
3 7 sexually explicit performances. A class "C" felony is
3 8 punishable by confinement for no more than 10 years and a fine
3 9 of at least \$1,000 but not more than \$10,000 and a class "D"
3 10 felony is punishable by confinement for no more than five
3 11 years and a fine of at least \$750 but not more than \$7,500.
3 12 The bill amends provisions in victims rights laws to extend
3 13 protections to child victims of human trafficking relating to
3 14 child victim services, protection of a child victim's privacy,
3 15 and the appointment of a guardian ad litem for a prosecuting
3 16 witness who is a child.
3 17 LSB 1355DP 83
3 18 rh/rj/14



Iowa General Assembly
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January 14, 2009

Senate Study Bill 1024

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
CORRECTIONS BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act establishing custody and security levels for the
- 2 institutions and facilities of the department of corrections.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1214DP 83
- 5 jm/rj/14



Iowa General Assembly
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Senate Study Bill 1024 continued

PAG LIN

1 1 Section 1. Section 904.102, Code 2009, is amended to read
1 2 as follows:
1 3 904.102 DEPARTMENT ESTABLISHED == INSTITUTIONS.
1 4 1. The Iowa department of corrections is established to be
1 5 responsible for the control, treatment, and rehabilitation of
1 6 offenders committed under law to the following institutions:
1 7 ~~1. a.~~ Iowa correctional institution for women == level V
1 8 facility.
1 9 ~~2. b.~~ Anamosa state penitentiary == level V facility.
1 10 c. Luster Heights camp == level I facility.
1 11 ~~3. d.~~ Iowa state penitentiary == level VI facility.
1 12 e. John Bennett unit == level III facility.
1 13 f. Farms 1 and 3 == level I facility.
1 14 g. Clinical care unit == level V facility.
1 15 ~~4. h.~~ Iowa medical and classification center == level V
1 16 facility.
1 17 ~~5. i.~~ North central correctional facility at Rockwell
1 18 City == level II facility.
1 19 ~~6. j.~~ Mount Pleasant correctional facility == level III
1 20 facility.
1 21 ~~7. k.~~ Clarinda correctional facility == level I facility.
1 22 l. Clarinda lodge == level I facility.
1 23 ~~8. m.~~ Newton correctional facility.
1 24 n. Correctional release center == level IV facility.
1 25 ~~9. o.~~ Fort Dodge correctional facility == level IV
1 26 facility.
1 27 ~~10. Rehabilitation camps.~~
1 28 ~~11. Other institutions related to an institution in~~
~~1 29 subsections 1 through 10 but not attached to the campus of the~~
~~1 30 main institution as program developments require.~~
1 31 2. A level I facility includes the following:
1 32 a. Minimum live-out custody offenders.
1 33 b. Dorms or multiple person rooms.
1 34 c. Minimal motion detection on perimeter fence or no
1 35 perimeter fence.



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Senate Study Bill 1024 continued

- 2 1 d. Minimal perimeter lighting.
- 2 2 e. Intermittent perimeter patrol.
- 2 3 3. A level II facility includes the following:
- 2 4 a. Minimum custody offenders.
- 2 5 b. Dorms or multiple person rooms.
- 2 6 c. A single perimeter fence with motion detection.
- 2 7 d. Intermittent perimeter patrol.
- 2 8 4. A level III facility includes the following:
- 2 9 a. Medium or minimum custody offenders.
- 2 10 b. Dorms or multiple person rooms.
- 2 11 c. A double perimeter fence with motion detection.
- 2 12 d. Lighted perimeter with motion detection.
- 2 13 e. Armed perimeter patrol or armed towers or both.
- 2 14 5. A level IV facility includes the following:
- 2 15 a. Medium or minimum custody offenders.
- 2 16 b. Multiple person cells.
- 2 17 c. A double perimeter fence with motion detection.
- 2 18 d. Armed perimeter patrol or armed towers or both.
- 2 19 6. A level V facility includes the following:
- 2 20 a. Maximum, medium, or minimum custody offenders.
- 2 21 b. Multiple person or single cells.
- 2 22 c. Perimeter wall or double perimeter fence and motion
- 2 23 detection.
- 2 24 d. Lighted perimeter.
- 2 25 e. Armed perimeter patrol and armed towers.
- 2 26 7. A level VI facility includes the following:
- 2 27 a. Maximum custody offenders.
- 2 28 b. Single person cells.
- 2 29 c. Limited and controlled offender movement.
- 2 30 d. Perimeter wall or a double perimeter fence and motion
- 2 31 detection.
- 2 32 e. Lighted perimeter.
- 2 33 f. Armed perimeter patrol and armed towers.
- 2 34 8. Notwithstanding the requirements of subsection 6,
- 2 35 paragraph "c", the Iowa correctional institution for women



Iowa General Assembly
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Senate Study Bill 1024 continued

3 1 shall be considered a level V facility.

3 2 EXPLANATION

3 3 This bill establishes six custody and security levels and
3 4 the criteria for such levels at the institutions and
3 5 facilities of the department of corrections.

3 6 LSB 1214DP 83

3 7 jm/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
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Senate Study Bill 1025

SENATE/HOUSE FILE
BY (PROPOSED ATTORNEY
GENERAL BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the criminal offense of enticing or attempting
- 2 to entice a minor and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1327DP 83
- 5 jm/nh/14



Iowa General Assembly
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Senate Study Bill 1025 continued

PAG LIN

1 1 Section 1. Section 710.10, Code 2009, is amended to read
1 2 as follows:

1 3 710.10 ENTICING ~~AWAY~~ A MINOR.

1 4 1. A person commits a class "C" felony when, without
1 5 authority and with the intent to commit sexual abuse or sexual
1 6 exploitation upon a minor under the age of thirteen, the
1 7 person entices ~~away~~ or attempts to entice the minor under the
1 8 age of thirteen, or entices ~~away~~ or attempts to entice a
1 9 person reasonably believed to be under the age of thirteen.

1 10 2. A person commits a class "D" felony when, without
1 11 authority and with the intent to commit an illegal act upon a
1 12 minor under the age of sixteen, the person entices ~~away~~ or
1 13 attempts to entice a minor under the age of sixteen, or
1 14 entices ~~away~~ or attempts to entice a person reasonably
1 15 believed to be under the age of sixteen.

1 16 ~~3. A person commits an aggravated misdemeanor when,~~
~~1 17 without authority and with the intent to commit an illegal act~~
~~1 18 upon a minor under the age of sixteen, the person attempts to~~
~~1 19 entice away a minor under the age of sixteen, or attempts to~~
~~1 20 entice away a person reasonably believed to be under the age~~
~~1 21 of sixteen.~~

1 22 ~~4. 3. A person's intent to commit a violation of this~~
~~1 23 section sexual abuse, sexual exploitation, or another illegal~~
~~1 24 act upon a minor, may be inferred when the person is not known~~
~~1 25 to the person being enticed away minor the person is enticing~~
~~1 26 or attempting to entice and the person does not have the~~
1 27 permission of the parent, guardian, or custodian to contact
1 28 the ~~person being enticed away~~ minor the person is enticing or
1 29 attempting to entice.

1 30 ~~5. 4. For purposes of determining jurisdiction under~~
1 31 section 803.1, an offense is considered committed in this
1 32 state if the communication to entice ~~away~~ a minor or a person
1 33 believed to be a minor who is present in this state originates
1 34 from another state, or the communication to entice ~~away~~ a
1 35 minor or a person believed to be a minor is sent from this



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Senate Study Bill 1025 continued

2 1 state.

2 2

EXPLANATION

2 3 This bill relates to the criminal offense of enticing a
2 4 minor.

2 5 The bill renames the criminal offense of enticing away a
2 6 minor to enticing a minor, and eliminates the provisions
2 7 related to enticing "away" a minor.

2 8 The bill changes the criminal penalty for attempting to
2 9 entice a minor under the age of 13 or a person reasonably
2 10 believed to be under the age of 13 with the intent to commit
2 11 sexual abuse or sexual exploitation. Under the bill, the
2 12 criminal penalty is changed from an aggravated misdemeanor to
2 13 a class "C" felony.

2 14 The bill also changes the criminal penalty for attempting
2 15 to entice a minor under the age of 16 or a person reasonably
2 16 believed to be under the age of 16 with the intent to commit
2 17 an illegal act. Under the bill, the criminal penalty is
2 18 changed from an aggravated misdemeanor to a class "D" felony.

2 19 Under current law and the bill, a person who commits
2 20 enticing or attempting to entice a minor shall register as a
2 21 sex offender for 10 years plus the length of any special
2 22 sentence.

2 23 The bill specifies that a person's intent to commit sexual
2 24 abuse, sexual exploitation, or another illegal act upon a
2 25 minor, may be inferred when the person is not known to the
2 26 minor the person is enticing or attempting to entice, and the
2 27 person does not have the permission of the parent, guardian,
2 28 or custodian to contact the minor the person is enticing or
2 29 attempting to entice.

2 30 The amendments in the bill are in response to State v.
2 31 Hansen, 750 N.W.2d 111 (Iowa 2008) and State v. Quinn, 691
2 32 N.W.2d 403 (Iowa 2005).

2 33 LSB 1327DP 83

2 34 jm/nh/14



Iowa General Assembly
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January 14, 2009

Senate Study Bill 1026

SENATE/HOUSE FILE
BY (PROPOSED ATTORNEY
GENERAL BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to charitable trusts by providing for filing
- 2 documents with the attorney general.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1320DP 83
- 5 da/sc/5



Iowa General Assembly
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January 14, 2009

Senate Study Bill 1026 continued

PAG LIN

1 1 Section 1. NEW SECTION. 633A.5107 FILING REQUIREMENTS.
1 2 1. This section applies to a charitable trust in which one
1 3 or more charitable purposes or beneficiaries has a
1 4 noncontingent vested interest.
1 5 2. a. Within sixty days from the creation of a charitable
1 6 trust, the trustee shall register the trust with the attorney
1 7 general. The trustee shall register the charitable trust on a
1 8 form provided by the attorney general. The trustee shall also
1 9 submit a copy of the trust instrument to the attorney general
1 10 as required by the attorney general.
1 11 b. The trustee of a charitable trust shall annually file a
1 12 copy of the trust's annual report with the attorney general.
1 13 The annual report may be the same report submitted to the
1 14 persons specified in section 633A.4213 or an annual report
1 15 completed on a form provided by the attorney general.
1 16 c. The attorney general may require that documents be
1 17 filed electronically, including forms, trust instruments, and
1 18 reports. In addition, the attorney general may require the
1 19 use of electronic signatures as defined in section 554D.103.
1 20 3. At any time, the attorney general may investigate a
1 21 charitable trust to determine whether or not the charitable
1 22 trust is being administered in accordance with law and the
1 23 terms and purposes of the trust. The attorney general may, at
1 24 any time, make application to the court for such orders that
1 25 are reasonable to carry out the terms and purposes of the
1 26 trust.
1 27 Sec. 2. PRIOR EXISTING CHARITABLE TRUSTS. Not later than
1 28 sixty days after the effective date of this Act, the trustee
1 29 of a charitable trust created prior to the effective date of
1 30 this Act and still in existence shall register the trust with
1 31 and submit a current copy of the trust instrument to the
1 32 attorney general. The trustee shall comply with the remainder
1 33 of this Act as if the charitable trust were created on or
1 34 after the effective date of this Act.
1 35 Sec. 3. Section 633.303, Code 2009, is repealed.



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Senate Study Bill 1026 continued

2 1

EXPLANATION

2 2 This bill amends Code chapter 633A, the "Iowa Trust Code",
2 3 and specifically subchapter V which governs charitable trusts,
2 4 created for beneficial purposes (the relief of poverty, the
2 5 advancement of education or religion, or the promotion of
2 6 health).

2 7 A trust may be created by a settlor who transfers property
2 8 to the trust which is administered by a trustee on behalf of a
2 9 beneficiary. A settlor may create a trust using a number of
2 10 methods including by executing a trust instrument during the
2 11 settlor's lifetime or a will that takes effect upon the
2 12 settlor's death (see Code section 633A.2101).

2 13 The bill provides that within a time certain after the
2 14 creation of a charitable trust, the trustee must register the
2 15 trust with and submit a copy of the trust instrument to the
2 16 attorney general. In addition, the trustee must annually file
2 17 an annual report with the attorney general. The attorney
2 18 general may require that the documents be filed
2 19 electronically. The bill also authorizes the attorney general
2 20 to investigate a charitable trust to determine whether it is
2 21 administered in accordance with the law and the terms and
2 22 purposes of the trust and to bring legal action if necessary.

2 23 The bill provides that within 60 days after the effective
2 24 date of the bill, the trustee of a charitable trust created
2 25 prior to the effective date of the bill must comply with the
2 26 registration requirements applicable to charitable trusts
2 27 created on and after that date.

2 28 The bill eliminates a provision in Code chapter 633, the
2 29 "Iowa Trust Code", which provides that when a will creating a
2 30 charitable trust has been admitted to probate, the clerk of
2 31 court must mail a copy of the will to the attorney general,
2 32 and authorizes the attorney general to conduct an
2 33 investigation to determine whether the trust is being properly
2 34 administered and to bring any necessary action in court to
2 35 ensure compliance.



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Senate Study Bill 1026 continued

3 1 LSB 1320DP 83
3 2 da/sc/5



Iowa General Assembly
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Senate Study Bill 1027

SENATE/HOUSE FILE
 BY (PROPOSED CIVIL RIGHTS
 COMMISSION BILL)

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act granting the civil rights commission additional subpoena
- 2 power to investigate unfair or discriminatory practices and
- 3 providing an effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1072DP 83
- 6 ec/rj/8



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Senate Study Bill 1027 continued

PAG LIN

1 1 Section 1. Section 216.5, subsection 13, Code 2009, is
1 2 amended to read as follows:
1 3 13. To issue subpoenas and order discovery as provided by
1 4 this section in aid of investigations and hearings of alleged
1 5 unfair or discriminatory ~~housing or real property~~ practices.
1 6 The subpoenas and discovery may be ordered to the same extent
1 7 and are subject to the same limitations as subpoenas and
1 8 discovery in a civil action in district court.

1 9 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
1 10 immediate importance, takes effect upon enactment.

1 11 EXPLANATION

1 12 This bill grants the civil rights commission the authority
1 13 to issue subpoenas and order discovery to aid in investigating
1 14 alleged unfair or discriminatory practices. Current law
1 15 grants the commission this subpoena authority only for
1 16 investigations of unfair or discriminatory housing or real
1 17 property practices. The bill takes effect upon enactment.

1 18 LSB 1072DP 83

1 19 ec/rj/8



Iowa General Assembly
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January 14, 2009

Senate Study Bill 1028

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act adding hallucinogenic substances to the list of schedule I
- 2 controlled substances, and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1458DP 83
- 5 jm/nh/5



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Senate Study Bill 1028 continued

PAG LIN

1 1 Section 1. Section 124.204, subsection 4, Code 2009, is
1 2 amended by adding the following new paragraphs:

1 3 NEW PARAGRAPH. ai. Salvia divinorum.

1 4 NEW PARAGRAPH. aj. Salvinorin A.

1 5 EXPLANATION

1 6 This bill adds hallucinogenic substances to the list of
1 7 schedule I controlled substances.

1 8 The bill adds "salvia divinorum" and "salvinorin A", also
1 9 known as "divinorin A", to the list of schedule I controlled
1 10 substances.

1 11 A schedule I controlled substance is considered to have a
1 12 high potential for abuse and no medical purpose in treatment
1 13 in the United States.

1 14 The bill makes it a class "C" felony pursuant to Code
1 15 section 124.401, subsection 1, paragraph c, subparagraph (8),
1 16 for any unauthorized person to manufacture, deliver, or
1 17 possess with the intent to manufacture or deliver, salvia
1 18 divinorum or salvinorin A, including its counterfeit or a
1 19 simulated form, or to act with, enter into a common scheme or
1 20 design with, or conspire with one or more other persons to
1 21 manufacture, deliver, or possess with the intent to
1 22 manufacture or deliver salvia divinorum or salvinorin A.

1 23 The bill also makes it a serious misdemeanor pursuant to
1 24 Code section 124.401, subsection 5, for any unauthorized
1 25 person to possess salvia divinorum or salvinorin A.

1 26 A class "C" felony is punishable by confinement for no more
1 27 than 10 years and a fine of at least \$1,000 but not more than
1 28 \$10,000. A serious misdemeanor is punishable by confinement
1 29 for no more than one year and a fine of at least \$315 but not
1 30 more than \$1,875.

1 31 LSB 1458DP 83

1 32 jm/nh/5



Iowa General Assembly
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January 14, 2009

Senate Study Bill 1029

SENATE/HOUSE FILE
BY (PROPOSED ATTORNEY GENERAL
BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act enhancing the penalty for certain domestic abuse assault
- 2 cases and providing a penalty.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1429DP 83
- 5 jm/rj/14



Iowa General Assembly
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January 14, 2009

Senate Study Bill 1029 continued

PAG LIN

1 1 Section 1. Section 236.12, subsection 2, Code 2009, is
1 2 amended by adding the following new paragraphs:
1 3 NEW PARAGRAPH. e. Except as otherwise provided in
1 4 subsection 3, a peace officer shall, with or without a
1 5 warrant, arrest a person under section 708.2A, subsection 2,
1 6 paragraph "d", if, upon investigation, including a reasonable
1 7 inquiry of the alleged victim and other witnesses, if any, the
1 8 officer has probable cause to believe that a domestic abuse
1 9 assault has been committed by knowingly impeding the normal
1 10 breathing or circulation of the blood of another by applying
1 11 pressure to the throat or neck of the other person regardless
1 12 of whether injury results.
1 13 NEW PARAGRAPH. f. Except as otherwise provided in
1 14 subsection 3, a peace officer shall, with or without a
1 15 warrant, arrest a person under section 708.2A, subsection 2,
1 16 paragraph "d", if, upon investigation, including a reasonable
1 17 inquiry of the alleged victim and other witnesses, if any, the
1 18 officer has probable cause to believe that a domestic abuse
1 19 assault has been committed by obstructing the nose or mouth of
1 20 the other person regardless of whether injury results.
1 21 Sec. 2. Section 236.12, subsection 3, Code 2009, is
1 22 amended to read as follows:
1 23 3. As described in subsection 2, paragraph "b", "c", ~~or~~
1 24 "d", "e", or "f", the peace officer shall arrest the person
1 25 whom the peace officer believes to be the primary physical
1 26 aggressor. The duty of the officer to arrest extends only to
1 27 those persons involved who are believed to have committed an
1 28 assault. Persons acting with justification, as defined in
1 29 section 704.3, are not subject to mandatory arrest. In
1 30 identifying the primary physical aggressor, a peace officer
1 31 shall consider the need to protect victims of domestic abuse,
1 32 the relative degree of injury or fear inflicted on the persons
1 33 involved, and any history of domestic abuse between the
1 34 persons involved. A peace officer's identification of the
1 35 primary physical aggressor shall not be based on the consent



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2 1 of the victim to any subsequent prosecution or on the
2 2 relationship of the persons involved in the incident, and
2 3 shall not be based solely upon the absence of visible
2 4 indications of injury or impairment.

2 5 Sec. 3. Section 708.2A, subsection 2, Code 2009, is
2 6 amended by adding the following new paragraph:

2 7 NEW PARAGRAPH. d. A class "D" felony, if the domestic
2 8 abuse assault is committed by knowingly impeding the normal
2 9 breathing or circulation of the blood of another by applying
2 10 pressure to the throat or neck of the other person or by
2 11 obstructing the nose or mouth of the other person, regardless
2 12 of whether injury results.

2 13 Sec. 4. Section 708.2A, subsection 6, paragraph b, Code
2 14 2009, is amended to read as follows:

2 15 b. A person convicted of violating subsection 2, paragraph
2 16 "d", or subsection 4 shall be sentenced as provided under
2 17 section 902.9, subsection 5, and shall be denied parole or
2 18 work release until the person has served a minimum of one year
2 19 of the person's sentence. Notwithstanding section 901.5,
2 20 subsections 1, 3, and 5 and section 907.3, the person cannot
2 21 receive a suspended or deferred sentence or a deferred
2 22 judgment; however, the person sentenced shall receive credit
2 23 for any time the person was confined in a jail or detention
2 24 facility following arrest.

2 25 EXPLANATION

2 26 This bill enhances the penalty for certain domestic abuse
2 27 assault cases. The bill provides that a person commits a
2 28 class "D" felony if the person commits domestic abuse assault
2 29 by knowingly impeding the normal breathing or circulation of
2 30 the blood of another by applying pressure to the throat or
2 31 neck of the other person, or by obstructing the nose or mouth
2 32 of the other person, regardless of whether injury results.

2 33 The bill also provides that a peace officer shall arrest
2 34 the person performing acts which violate the bill and whom the
2 35 peace officer believes to be the primary physical aggressor



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3 1 just as in other domestic abuse assault situations.

3 2 A person shall be sentenced to a class "D" felony for a
3 3 first offense violation of the bill. Current law provides
3 4 that a person who commits a third or subsequent offense of
3 5 domestic abuse assault commits a class "D" felony.

3 6 In addition, a person who violates the bill shall be denied
3 7 parole or work release until the person has served a minimum
3 8 of one year of the person's sentence, and is not eligible to
3 9 receive a deferred judgment, deferred sentence, or suspended
3 10 sentence. Current law also provides that a person convicted
3 11 of a third or subsequent domestic abuse assault classified as
3 12 a class "D" felony shall be denied parole or work release
3 13 until the person has served a minimum of one year of the
3 14 person's sentence, and is not eligible to receive a deferred
3 15 judgment, deferred sentence, or suspended sentence.

3 16 A class "D" felony is punishable by confinement for no more
3 17 than five years and a fine of at least \$750 but not more than
3 18 \$7,500.

3 19 LSB 1429DP 83

3 20 jm/rj/14.1



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Senate Study Bill 1030

SENATE/HOUSE FILE
BY (PROPOSED ATTORNEY
GENERAL BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act modifying the elements of sexual abuse by including
- 2 certain deceptive acts, and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1428DP 83
- 5 jm/rj/5



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Senate Study Bill 1030 continued

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1 1 Section 1. Section 709.1, subsection 1, Code 2009, is
1 2 amended to read as follows:
1 3 1. The act is done by force or against the will of the
1 4 other. If the consent or acquiescence of the other is
1 5 procured by threats of violence toward any person, or by
1 6 deception as to the sexual nature of the act, or if the act is
1 7 done while the other is under the influence of a drug inducing
1 8 sleep or is otherwise in a state of unconsciousness, the act
1 9 is done against the will of the other.

1 10 EXPLANATION

1 11 This bill modifies the definition of sexual abuse. The
1 12 bill provides that a person commits sexual abuse if the person
1 13 performs a sex act upon another if the consent to perform the
1 14 sex act is procured by deception as to the sexual nature of
1 15 the act. A "sex act" is defined in Code section 702.17.

1 16 The bill is in response to an Iowa supreme court case,
1 17 State v. Bolsinger, 709 N.W.2d 560 (2006).

1 18 Under the bill, the modification of the definition of
1 19 "sexual abuse" results in changes to the elements of the
1 20 following criminal offenses: sexual abuse in the first degree
1 21 (709.2), sexual abuse in the second degree (709.3), sexual
1 22 abuse in the third degree (709.4), assault with intent to
1 23 commit sexual abuse (709.11), enticing a minor away (710.10),
1 24 burglary in the first degree (713.3), and child endangerment
1 25 (726.6).

1 26 The term "sexual abuse" appears in the definition of
1 27 "kidnapping" under Code section 710.1, and in "kidnapping" in
1 28 the first degree (710.2).

1 29 The term "sexual abuse" appears in criminal provisions
1 30 related to the enhancement of criminal penalties in Code
1 31 sections 702.11 (forcible felony), 902.12 (minimum sentences
1 32 for certain felonies == 70 percent sentences), and 902.14
1 33 (enhanced penalties for sexual abuse and lascivious acts).

1 34 The term "sexual abuse" appears in numerous Code sections
1 35 including the following: 13.31 (victim assistance programs),



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2 1 29B.116 (military justice), 80F.1 (rights of peace officers
2 2 and public safety personnel), 81.10 (DNA profiling), 135.118
2 3 (child protection center grant programs), 135L.3 (parental
2 4 notification of abortion), 229A.2 (commitment of sexually
2 5 violent predators), 232.2 (juvenile justice definitions),
2 6 232.48 (predisposition and investigation report), 232.49
2 7 (physical and mental examinations), 232.83 (child sexual
2 8 abuse), 232.97 (social investigation report), 232.116 (grounds
2 9 for termination of parental rights), 232.181 (social history
2 10 report), 237A.5 (child care facilities), 252B.9 (child support
2 11 recovery), 256.9 (duties of director of department of
2 12 education), 260C.14 (authority of community college
2 13 directors), 261.9 (college student aid commission), 262.9
2 14 (board of regents), 272.2 (educational examiners board),
2 15 331.802 (deaths reported), 595.3A (marriage application),
2 16 611.23 (civil actions), 614.1 (limitations of actions), 614.8A
2 17 (damages for child sexual abuse), 668.15 (damages resulting
2 18 from sexual abuse), 692A.1 (sex offender registry), 701.11
2 19 (evidence of sexual abuse), 708.3 (assault while participating
2 20 in a felony), 709.5 (resistance to sexual abuse), 709.6 (jury
2 21 instructions), 709.10 (sexual abuse evidence), 802.2
2 22 (limitations of criminal actions), 802.10 (DNA profile of
2 23 accused), 811.1 (bail and bail restrictions), 903B.10
2 24 (hormonal intervention therapy), 915.20A (victim counselor
2 25 privilege), and 915.40 (victim rights).
2 26 LSB 1428DP 83
2 27 jm/rj/5.1



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Senate Study Bill 1031

SENATE/HOUSE FILE
BY (PROPOSED JUDICIAL
BRANCH BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to judicial branch practices and procedures,
2 including offsets for the collection of delinquent court debt,
3 assessment and appropriation of fees, and appropriations from
4 the jury and witness fee revolving fund.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1406XD 83
7 jm/rj/5



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Senate Study Bill 1031 continued

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1 1 Section 1. Section 8A.504, subsection 2, paragraph j, Code
1 2 2009, is amended by adding the following new subparagraph:

1 3 NEW SUBPARAGRAPH. (4) The collection entity shall remit
1 4 to the state court administrator, on at least a monthly basis,
1 5 ten percent of the amounts set off to be used by the judicial
1 6 branch to defray the costs of collecting unpaid court debt
1 7 pursuant to section 602.8107.

1 8 Sec. 2. Section 602.1302, subsection 3, Code 2009, is
1 9 amended to read as follows:

1 10 3. A revolving fund is created in the state treasury for
1 11 the payment of jury and witness fees, mileage, costs related
1 12 to providing information to, supporting, and summoning jurors
1 13 by the judicial branch, and attorney fees paid by the state
1 14 public defender for counsel appointed pursuant to section
1 15 600A.6A. The judicial branch shall deposit any reimbursements
1 16 to the state for the payment of jury and witness fees and
1 17 mileage in the revolving fund. In each calendar quarter the
1 18 judicial branch shall reimburse the state public defender for
1 19 attorney fees paid pursuant to section 600A.6B.

1 20 Notwithstanding section 8.33, unencumbered and unobligated
1 21 receipts in the revolving fund at the end of a fiscal year do
1 22 not revert to the general fund of the state. The judicial
1 23 branch shall on or before February 1 file a financial
1 24 accounting of the moneys in the revolving fund with the
1 25 legislative services agency. The accounting shall include an
1 26 estimate of disbursements from the revolving fund for the
1 27 remainder of the fiscal year and for the next fiscal year.

1 28 Sec. 3. Section 602.3101, subsection 2, Code 2009, is
1 29 amended to read as follows:

1 30 2. The state court administrator ~~or a designee of the~~
~~1 31 state court administrator shall act as~~ shall appoint the
1 32 administrator ~~to~~ of the board.

1 33 Sec. 4. Section 602.3106, subsection 2, Code 2009, is
1 34 amended by striking the subsection and inserting in lieu
1 35 thereof the following:



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2 1 2. The fees collected are appropriated to the judicial
2 2 branch and shall be used to offset the expenses of the board,
2 3 including the costs of administering the examination.
2 4 Sec. 5. Section 602.8105, subsection 1, Code 2009, is
2 5 amended by adding the following new paragraph:
2 6 NEW PARAGRAPH. aa. For filing a tribal judgment, one
2 7 hundred dollars.
2 8 Sec. 6. Section 602.8106, subsection 1, paragraph c, Code
2 9 2009, is amended to read as follows:
2 10 c. For filing and docketing a complaint or information or
2 11 uniform citation and complaint for parking violations under
2 12 sections 321.236, 321.239, 321.358, 321.360, and 321.361,
2 13 ~~eight twenty-five dollars, effective January 1, 2004. The~~
~~2 14 court costs in cases of parking meter and overtime parking~~
~~2 15 violations which are denied, and charged and collected~~
~~2 16 pursuant to section 321.236, subsection 1, or pursuant to a~~
~~2 17 uniform citation and complaint, are eight dollars per~~
~~2 18 information or complaint or per uniform citation and complaint~~
~~2 19 effective January 1, 1991.~~
2 20 Sec. 7. Section 602.10108, Code 2009, is amended to read
2 21 as follows:
2 22 602.10108 FEES.
2 23 1. The ~~board~~ supreme court shall set the fees for
2 24 examination and for admission. The fees for examination shall
2 25 be based upon the annual cost of administering the
2 26 examinations. The fees for admission shall be based upon the
2 27 costs of conducting an investigation of the applicant and the
2 28 administrative costs of sustaining the board, ~~which shall~~
~~2 29 include but shall not be limited to:~~
2 30 1. ~~Expenses and travel for board members and temporary~~
~~2 31 examiners.~~
2 32 2. ~~Office facilities, supplies, and equipment.~~
2 33 3. ~~Clerical assistance.~~
2 34 2. Fees shall be collected by the board and ~~transmitted to~~
~~2 35 the treasurer of state who shall deposit the fees in the~~



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~~3 1 general fund of the state are appropriated to the judicial
3 2 branch and shall be used to offset the costs of administering
3 3 this article.~~

3 4 Sec. 8. Section 626D.3, Code 2009, is amended by adding
3 5 the following new subsection:

3 6 NEW SUBSECTION. 3A. For filing a tribal judgment, the
3 7 clerk of the district court shall collect the fee set out in
3 8 section 602.8105, subsection 1.

3 9 EXPLANATION

3 10 This bill relates to judicial branch practices and
3 11 procedures, including offsets for the collection of delinquent
3 12 court debt, assessment of fees, and appropriations from the
3 13 jury and witness fee revolving fund.

3 14 The bill requires the department of administrative services
3 15 and any other state agency that maintains a separate
3 16 accounting system and elects to establish a debt collection
3 17 setoff procedure, to remit to the state court administrator,
3 18 10 percent of the amounts set off from the collection of
3 19 delinquent court debt for use by the judicial branch to defray
3 20 the costs of collecting unpaid court debt.

3 21 The bill permits the distribution of funds from the jury
3 22 and witness fee revolving fund created in Code section
3 23 602.1302 for costs related to providing information to and
3 24 supporting potential jurors called for service. Under current
3 25 law the distribution of funds to jurors is limited to juror
3 26 fees, mileage, and costs related to summoning potential
3 27 jurors.

3 28 The bill requires the state court administrator to appoint
3 29 the administrator of the board of examiners of shorthand
3 30 reporters. Current law provides that the state court
3 31 administrator or a designee of the state court administrator
3 32 shall act as administer of the board.

3 33 The bill specifies that the fees assessed for shorthand
3 34 certification examinations shall be used to offset the
3 35 expenses of the board, including the costs of administering



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4 1 examinations.

4 2 The bill establishes a fee to be collected by the clerk of
4 3 the district court in the amount of \$100 for the filing of a
4 4 tribal judgment. The distribution of court fees collected by
4 5 the clerk of the district court is controlled by Code section
4 6 602.8108.

4 7 The bill increases the filing and docketing fee from \$8 to
4 8 \$25 for a complaint, information, or uniform citation and
4 9 complaint for parking violations under Code sections 321.236
4 10 (violations of local ordinances), 321.239 (violations of
4 11 county ordinances), 321.358 (unlawful parking in certain
4 12 places), 321.360 (parking near theaters or hotels), and
4 13 321.361 (additional parking regulations).

4 14 The bill also eliminates the assessment of court costs in
4 15 the amount of \$8 if a person challenges a parking violation
4 16 under Code section 321.236.

4 17 The bill transfers the authority to set fees for
4 18 examination and admission to practice law in Iowa from the
4 19 board of law examiners to the supreme court. The bill also
4 20 directs the fees collected for examination and admission be
4 21 used to offset the costs of administering the examination and
4 22 admission process to practice law. Current law requires the
4 23 examination and admission fees to be deposited into the
4 24 general fund of the state.

4 25 LSB 1406XD 83

4 26 jm/rj/5



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Senate Study Bill 1032

SENATE/HOUSE FILE
BY (PROPOSED JUDICIAL
BRANCH BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the judicial branch including contested and
2 uncontested parking violations, filing civil citations of
3 municipal infractions with the clerk, records kept by the
4 clerk, and service of original notice in a small claims
5 action.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 1402XD 83
8 jm/rj/8



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1 1 Section 1. Section 321.236, subsection 1, unnumbered
1 2 paragraph 2, Code 2009, is amended to read as follows:
1 3 Parking meter, snow route, and overtime parking violations
1 4 which are ~~denied~~ contested shall be charged and proceed before
1 5 a court the same as other traffic violations. Filing fees and
1 6 court costs shall be assessed as provided in section 602.8106,
1 7 subsection 1 and section 805.6, subsection 1, paragraph "a"
1 8 for parking violation cases. ~~Parking violations which are~~
~~1 9 admitted:~~
1 10 Sec. 2. Section 321.236, subsection 1, paragraphs a and b,
1 11 Code 2009, are amended to read as follows:
1 12 a. ~~May~~ Parking violations which are uncontested shall be
1 13 charged and collected upon a simple notice of a fine payable
1 14 to the city clerk,~~if authorized by ordinance.~~ The fine for
1 15 each violation charged under a simple notice of a fine shall
1 16 be established by ordinance. The fine may be increased by
1 17 five dollars if the parking violation is not paid within
1 18 thirty days of the date upon which the violation occurred,~~if~~
~~1 19 authorized by ordinance.~~ Violations of section 321L.4,
1 20 subsection 2, ~~may~~ shall be charged and collected upon a simple
1 21 notice of a one hundred dollar fine payable to the city clerk,
~~1 22 if authorized by ordinance. No costs~~ Costs or other charges
1 23 shall be assessed. All fines collected by a city pursuant to
1 24 this paragraph shall be retained by the city and all fines
1 25 collected by a county pursuant to this paragraph shall be
1 26 retained by the county, except as provided by an agreement
1 27 between a city and a county treasurer for the collection of
1 28 fines pursuant to section 331.553, subsection 8.
1 29 b. ~~Notwithstanding any such ordinance, may be prosecuted~~
~~1 30 under the provisions of sections 805.7 to 805.13 or as any~~
~~1 31 other traffic violation.~~
1 32 Sec. 3. Section 364.22, subsection 4, unnumbered paragraph
1 33 1, Code 2009, is amended to read as follows:
1 34 An officer authorized by a city to enforce a city code or
1 35 regulation may issue a civil citation to a person who commits



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2 1 a municipal infraction. ~~The~~ A copy of the citation may be
2 2 served by personal service as provided in rule of civil
2 3 procedure 1.305, by certified mail addressed to the defendant
2 4 at the defendant's last known mailing address, return receipt
2 5 requested, or by publication in the manner as provided in rule
2 6 of civil procedure 1.310 and subject to the conditions of rule
2 7 of civil procedure 1.311. A copy of the citation shall be
2 8 retained by the issuing officer, and ~~one copy~~ the original
2 9 citation shall be sent to the clerk of the district court.

2 10 The citation shall serve as notification that a civil offense
2 11 has been committed and shall contain the following
2 12 information:

2 13 Sec. 4. Section 523I.602, subsection 4, Code 2009, is
2 14 amended to read as follows:

2 15 4. RECEIPT == ~~CEMETERY~~ RECORD. Every such trustee shall
2 16 execute and deliver to the donor a receipt showing the amount
2 17 of money or other property received, and the use to be made of
2 18 the net proceeds from the same, duly attested by the clerk of
2 19 the court granting letters of trusteeship, ~~and a copy thereof,~~
~~2 20 signed by the trustee and so attested, shall be filed with and~~
~~2 21 recorded by the clerk in a book to be known as the cemetery~~
~~2 22 record, in which shall be recorded all reports and other~~
~~2 23 papers, including orders made by the court relative to~~
~~2 24 cemetery matters and the trustee shall keep a signed and~~
2 25 attested copy of the receipt.

2 26 Sec. 5. Section 602.8104, subsection 2, paragraph h, Code
2 27 2009, is amended by striking the paragraph.

2 28 Sec. 6. Section 602.8104, subsection 2, Code 2009, is
2 29 amended by adding the following new paragraph:

2 30 NEW PARAGRAPH. k. A record book of certificates of
2 31 deposit, not in the clerk's name, which are being held by the
2 32 clerk on behalf of a conservatorship, trust, or an estate
2 33 pursuant to a court order as provided in section 636.37.

2 34 Sec. 7. Section 602.8106, subsection 1, paragraph c, Code
2 35 2009, is amended to read as follows:



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3 1 c. For filing and docketing a complaint or information or
3 2 uniform citation and complaint for parking violations under
3 3 sections 321.236, 321.239, 321.358, 321.360, and 321.361,
3 4 eight dollars, effective January 1, 2004. The court costs in
3 5 cases of parking meter and overtime parking violations which
3 6 are ~~denied~~ contested, and charged and collected pursuant to
3 7 section 321.236, subsection 1, or pursuant to a uniform
3 8 citation and complaint, are eight dollars per information or
3 9 complaint or per uniform citation and complaint effective
3 10 January 1, 1991.

3 11 Sec. 8. Section 631.4, subsection 1, paragraph a, Code
3 12 2009, is amended to read as follows:

3 13 a. If the defendant is a resident of this state, or if the
3 14 defendant is a nonresident of this state and is subject to the
3 15 jurisdiction of the court under rule of civil procedure 1.306,
3 16 the plaintiff may elect service under this paragraph, and upon
3 17 receipt of the prescribed costs the clerk shall mail to the
3 18 defendant by certified mail, restricted delivery, return
3 19 receipt to the clerk requested, a copy of the original notice
3 20 together with a conforming copy of an answer form. However,
3 21 if the defendant is a corporation, partnership, or
3 22 association, the clerk shall mail to the defendant by
3 23 certified mail, return receipt to the clerk requested, a copy
3 24 of the original notice with a conforming copy of an answer
3 25 form. The defendant is required to appear within twenty days
3 26 following the date service is made.

3 27 Sec. 9. Section 636.37, Code 2009, is amended to read as
3 28 follows:

3 29 636.37 DUTY OF CLERK.

3 30 1. The clerk of the district court with whom any deposit
3 31 of funds, moneys, or securities shall be made, as provided by
3 32 any law or an order of court, shall enter in a book, to be
3 33 provided and kept for that purpose, the amount of such
3 34 deposit, the character thereof, the date of its deposit, from
3 35 whom received, from what source derived, to whom due or to



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4 1 become due, if known.

4 2 2. A separate book shall be maintained for all

4 3 certificates of deposit not in the name of the clerk of the

4 4 district court that are being held by the clerk on behalf of a

4 5 conservatorship, trust, or estate. The book shall list the

4 6 relevant details of the transaction, including but not limited

4 7 to the name of the conservator, trustee, or executor, and

4 8 cross references to the court orders opening and closing the

4 9 conservatorship, trust, or estate.

4 10 Sec. 10. Section 805.8A, subsection 1, paragraph a, Code
4 11 2009, is amended to read as follows:

4 12 a. For parking violations under sections 321.236, 321.239,

4 13 321.358, 321.360, and 321.361, the scheduled fine is five

4 14 dollars, except if the local authority has established the

4 15 fine by ordinance ~~pursuant to section 321.236, subsection 1.~~

4 16 The scheduled fine for a parking violation pursuant to section

4 17 321.236 increases by five dollars, ~~as if~~ authorized by

4 18 ordinance ~~pursuant to section 321.236, subsection 1,~~ and if

4 19 the parking violation is not paid within thirty days of the

4 20 date upon which the violation occurred. For purposes of

4 21 calculating the unsecured appearance bond required under

4 22 section 805.6, the scheduled fine shall be five dollars, or if

4 23 the amount of the fine is greater than five dollars, the

4 24 unsecured appearance bond shall be the amount of the fine

4 25 established by the local authority ~~pursuant to section~~

4 26 ~~321.236, subsection 1.~~ However, violations charged by a city

4 27 or county upon simple notice of a fine instead of a uniform

4 28 citation and complaint ~~as permitted~~ required by section

4 29 321.236, subsection 1, paragraph "a", are not scheduled

4 30 violations, and this section shall not apply to any offense

4 31 charged in that manner. For a parking violation under section

4 32 321.362 or 461A.38, the scheduled fine is ten dollars.

4 33 EXPLANATION

4 34 This bill relates to the judicial branch including

4 35 contested and uncontested parking violations, filing civil



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5 1 citations of municipal infractions, records kept by the clerk,
5 2 and service of original notice in a small claims action.

5 3 The bill removes the clerk of the district court from
5 4 collecting uncontested parking violation fines of a city or
5 5 county.

5 6 Under the bill, when a violation of a municipal infraction
5 7 occurs and a civil penalty is assessed, a copy of the citation
5 8 shall be served on the defendant, and the original citation
5 9 shall be sent to the clerk of the district court. Current law
5 10 provides that a copy of the citation be sent to the clerk of
5 11 the district court.

5 12 The bill strikes the requirement that the clerk of the
5 13 district court keep a cemetery record book related to Code
5 14 section 523I.602.

5 15 The bill provides that the clerk of the district court
5 16 shall keep a record book of certificates of deposit that have
5 17 not been issued in the name of the clerk but are being held by
5 18 the clerk on behalf of a conservatorship, trust, or an estate.
5 19 The bill also provides that the record book shall list the
5 20 relevant details of the transaction, including but not limited
5 21 to the name of the conservator, trustee, or executor, and
5 22 cross references to the court orders opening and closing the
5 23 conservatorship, trust, or estate. Current law provides the
5 24 clerk to provide a detailed accounting of all funds deposited
5 25 with the clerk pursuant to Code section 636.37.

5 26 The bill provides that if the defendant in a small claims
5 27 action is a corporation, partnership, or association, the
5 28 clerk, to obtain service, shall mail to the defendant a copy
5 29 of the original notice, with a conforming copy of the answer
5 30 form, by certified mail, return receipt to the clerk
5 31 requested.

5 32 LSB 1402XD 83

5 33 jm/rj/8



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Senate Study Bill 1033

SENATE/HOUSE FILE
BY (PROPOSED ATTORNEY GENERAL
BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act prohibiting a person who is the subject of a protective
2 order or who has been convicted of a misdemeanor crime of
3 domestic violence in violation of federal law from possessing,
4 transferring, or selling firearms or offensive weapons and
5 providing a penalty.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 1386DP 83
8 rh/rj/5



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Senate Study Bill 1033 continued

PAG LIN

1 1 Section 1. Section 724.26, Code 2009, is amended to read
1 2 as follows:

1 3 724.26 POSSESSION, RECEIPT, TRANSPORTATION, OR DOMINION
1 4 AND CONTROL OF FIREARMS AND OFFENSIVE WEAPONS BY FELONS AND
1 5 OTHERS.

1 6 1. A person who is convicted of a felony in a state or
1 7 federal court, or who is adjudicated delinquent on the basis
1 8 of conduct that would constitute a felony if committed by an
1 9 adult, and who knowingly has under the person's dominion and
1 10 control or possession, receives, or transports or causes to be
1 11 transported a firearm or offensive weapon is guilty of a class
1 12 "D" felony.

1 13 2. A person who is subject to a protective order under 18
1 14 U.S.C. } 922(g)(8) or who has been convicted of a misdemeanor
1 15 crime of domestic violence under 18 U.S.C. } 922(g)(9), and
1 16 who knowingly sells, disposes of, possesses, ships,
1 17 transports, or receives a firearm or offensive weapon, is
1 18 guilty of a class "D" felony. Such a person shall not be
1 19 eligible to obtain a permit under this chapter and any permits
1 20 issued to such a person are deemed revoked.

1 21 3. Except as provided in section 809A.17, subsection 5,
1 22 paragraph "b", a firearm or offensive weapon seized under this
1 23 section shall be disposed of in any of the following ways:

1 24 a. Held as evidence if used or intended to be used in any
1 25 manner or part to facilitate conduct giving rise to a
1 26 violation described in subsection 2.

1 27 b. Transferred to the custody of a qualified person in
1 28 this state, as determined by the court. The qualified person
1 29 shall not reside in the home of a person found guilty of an
1 30 offense under this section and must be able to lawfully
1 31 possess a firearm or offensive weapon in this state.

1 32 c. Stored by the county sheriff. The court shall assess
1 33 the defendant, in addition to any penalty, a fee of fifty
1 34 dollars plus the cost of any other expenses for storing the
1 35 firearm or offensive weapon, payable to the county sheriff's



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Senate Study Bill 1033 continued

2 1 office.

2 2

EXPLANATION

2 3 This bill amends Code section 724.26 to prohibit the
2 4 knowing sale, disposal, possession, shipment, transportation,
2 5 or receipt of a firearm or offensive weapon by a person who is
2 6 the subject of a protective order under federal law (18 U.S.C.
2 7 } 922(g)(8)) or by a person who has been convicted of a
2 8 misdemeanor crime of domestic violence under federal law (18
2 9 U.S.C. } 922(g)(9)).

2 10 Violation of the prohibition is a class "D" felony. A
2 11 class "D" felony is punishable by confinement for no more than
2 12 five years and a fine of at least \$750 but not more than
2 13 \$7,500. Such a person shall not be eligible to obtain a
2 14 permit to carry weapons or a permit to acquire pistols or
2 15 revolvers.

2 16 The bill further provides that unless a forfeiture
2 17 proceeding has been initiated, a firearm or offensive weapon
2 18 seized under the bill and Code section 724.26 shall be
2 19 disposed of in any one of the following ways:

2 20 1. Held in evidence if the firearm or offensive weapon was
2 21 used or intended to be used in any part to facilitate conduct
2 22 giving rise to any of the delineated violations.

2 23 2. Transferred to a person who does not live with the
2 24 offender and who is qualified in Iowa to possess a firearm or
2 25 offensive weapon, as determined by the court.

2 26 3. Stored by the county sheriff. The court shall assess
2 27 the defendant, in addition to any other penalty, a fee of \$50
2 28 plus the costs of any other expenses to cover storage costs.

2 29 LSB 1386DP 83

2 30 rh/rj/5



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Senate Study Bill 1034

SENATE/HOUSE FILE
BY (PROPOSED ATTORNEY
GENERAL BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring a person convicted of an aggravated misdemeanor
- 2 to submit a DNA sample and providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1371DP 83
- 5 jm/rj/14



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Senate Study Bill 1034 continued

PAG LIN

1 1 Section 1. Section 81.2, subsection 1, Code 2009, is
1 2 amended to read as follows:
1 3 1. A person who receives a deferred judgment for a felony,
1 4 aggravated misdemeanor, or against whom a judgment or
1 5 conviction for a felony or aggravated misdemeanor has been
1 6 entered shall be required to submit a DNA sample for DNA
1 7 profiling pursuant to section 81.4.

1 8 Sec. 2. Section 81.10, subsection 1, Code 2009, is amended
1 9 to read as follows:

1 10 1. A defendant who has been convicted of a felony or
1 11 aggravated misdemeanor and who has not been required to submit
1 12 a DNA sample for DNA profiling may make a motion to the court
1 13 for an order to require that DNA analysis be performed on
1 14 evidence collected in the case for which the person stands
1 15 convicted.

1 16 Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection
1 17 3, shall not apply to this Act.

1 18 Sec. 4. EFFECTIVE DATE. This Act takes effect January 1,
1 19 2010.

1 20 EXPLANATION

1 21 This bill requires a person convicted of an aggravated
1 22 misdemeanor to submit a DNA sample.

1 23 The bill requires a person convicted of or who receives a
1 24 deferred judgment for an offense that is classified as an
1 25 aggravated misdemeanor to submit a DNA sample for DNA
1 26 profiling.

1 27 Current law provides that a person who is convicted of or
1 28 who receives a deferred judgment for an offense classified as
1 29 a felony shall submit a DNA sample for DNA profiling.

1 30 The bill may include a state mandate as defined in Code
1 31 section 25B.3. The bill makes inapplicable Code section
1 32 25B.2, subsection 3, which would relieve a political
1 33 subdivision from complying with a state mandate if funding for
1 34 the cost of the state mandate is not provided or specified.

1 35 Therefore, political subdivisions are required to comply with



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Senate Study Bill 1034 continued

- 2 1 any state mandate included in the bill.
- 2 2 The bill takes effect January 1, 2010.
- 2 3 LSB 1371DP 83
- 2 4 jm/rj/14



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Senate Study Bill 1035

SENATE/HOUSE FILE
BY (PROPOSED ATTORNEY
GENERAL BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the compensation of a guardian ad litem in
- 2 certain criminal cases involving a child witness.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1344DP 83
- 5 jm/nh/14



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Senate Study Bill 1035 continued

PAG LIN

1 1 Section 1. Section 910.1, subsection 4, Code 2009, is
1 2 amended to read as follows:
1 3 4. "Restitution" means payment of pecuniary damages to a
1 4 victim in an amount and in the manner provided by the
1 5 offender's plan of restitution. "Restitution" also includes
1 6 fines, penalties, and surcharges, the contribution of funds to
1 7 a local anticrime organization which provided assistance to
1 8 law enforcement in an offender's case, the payment of crime
1 9 victim compensation program reimbursements, payment of
1 10 guardian ad litem compensation pursuant to section 915.37,
1 11 payment of restitution to public agencies pursuant to section
1 12 321J.2, subsection 9, paragraph "b", court costs including
1 13 correctional fees approved pursuant to section 356.7,
1 14 court-appointed attorney fees ordered pursuant to section
1 15 815.9, including the expense of a public defender, and the
1 16 performance of a public service by an offender in an amount
1 17 set by the court when the offender cannot reasonably pay all
1 18 or part of the court costs including correctional fees
1 19 approved pursuant to section 356.7, or court-appointed
1 20 attorney fees ordered pursuant to section 815.9, including the
1 21 expense of a public defender.
1 22 Sec. 2. Section 910.2, Code 2009, is amended to read as
1 23 follows:
1 24 910.2 RESTITUTION OR COMMUNITY SERVICE TO BE ORDERED BY
1 25 SENTENCING COURT.
1 26 1. In all criminal cases in which there is a plea of
1 27 guilty, verdict of guilty, or special verdict upon which a
1 28 judgment of conviction is rendered, the sentencing court shall
1 29 order that restitution be made by each offender to the victims
1 30 of the offender's criminal activities, to the clerk of court
1 31 for fines, penalties, surcharges, and, to the extent that the
1 32 offender is reasonably able to pay, for crime victim
1 33 assistance reimbursement, payment of guardian ad litem
1 34 compensation pursuant to section 915.37, restitution to public
1 35 agencies pursuant to section 321J.2, subsection 9, paragraph



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Senate Study Bill 1035 continued

2 1 "b", court costs including correctional fees approved pursuant
2 2 to section 356.7, court-appointed attorney fees ordered
2 3 pursuant to section 815.9, including the expense of a public
2 4 defender, when applicable, or contribution to a local
2 5 anticrime organization. However, victims shall be paid in
2 6 full before fines, penalties, and surcharges, crime victim
2 7 compensation program reimbursement, payment of guardian ad
2 8 litem compensation pursuant to section 915.37, public
2 9 agencies, court costs including correctional fees approved
2 10 pursuant to section 356.7, court-appointed attorney fees
2 11 ordered pursuant to section 815.9, including the expenses of a
2 12 public defender, or contributions to a local anticrime
2 13 organization are paid. In structuring a plan of restitution,
2 14 the court shall provide for payments in the following order of
2 15 priority: victim, fines, penalties, and surcharges, crime
2 16 victim compensation program reimbursement, guardian ad litem
2 17 compensation, public agencies, court costs including
2 18 correctional fees approved pursuant to section 356.7,
2 19 court-appointed attorney fees ordered pursuant to section
2 20 815.9, including the expense of a public defender, and
2 21 contribution to a local anticrime organization.
2 22 2. When the offender is not reasonably able to pay all or
2 23 a part of the crime victim compensation program reimbursement,
2 24 guardian ad litem compensation, public agency restitution,
2 25 court costs including correctional fees approved pursuant to
2 26 section 356.7, court-appointed attorney fees ordered pursuant
2 27 to section 815.9, including the expense of a public defender,
2 28 or contribution to a local anticrime organization, the court
2 29 may require the offender in lieu of that portion of the crime
2 30 victim compensation program reimbursement, guardian ad litem
2 31 compensation, public agency restitution, court costs including
2 32 correctional fees approved pursuant to section 356.7,
2 33 court-appointed attorney fees ordered pursuant to section
2 34 815.9, including the expense of a public defender, or
2 35 contribution to a local anticrime organization for which the



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Senate Study Bill 1035 continued

3 1 offender is not reasonably able to pay, to perform a needed
3 2 public service for a governmental agency or for a private
3 3 nonprofit agency which provides a service to the youth,
3 4 elderly, or poor of the community. When community service is
3 5 ordered, the court shall set a specific number of hours of
3 6 service to be performed by the offender which, for payment of
3 7 guardian ad litem compensation pursuant to section 915.37, and
3 8 for payment of court-appointed attorney fees ordered pursuant
3 9 to section 815.9, including the expenses of a public defender,
3 10 shall be approximately equivalent in value to those costs.
3 11 The judicial district department of correctional services
3 12 shall provide for the assignment of the offender to a public
3 13 agency or private nonprofit agency to perform the required
3 14 service.

3 15 Sec. 3. Section 910.9, unnumbered paragraph 3, Code 2009,
3 16 is amended to read as follows:

3 17 Fines, penalties, and surcharges, crime victim compensation
3 18 program reimbursement, payment of guardian ad litem
3 19 compensation pursuant to section 915.37, public agency
3 20 restitution, court costs including correctional fees claimed
3 21 by a sheriff or municipality pursuant to section 356.7, and
3 22 court-appointed attorney fees ordered pursuant to section
3 23 815.9, including the expenses for public defenders, shall not
3 24 be withheld by the clerk of court until all victims have been
3 25 paid in full. Payments to victims shall be made by the clerk
3 26 of court at least quarterly. Payments by a clerk of court
3 27 shall be made no later than the last business day of the
3 28 quarter, but may be made more often at the discretion of the
3 29 clerk of court. The clerk of court receiving final payment
3 30 from an offender shall notify all victims that full
3 31 restitution has been made. Each office or individual charged
3 32 with supervising an offender who is required to perform
3 33 community service as full or partial restitution shall keep
3 34 records to assure compliance with the portions of the plan of
3 35 restitution and restitution plan of payment relating to



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Senate Study Bill 1035 continued

4 1 community service and, when the offender has complied fully
4 2 with the community service requirement, notify the sentencing
4 3 court.

4 4 Sec. 4. Section 915.37, Code 2009, is amended to read as
4 5 follows:

4 6 915.37 GUARDIAN AD LITEM FOR PROSECUTING CHILD WITNESSES.

4 7 1. A prosecuting witness who is a child, as defined in
4 8 section 702.5, in a case involving a violation of chapter 709
4 9 or section 710.10, 726.2, 726.3, 726.6, or 728.12, is entitled
4 10 to have the witness's interests represented by a guardian ad
4 11 litem at all stages of the proceedings arising from such
4 12 violation. The guardian ad litem shall be a practicing
4 13 attorney and shall be designated by the court after due
4 14 consideration is given to the desires and needs of the child
4 15 and the compatibility of the child and the child's interests
4 16 with the prospective guardian ad litem. If a guardian ad
4 17 litem has previously been appointed for the child in a
4 18 proceeding under chapter 232 or a proceeding in which the
4 19 juvenile court has waived jurisdiction under section 232.45,
4 20 the court shall appoint the same guardian ad litem under this
4 21 section. The guardian ad litem shall receive notice of and
4 22 may attend all depositions, hearings, and trial proceedings to
4 23 support the child and advocate for the protection of the child
4 24 but shall not be allowed to separately introduce evidence or
4 25 to directly examine or cross-examine witnesses. However, the
4 26 guardian ad litem shall file reports to the court as required
4 27 by the court. If a prosecuting witness is fourteen, fifteen,
4 28 sixteen, or seventeen years of age, and would be entitled to
4 29 the appointment of a guardian ad litem if the prosecuting
4 30 witness were a child, the court may appoint a guardian ad
4 31 litem if the requirements for guardians ad litem in this
4 32 section are met, and the guardian ad litem agrees to
4 33 participate without compensation.

4 34 2. The clerk of the district court of the county where the
4 35 case occurred shall pay from funds appropriated to the



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5 1 judicial branch reasonable compensation to a guardian ad litem
5 2 appointed by the court pursuant to this section, if such
5 3 compensation is permissible pursuant to subsection 1.

5 4 3. References in this section to a guardian ad litem shall
5 5 be interpreted to include references to a court appointed
5 6 special advocate as defined in section 232.2, subsection 9.

5 7 EXPLANATION

5 8 This bill relates to the compensation of a guardian ad
5 9 litem in certain criminal cases involving a child witness.

5 10 The amendment to Code section 910.1 makes the compensation
5 11 of a guardian ad litem appointed for a child witness pursuant
5 12 to Code section 915.37 recoverable as restitution in a
5 13 criminal case, if such compensation is permissible pursuant to
5 14 Code section 915.37.

5 15 The amendment to Code section 910.2 specifies that payment
5 16 of guardian ad litem compensation pursuant to Code section
5 17 915.37 is restitution and that victim restitution shall be
5 18 paid in full prior to payment of guardian ad litem
5 19 compensation restitution. The amendment to Code section 910.2
5 20 also establishes the order of priority for payment of guardian
5 21 ad litem compensation in a restitution plan.

5 22 The amendment to Code section 910.9 specifies that the
5 23 payment of guardian ad litem compensation restitution shall
5 24 not be paid until the victim restitution has been paid in
5 25 full.

5 26 The amendment to Code section 915.37 establishes that a
5 27 child victim of enticing away a minor under Code section
5 28 710.10 is entitled to have a guardian ad litem appointed to
5 29 represent the interest of the child in all proceedings arising
5 30 out of the criminal offense.

5 31 The amendment to Code section 915.37 requires that the
5 32 clerk of the district court of the county where the offense
5 33 occurred pay reasonable compensation to the guardian ad litem
5 34 appointed on behalf of a child victim.

5 35 LSB 1344DP 83



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Senate Study Bill 1035 continued

6 1 jm/nh/14



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Senate Study Bill 1036

SENATE/HOUSE FILE
BY (PROPOSED ATTORNEY
GENERAL BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act making changes to the criminal offense of indecent
- 2 exposure and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1341DP 83
- 5 jm/rj/14



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Senate Study Bill 1036 continued

PAG LIN

1 1 Section 1. Section 709.9, Code 2009, is amended by
1 2 striking the section and inserting in lieu thereof the
1 3 following:
1 4 709.9 INDECENT EXPOSURE.
1 5 A person commits a serious misdemeanor if, for the purpose
1 6 of arousing or satisfying the sexual desires of the person or
1 7 another person who is not the person's spouse, the person
1 8 exposes the person's genitals or pubes, commits a sex act, or
1 9 masturbates under circumstances in which the person knows or
1 10 reasonably should know that the conduct is likely to cause
1 11 affront or alarm.

1 12 EXPLANATION

1 13 This bill modifies the criminal offense of indecent
1 14 exposure.
1 15 The bill is in response to State v. Isaac, 756 N.W.2d 817
1 16 (Iowa 2008).
1 17 Under the bill, a person commits indecent exposure if, for
1 18 the purpose of arousing or satisfying the sexual desires of
1 19 the person or another person who is not the person's spouse,
1 20 the person exposes the person's genitals or pubes, commits a
1 21 sex act, or masturbates under circumstances in which the
1 22 person knows or reasonably should know that the conduct is
1 23 likely to cause affront or alarm.
1 24 Current law provides that the indecent exposure of a
1 25 person's genitals or pubes be directed to another for the
1 26 purpose of sexual arousal or gratification and that the person
1 27 knows or reasonably should know that the act is offensive to
1 28 the viewer. In addition, current law provides that a sex act
1 29 be committed in the presence of or view of a third person to
1 30 arouse or satisfy the sexual desires of either party, and the
1 31 person knows or reasonably should know that the act is
1 32 offensive to the viewer. Current law also does not specify
1 33 that masturbation can be indecent exposure under certain
1 34 circumstances.
1 35 Under the bill and in current law, a person who commits



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Senate Study Bill 1036 continued

2 1 indecent exposure is guilty of a simple misdemeanor. In
2 2 addition, under the bill and in current law, a person who
2 3 commits indecent exposure is subject to a special sentence
2 4 pursuant to Code section 903B.2, and is also required to
2 5 register as a sex offender.
2 6 LSB 1341DP 83
2 7 jm/rj/14.1



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Senate Study Bill 1037

SENATE/HOUSE FILE
BY (PROPOSED ATTORNEY GENERAL
BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

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



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Senate Study Bill 1037 continued

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



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Senate Study Bill 1037 continued

2 1 ACTS.

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

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

2 12 a. Section 321.69.

2 13 b. Chapter 516D.

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

2 15 d. Chapter 555A.

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

2 18 f. Chapter 714A.

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

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

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

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



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



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



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Senate Study Bill 1037 continued

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

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

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

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

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

5 34 EXPLANATION

5 35 This bill creates a private remedy for certain consumer



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Senate Study Bill 1037 continued

6 1 fraud Act violations.

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

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



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Senate Study Bill 1037 continued

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

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

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

7 26 LSB 1307DP 83

7 27 rh/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 14, 2009

Senate Study Bill 1038

SENATE FILE
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL
BY CHAIRPERSON BEALL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act creating an undergraduate educational assistance grant
2 program for dependent children of veterans with
3 service-connected disabilities.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1277SC 83
6 kh/nh/14



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Senate Study Bill 1038 continued

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1 1 Section 1. NEW SECTION. 261.26 GRANT PROGRAM FOR
1 2 DEPENDENT CHILDREN OF VETERANS WITH SERVICE=CONNECTED
1 3 DISABILITIES == FUND.
1 4 1. DEFINITIONS. As used in this section, unless the
1 5 context otherwise requires:
1 6 a. "Eligible institution" means a community college
1 7 established under chapter 260C, an accredited private
1 8 institution, or an institution of higher learning governed by
1 9 the state board of regents.
1 10 b. "Qualified student" means a person who meets the
1 11 requirements set forth in subsection 2.
1 12 c. "Veteran" means an individual meeting the definition of
1 13 veteran in section 35.1 whom the department of veterans
1 14 affairs verifies is permanently and totally disabled from a
1 15 service=connected disability.
1 16 2. PROGRAM == ELIGIBILITY. A grant program for dependent
1 17 children of veterans is established to be administered by the
1 18 commission. The awarding of grants under the program is
1 19 subject to appropriations made by the general assembly. A
1 20 person who meets all of the following requirements, as
1 21 applicable, is eligible for a grant under the program:
1 22 a. Is a resident of Iowa and a citizen or a lawful
1 23 permanent resident of the United States.
1 24 b. Is between sixteen and twenty=two years of age.
1 25 c. Applies in a timely manner for admission to an eligible
1 26 institution and is accepted for admission.
1 27 d. Applies in a timely manner for any federal or state
1 28 student financial assistance available to the student to
1 29 attend an eligible institution.
1 30 e. Files a new application and parents' confidential
1 31 statement, as applicable, annually on the basis of which the
1 32 applicant's eligibility for a renewed grant will be evaluated
1 33 and determined.
1 34 f. Maintains satisfactory academic progress during each
1 35 term for which a grant is awarded.



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Senate Study Bill 1038 continued

2 1 g. Is verified by the department of veterans affairs to be
2 2 the dependent child of a veteran who has exhausted entitlement
2 3 to state educational assistance available under chapter 35 and
2 4 entitlement to federal educational assistance under 38 U.S.C.
2 5 } 35.

2 6 3. EXTENT OF GRANT.

2 7 a. A qualified student at an eligible institution may
2 8 receive grants under this section for not more than the
2 9 equivalent of eight full-time semesters of undergraduate
2 10 study. This paragraph shall not be construed to limit grant
2 11 awards to students enrolled full-time only.

2 12 b. Grants awarded pursuant to this section shall not
2 13 exceed the student's financial need, as determined by the
2 14 commission, the average resident tuition rate and mandatory
2 15 fees established for institutions of higher learning governed
2 16 by the state board of regents, or the resident tuition and
2 17 mandatory fees charged for the program of enrollment by the
2 18 eligible institution at which the student is enrolled,
2 19 whichever is less.

2 20 4. TIMELY PROCESSING OF INFORMATION. The department of
2 21 veterans affairs shall work with the commission to ensure that
2 22 information regarding a veteran's disability status or a
2 23 student's entitlement to state or federal educational
2 24 assistance, which is requested by a veteran's dependent, an
2 25 eligible institution, or the commission, and which is required
2 26 to establish eligibility for a grant pursuant to this section,
2 27 is processed on a timely basis.

2 28 5. DISCONTINUANCE OF ATTENDANCE == REMITTANCE. If a
2 29 student receiving a grant pursuant to this section
2 30 discontinues attendance before the end of any academic term,
2 31 the entire amount of any refund due to the student, up to the
2 32 amount of any payments made by the state, shall be remitted by
2 33 the eligible institution to the commission. The commission
2 34 shall deposit refunds paid to the commission in accordance
2 35 with this subsection into the fund established pursuant to



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Senate Study Bill 1038 continued

3 1 subsection 6.

3 2 6. FUND ESTABLISHED. A dependent children of disabled
3 3 veterans grant fund is created in the state treasury as a
3 4 separate fund under the control of the commission. All moneys
3 5 deposited or paid into the fund are appropriated and made
3 6 available to the commission to be used for grants for
3 7 qualified students pursuant to this section. Notwithstanding
3 8 section 8.33, any balance in the fund on June 30 of a fiscal
3 9 year shall not revert to the general fund of the state, but
3 10 shall be available for purposes of this section in subsequent
3 11 fiscal years.

3 12 7. RULES. The commission shall adopt rules pursuant to
3 13 chapter 17A to administer this section.

3 14 EXPLANATION

3 15 This bill establishes a grant program to be administered by
3 16 the college student aid commission to provide postsecondary
3 17 educational assistance to dependent children of veterans whom
3 18 the department of veterans affairs verifies are permanently
3 19 and totally disabled from a service-connected disability. The
3 20 awarding of grants is subject to appropriations made by the
3 21 general assembly.

3 22 Grants awarded may be used by a qualified student to attend
3 23 a community college, accredited private institution, or
3 24 regents university. To be eligible for the program, the
3 25 dependent child of a veteran with a service-connected
3 26 disability must be a resident of Iowa and a citizen or lawful
3 27 resident of the United States who is between 16 and 22 years
3 28 of age. The dependent child must also have exhausted
3 29 entitlement to state educational assistance under Code chapter
3 30 35 and federal survivors and dependents educational
3 31 assistance.

3 32 A qualified student may receive program grants for not more
3 33 than the equivalent of eight full-time semesters of
3 34 undergraduate study. Grant awards, however, are not limited
3 35 to full-time enrollment. Grants shall not exceed the



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Senate Study Bill 1038 continued

4 1 student's financial need, the average resident tuition rate
4 2 and mandatory fees established for regents universities, or
4 3 the resident tuition and mandatory fees charged for the
4 4 program of enrollment by the eligible institution at which the
4 5 student is enrolled, whichever is less.
4 6 The department of veterans affairs is directed to work with
4 7 the commission to ensure that information regarding a
4 8 veteran's disability status or the student's entitlement to
4 9 state and federal educational assistance, which is requested
4 10 by a veteran's dependent, an eligible institution, or the
4 11 commission, and which is required to establish eligibility for
4 12 a grant pursuant to the bill, is processed on a timely basis.
4 13 If a student receiving a grant discontinues attendance, the
4 14 entire amount of any refund due to the student, up to the
4 15 amount of any payments made by the state, must be remitted by
4 16 the eligible institution to the commission. The commission
4 17 shall deposit refunds into the dependent children of disabled
4 18 veterans grant fund the bill creates in the state treasury.
4 19 Moneys in the fund are appropriated and made available to the
4 20 commission to allow it to award more grants to qualified
4 21 students.
4 22 LSB 1277SC 83
4 23 kh/nh/14



Iowa General Assembly
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Senate Study Bill 1039

SENATE FILE
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BY
CHAIRPERSON BEALL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act waiving employer charges for unemployment claims stemming
- 2 from temporary workers who have replaced active duty military
- 3 employees.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1585SC 83
- 6 ak/rj/14



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Senate Study Bill 1039 continued

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1 1 Section 1. Section 96.7, subsection 2, paragraph a,
1 2 subparagraph (2), Code 2009, is amended by adding the
1 3 following new subparagraph division:
1 4 NEW SUBPARAGRAPH DIVISION. (e) The account of an employer
1 5 shall not be charged with benefits paid to an individual who
1 6 is laid off if the benefits are paid as the result of the
1 7 return to work of a permanent employee who is one of the
1 8 following:

1 9 (i) A member of the national guard or organized reserves
1 10 of the armed forces of the United States ordered to temporary
1 11 duty, as defined in section 29A.1, subsection 3, 11, or 12,
1 12 for any purpose, who has completed the duty as evidenced in
1 13 accordance with section 29A.43.

1 14 (ii) A member of the civil air patrol performing duty
1 15 pursuant to section 29A.3A, who has completed the duty as
1 16 evidenced in accordance with section 29A.43.

1 17 EXPLANATION

1 18 This bill waives employer charges for unemployment claims
1 19 stemming from temporary workers who have replaced active duty
1 20 military employees. The bill prevents the account of an
1 21 employer from being charged if benefits are paid to an
1 22 individual who is laid off as the result of the return to work
1 23 of a permanent employee who is a member of the national guard
1 24 or United States armed forces reserves ordered to temporary
1 25 duty, as defined in Code section 29A.1, subsection 3, 11, or
1 26 12, for any purpose and who has completed the duty, or who is
1 27 a member of the civil air patrol performing duty pursuant to
1 28 Code section 29A.3A and who has completed the duty.

1 29 LSB 1585SC 83

1 30 ak/rj/14



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Senate Study Bill 1040

SENATE FILE
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL
BY CHAIRPERSON BEALL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the expenditure of moneys from the veterans
- 2 trust fund for accredited veteran service officers.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1270SC 83
- 5 md/nh/5



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Senate Study Bill 1040 continued

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1 1 Section 1. Section 35A.13, subsection 7, paragraph 1, Code
1 2 2009, is amended to read as follows:
1 3 1. Matching funds to veterans organizations to provide for
1 4 accredited veteran service officers. However, moneys expended
1 5 for this purpose in a fiscal year shall not exceed the ~~lesser~~
1 6 greater of one hundred fifty thousand dollars or twenty
1 7 percent of the moneys appropriated to the commission from
1 8 interest and earnings on the fund in that fiscal year.

1 9 EXPLANATION
1 10 Current law allows expenditures from the veterans trust
1 11 fund for matching funds to veterans organizations to provide
1 12 accredited veteran service officers, which expenditures shall
1 13 not exceed the lesser of \$150,000 or 20 percent of the moneys
1 14 appropriated to the commission of veterans affairs from
1 15 interest and earnings on the fund in that fiscal year. This
1 16 bill increases the limit on such expenditures to an amount
1 17 which does not exceed the greater of \$150,000 or 20 percent of
1 18 the moneys appropriated to the commission from interest and
1 19 earnings on the fund in that fiscal year.

1 20 LSB 1270SC 83
1 21 md/nh/5



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Senate Study Bill 1041

SENATE FILE
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL
BY CHAIRPERSON BEALL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act creating an undergraduate educational assistance grant
- 2 program for veterans.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1279SC 83
- 5 kh/nh/5



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1 1 Section 1. NEW SECTION. 261.26 VETERANS EDUCATIONAL
1 2 ASSISTANCE GRANT PROGRAM.
1 3 1. DEFINITIONS. As used in this section, unless the
1 4 context otherwise requires:
1 5 a. "Eligible institution" means a community college
1 6 established under chapter 260C, an accredited private
1 7 institution, or an institution of higher learning governed by
1 8 the state board of regents.
1 9 b. "Qualified student" means a veteran who meets the
1 10 requirements set forth in subsection 2.
1 11 c. "Veteran" means a resident of this state who meets all
1 12 of the following conditions:
1 13 (1) Was a resident of this state at the time of entry into
1 14 the United States armed forces, reserve forces of the United
1 15 States, or the Iowa or other state national guard; and is
1 16 currently a resident of this state.
1 17 (2) Served in active federal service after September 11,
1 18 2001.
1 19 (3) Received hazardous duty pay.
1 20 (4) Was discharged under honorable conditions.
1 21 (5) Has exhausted any entitlement to educational
1 22 assistance under the federal Montgomery G.I. bill.
1 23 2. PROGRAM == ELIGIBILITY. A veterans educational
1 24 assistance grant program is established to be administered by
1 25 the commission. The awarding of grants under the program is
1 26 subject to appropriations made by the general assembly. A
1 27 veteran who meets all of the following requirements is
1 28 eligible for a grant under the program:
1 29 a. Applies in a timely manner for admission to an eligible
1 30 institution and is accepted for admission.
1 31 b. Applies in a timely manner for any federal or state
1 32 student financial assistance available to the veteran to
1 33 attend an eligible institution.
1 34 c. Files a new application and submits any information
1 35 required by the commission annually on the basis of which the



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2 1 applicant's eligibility for a renewed grant will be evaluated
2 2 and determined.

2 3 d. Maintains satisfactory academic progress during each
2 4 term for which a grant is awarded.

2 5 e. Is employed in this state for wages by an employer.

2 6 3. EXTENT OF GRANT.

2 7 a. A qualified student at an eligible institution,
2 8 attending full-time or part-time, may receive grants under
2 9 this section for not more than the equivalent of one hundred
2 10 twenty-eight semester credit hours of undergraduate study or
2 11 thirty-six semester credit hours of postgraduate study, or the
2 12 trimester or quarter equivalent, less the amount of any moneys
2 13 paid under 10 U.S.C. } 2107(c) or 38 U.S.C. } 3104(a)(7)(A),
2 14 if applicable, for a student who is a veteran. However, a
2 15 veteran who attains an undergraduate degree utilizing funds
2 16 awarded pursuant to this section for more than sixty-four
2 17 semester credit hours of undergraduate study is ineligible for
2 18 a grant for postgraduate study under this section.

2 19 b. Grants awarded pursuant to this section shall not
2 20 exceed the student's financial need, as determined by the
2 21 commission, the average resident tuition rate and mandatory
2 22 fees established for institutions of higher learning governed
2 23 by the state board of regents, or the resident tuition and
2 24 mandatory fees charged for the program of enrollment by the
2 25 eligible institution at which the student is enrolled,
2 26 whichever is less.

2 27 4. TIMELY PROCESSING OF INFORMATION. The department of
2 28 veterans affairs shall work with the commission to ensure that
2 29 information regarding a veteran's status or entitlement to
2 30 federal educational assistance, required to establish
2 31 eligibility for a grant pursuant to this section, is processed
2 32 on a timely basis.

2 33 5. DISCONTINUANCE OF ATTENDANCE == REMITTANCE. If a
2 34 student receiving a grant pursuant to this section
2 35 discontinues attendance before the end of any academic term,



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Senate Study Bill 1041 continued

3 1 the entire amount of any refund due to the student, up to the
3 2 amount of any payments made by the state, shall be remitted by
3 3 the eligible institution to the commission. The commission
3 4 shall deposit refunds paid to the commission in accordance
3 5 with this subsection into the fund established pursuant to
3 6 subsection 6.

3 7 6. FUND ESTABLISHED. A veterans educational assistance
3 8 grant fund is created in the state treasury as a separate fund
3 9 under the control of the commission. All moneys deposited or
3 10 paid into the fund are appropriated and made available to the
3 11 commission to be used for grants for qualified students
3 12 pursuant to this section. Notwithstanding section 8.33, any
3 13 balance in the fund on June 30 of each fiscal year shall not
3 14 revert to the general fund of the state, but shall be
3 15 available for purposes of this section in subsequent fiscal
3 16 years.

3 17 7. RULES. The commission shall adopt rules pursuant to
3 18 chapter 17A to administer this section.

3 19 EXPLANATION

3 20 This bill establishes a veterans educational assistance
3 21 grant program to be administered by the college student aid
3 22 commission to provide educational assistance to veterans who
3 23 reside, and are employed, in Iowa. The awarding of grants is
3 24 subject to appropriations made by the general assembly.

3 25 Grants awarded may be used by a qualified veteran to attend
3 26 a community college, accredited private institution, or
3 27 regents university. To be eligible for the program, the
3 28 veteran must be a resident and must have been a resident at
3 29 the time of entry into the United States armed forces, reserve
3 30 forces of the United States, or the Iowa or other state
3 31 national guard; have served in active federal service after
3 32 September 11, 2001; received hazardous duty pay; been
3 33 discharged under honorable conditions; and exhausted
3 34 entitlement to federal educational assistance under the
3 35 Montgomery G.I. bill.



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Senate Study Bill 1041 continued

4 1 A qualified veteran may receive grants for full-time or
4 2 part-time attendance for not more than 128 semester credit
4 3 hours of undergraduate study or 36 semester credit hours of
4 4 postgraduate study, minus assistance from the senior reserve
4 5 officers' training corps scholarship and federal veterans
4 6 administration's vocational rehabilitation and education
4 7 program funds, if applicable. However, a veteran who attained
4 8 an undergraduate degree using program grant funds for more
4 9 than 64 semester credit hours of undergraduate study is
4 10 ineligible for a grant for postgraduate study.

4 11 Grants shall not exceed the student's financial need, the
4 12 average resident tuition rate and mandatory fees established
4 13 for regents universities, or the resident tuition and
4 14 mandatory fees charged for the program of enrollment by the
4 15 eligible institution at which the student is enrolled,
4 16 whichever is less.

4 17 The department of veterans affairs is directed to work with
4 18 the commission to ensure that information regarding a
4 19 veteran's status or entitlement to federal military
4 20 educational assistance, which is required to establish
4 21 eligibility for a grant, is processed on a timely basis.

4 22 If a student receiving a grant discontinues attendance, the
4 23 entire amount of any refund due to the student, up to the
4 24 amount of any payments made by the state, must be remitted by
4 25 the eligible institution to the commission. The commission
4 26 shall deposit refunds into the veterans educational assistance
4 27 grant fund, which the bill creates in the state treasury.
4 28 Moneys in the fund are appropriated and made available to the
4 29 commission to allow it to issue more grants to qualified
4 30 veterans.

4 31 LSB 1279SC 83

4 32 kh/nh/5



Iowa General Assembly
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January 14, 2009

Senate Study Bill 1042

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act establishing a lifelong learning accounts program within
2 the educational savings plan trust and providing tax credits
3 for contributions made by employers to lifelong learning
4 accounts and including an applicability date provision.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1411DP 83
7 tw/nh/8



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Senate Study Bill 1042 continued

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1 1 Section 1. NEW SECTION. 12D.12 LIFELONG LEARNING
1 2 ACCOUNTS PROGRAM.
1 3 1. As used in this section and section 12D.13:
1 4 a. "Department" means the Iowa department of workforce
1 5 development.
1 6 b. "Employee" means an individual who works for an
1 7 employer on the average of twenty hours or more a week based
1 8 on the previous six months.
1 9 c. "Employer" means the same as defined in section 422.4.
1 10 2. The trust shall establish, in coordination with the
1 11 department, a lifelong learning accounts program to encourage
1 12 employees and employers to save for training and retraining
1 13 through the trust.
1 14 3. Participants entering into an agreement with the trust
1 15 may designate the account established pursuant to the
1 16 agreement as a lifelong learning account.
1 17 4. The department shall document the process and outcomes
1 18 in the establishment of lifelong learning accounts, and
1 19 prepare a report thereon, to be submitted to the general
1 20 assembly twenty days prior to the convening of the regular
1 21 session biennially with the first report submitted prior to
1 22 the 2011 regular session.
1 23 5. The treasurer of state, after consultation with the
1 24 department, shall adopt rules necessary to effectively carry
1 25 out the provisions of this section.
1 26 Sec. 2. NEW SECTION. 12D.13 LIFELONG LEARNING ACCOUNT
1 27 TAX CREDIT.
1 28 1. An employer shall be entitled to a lifelong learning
1 29 account tax credit equal to fifty percent of the employer's
1 30 annual aggregate lifelong learning account contributions made
1 31 in the employer's tax year to the lifelong learning accounts
1 32 established on behalf of the employer's employees. The
1 33 maximum annual contribution which qualifies for the credit is
1 34 five hundred dollars per employee.
1 35 2. Any credit in excess of the tax liability shall be



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2 1 refunded with interest computed under section 422.25. In lieu
2 2 of claiming a refund, a taxpayer may elect to have the
2 3 overpayment shown on the taxpayer's final, completed return
2 4 credited to the tax liability for the following tax year.

2 5 3. An individual may claim the tax credit allowed a
2 6 partnership, limited liability company, S corporation, estate,
2 7 or trust electing to have the income taxed directly to an
2 8 individual. The amount claimed by the individual shall be
2 9 based upon the pro rata share of the individual's earnings of
2 10 a partnership, limited liability company, S corporation,
2 11 estate, or trust.

2 12 Sec. 3. NEW SECTION. 422.11X LIFELONG LEARNING ACCOUNT
2 13 TAX CREDIT.

2 14 The taxes imposed under this division, less the credits
2 15 allowed under section 422.12, shall be reduced by a lifelong
2 16 learning account tax credit authorized pursuant to section
2 17 12D.13.

2 18 Sec. 4. Section 422.33, Code 2009, is amended by adding
2 19 the following new subsection:

2 20 NEW SUBSECTION. 27. The taxes imposed under this division
2 21 shall be reduced by a lifelong learning account tax credit
2 22 authorized pursuant to section 12D.13.

2 23 Sec. 5. Section 422.60, Code 2009, is amended by adding
2 24 the following new subsection:

2 25 NEW SUBSECTION. 15. The taxes imposed under this division
2 26 shall be reduced by a lifelong learning account tax credit
2 27 authorized pursuant to section 12D.13.

2 28 Sec. 6. NEW SECTION. 432.12M LIFELONG LEARNING ACCOUNT
2 29 TAX CREDIT.

2 30 The tax imposed under this chapter shall be reduced by a
2 31 lifelong learning account tax credit authorized pursuant to
2 32 section 12D.13.

2 33 Sec. 7. Section 533.329, subsection 2, Code 2009, is
2 34 amended by adding the following new paragraph:

2 35 NEW PARAGRAPH. n. The moneys and credits tax imposed



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Senate Study Bill 1042 continued

3 1 under this section shall be reduced by a lifelong learning
3 2 account tax credit authorized pursuant to section 12D.13.
3 3 Sec. 8. APPLICABILITY DATE. This Act applies to tax years
3 4 ending after July 1, 2009.

3 5 EXPLANATION

3 6 This bill directs the treasurer of state, in coordination
3 7 with the department of workforce development, to establish a
3 8 lifelong learning accounts program within the Iowa educational
3 9 savings plan trust. The purpose of the program is to
3 10 encourage employees and their employers to save for worker
3 11 training and retraining.

3 12 The bill provides a refundable tax credit for the employer
3 13 for contributions to an employee's account equal to 50 percent
3 14 of the first \$500 of the employer's contributions made during
3 15 the employer's tax year.

3 16 The tax credit may be used to reduce the tax liability
3 17 under the individual and corporate income, franchise,
3 18 insurance premiums, and moneys and credits taxes.

3 19 The bill applies to tax years ending after July 1, 2009.

3 20 LSB 1411DP 83

3 21 tw/nh/8.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
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Senate Study Bill 1043

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act adding four nonvoting members to the Iowa workforce
- 2 development board.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1439DP 83
- 5 ak/rj/8



Iowa General Assembly
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Senate Study Bill 1043 continued

PAG LIN

1 1 Section 1. Section 84A.1A, subsection 1, Code 2009, is
1 2 amended to read as follows:
1 3 1. An Iowa workforce development board is created,
1 4 consisting of nine voting members appointed by the governor
1 5 and ~~eight~~ twelve ex officio, nonvoting members. The ex
1 6 officio, nonvoting members are four legislative members; one
1 7 president, or the president's designee, of the university of
1 8 northern Iowa, the university of Iowa, or Iowa state
1 9 university of science and technology, designated by the state
1 10 board of regents on a rotating basis; one representative from
1 11 the largest statewide public employees' organization
1 12 representing state employees; one president, or the
1 13 president's designee, of an independent Iowa college,
1 14 appointed by the Iowa association of independent colleges and
1 15 universities; ~~and~~ one superintendent, or the superintendent's
1 16 designee, of a community college, appointed by the Iowa
1 17 association of community college presidents; one
1 18 representative of the vocational rehabilitation community
1 19 appointed by the state rehabilitation council in the division
1 20 of Iowa vocational rehabilitation services; one representative
1 21 of the department of education appointed by the state board of
1 22 education; one representative of the department of economic
1 23 development appointed by the director; and one representative
1 24 of the United States department of labor, office of
1 25 apprenticeship. The legislative members are two state
1 26 senators, one appointed by the president of the senate after
1 27 consultation with the majority leader of the senate, and one
1 28 appointed by the minority leader of the senate from their
1 29 respective parties; and two state representatives, one
1 30 appointed by the speaker of the house of representatives after
1 31 consultation with the majority leader of the house of
1 32 representatives, and one appointed by the minority leader of
1 33 the house of representatives from their respective parties.
1 34 The legislative members shall serve for terms as provided in
1 35 section 69.16B. Not more than five of the voting members



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Senate Study Bill 1043 continued

2 1 shall be from the same political party. Of the nine voting
2 2 members, one member shall represent a nonprofit organization
2 3 involved in workforce development services, four members shall
2 4 represent employers, and four members shall represent
2 5 nonsupervisory employees. Of the members appointed by the
2 6 governor to represent nonsupervisory employees, two members
2 7 shall be from statewide labor organizations, one member shall
2 8 be an employee representative of a labor management council,
2 9 and one member shall be a person with experience in worker
2 10 training programs. The governor shall consider
2 11 recommendations from statewide labor organizations for the
2 12 members representing nonsupervisory employees. The governor
2 13 shall appoint the nine voting members of the workforce
2 14 development board for a term of four years beginning and
2 15 ending as provided by section 69.19, subject to confirmation
2 16 by the senate, and the governor's appointments shall include
2 17 persons knowledgeable in the area of workforce development.

2 18 EXPLANATION

2 19 This bill adds four ex officio, nonvoting members to the
2 20 Iowa workforce development board, raising the total number of
2 21 nonvoting members to 12. Of the new members, one
2 22 representative is from the vocational rehabilitation community
2 23 appointed by the state rehabilitation council in the division
2 24 of Iowa vocational rehabilitation services; one representative
2 25 is from the department of education, appointed by the state
2 26 board of education; one representative is from the department
2 27 of economic development appointed by the director; and the
2 28 fourth representative is from the United States department of
2 29 labor, office of apprenticeship.

2 30 LSB 1439DP 83

2 31 ak/rj/8



Iowa General Assembly
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Senate Study Bill 1044

SENATE/HOUSE FILE
BY (PROPOSED ETHICS AND
CAMPAIGN DISCLOSURE
BOARD BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the payment of a salary or other compensation
- 2 to a candidate's family member, and making a penalty
- 3 applicable.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1176DP 83
- 6 jr/rj/5



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Senate Study Bill 1044 continued

PAG LIN

1 1 Section 1. Section 68A.302, subsection 2, Code 2009, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. k. Payment to a candidate or the
1 4 candidate's immediate family member as a salary, gratuity, or
1 5 other compensation. However, reimbursement of expenses as
1 6 otherwise authorized in this section is permitted. For
1 7 purposes of this paragraph, "immediate family member" means
1 8 the spouse or dependent child of a candidate.

1 9 EXPLANATION

1 10 Code section 68A.302, subsection 2, enumerates certain
1 11 purposes for which campaign funds cannot be used. This bill
1 12 adds to that enumeration a prohibition against payment to a
1 13 candidate or the candidate's spouse or dependent child of a
1 14 salary, gratuity, or other compensation. Reimbursement of
1 15 enumerated expenses, such as postage stamps or automobile
1 16 mileage used for campaign purposes, is still allowed. As
1 17 provided in Code section 68A.701, any person who willfully
1 18 violates any provisions of Code chapter 68A is guilty of a
1 19 serious misdemeanor.

1 20 LSB 1176DP 83

1 21 jr/rj/5



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Senate Study Bill 1045

SENATE/HOUSE FILE
BY (PROPOSED ETHICS AND
CAMPAIGN DISCLOSURE
BOARD BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to electronic filing of campaign finance
- 2 disclosure statements and reports by certain political
- 3 committees and providing an effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1175DP 83
- 6 jr/rj/5



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Senate Study Bill 1045 continued

PAG LIN

1 1 Section 1. Section 68A.401, subsection 1, paragraph a,
1 2 Code 2009, is amended to read as follows:
1 3 a. A state statutory political committee, a political
1 4 committee expressly advocating for or against the nomination,
1 5 election, or defeat of a candidate for statewide office or the
1 6 general assembly, and a candidate's committee of a candidate
1 7 for statewide office or the general assembly shall file all
1 8 statements and reports in an electronic format by 4:30 p.m. of
1 9 the day the filing is due and according to rules adopted by
1 10 the board. Any other candidate or ~~political~~ committee may
1 11 submit the statements and reports in an electronic format as
1 12 prescribed by rule.

1 13 Sec. 2. EFFECTIVE DATE. The amendment in this Act to
1 14 section 68A.401 takes effect May 1, 2010.

1 15 EXPLANATION

1 16 Under current law, beginning in 2010 or 2012 according to
1 17 filings of statements of organization, a candidate's committee
1 18 of a candidate for statewide office or the general assembly
1 19 must file campaign finance statements and reports in an
1 20 electronic format by 4:30 p.m. of the day the filing is due.
1 21 This bill extends the requirement to include a state statutory
1 22 political committee, a political committee expressly
1 23 advocating for or against the nomination, election, or defeat
1 24 of a candidate for statewide office or the general assembly
1 25 and makes the requirement effective May 1, 2010.

1 26 LSB 1175DP 83

1 27 jr/rj/5



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Senate Study Bill 1046

SENATE/HOUSE FILE
BY (PROPOSED ETHICS AND
CAMPAIGN DISCLOSURE
BOARD BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to ethics regulations for the executive branch,
- 2 legislative branch, and local officials and employees.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1185XD 83
- 5 tm/rj/14



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Senate Study Bill 1046 continued

PAG LIN

1 1 Section 1. Section 68B.2A, subsection 1, Code 2009, is
1 2 amended to read as follows:
1 3 1. Any person who serves or is employed by the state or a
1 4 political subdivision of the state shall not engage in any
1 5 ~~outside employment or activity which is in conflict with the~~
1 6 ~~person's official duties and responsibilities. In determining~~
1 7 ~~whether particular outside employment or activity creates an~~
1 8 ~~unacceptable conflict of interest, situations in which an~~
1 9 ~~unacceptable conflict shall be deemed to exist shall include,~~
1 10 ~~but not to be limited to, any of the following conduct:~~
1 11 a. ~~The outside~~ Outside employment or an activity that
1 12 involves the use of the state's or the political subdivision's
1 13 time, facilities, equipment, and supplies or the use of the
1 14 state or political subdivision badge, uniform, business card,
1 15 or other evidences of office or employment to give the person
1 16 or member of the person's immediate family an advantage or
1 17 pecuniary benefit that is not available to other similarly
1 18 situated members or classes of members of the general public.
1 19 This paragraph does not apply to off-duty peace officers who
1 20 provide private duty security or fire fighters or emergency
1 21 medical care providers certified under chapter 147A who
1 22 provide private duty fire safety or emergency medical services
1 23 while carrying their badge or wearing their official uniform,
1 24 provided that the person has secured the prior approval of the
1 25 agency or political subdivision in which the person is
1 26 regularly employed to engage in the activity. For purposes of
1 27 this paragraph, a person is not "similarly situated" merely by
1 28 being or being related to a person who serves or is employed
1 29 by the state or a political subdivision of the state.
1 30 b. ~~The outside~~ Outside employment or an activity that
1 31 involves the receipt of, promise of, or acceptance of money or
1 32 other consideration by the person, or a member of the person's
1 33 immediate family, from anyone other than the state or the
1 34 political subdivision for the performance of any act that the
1 35 person would be required or expected to perform as a part of



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2 1 the person's regular duties or during the hours during which
2 2 the person performs service or work for the state or political
2 3 subdivision of the state.

2 4 c. ~~The outside~~ Outside employment or an activity that is
2 5 subject to the official control, inspection, review, audit, or
2 6 enforcement authority of the person, during the performance of
2 7 the person's duties of office or employment.

2 8 Sec. 2. Section 68B.2A, subsection 2, unnumbered paragraph
2 9 1, Code 2009, is amended to read as follows:

2 10 If the outside employment or activity is employment or
2 11 activity described in subsection 1, paragraph "a" or "b", the
2 12 person shall immediately cease the employment or activity. If
2 13 the outside employment or activity is employment or activity
2 14 described in subsection 1, paragraph "c", or constitutes ~~any~~
~~2 15 other unacceptable conflict of interest~~ outside employment or
2 16 an activity prohibited under rules adopted pursuant to
2 17 subsection 4 or under the senate or house codes of ethics,
2 18 unless otherwise provided by law, the person shall take one of
2 19 the following courses of action:

2 20 Sec. 3. Section 68B.7, subsections 1 and 2, Code 2009, are
2 21 amended to read as follows:

2 22 1. A person who has served as an official, state employee
2 23 of a state agency, member of the general assembly, or
2 24 legislative employee shall not within a period of two years
2 25 after the termination of such service or employment ~~appear~~
~~2 26 before the agency or~~ receive compensation for any services
2 27 rendered on behalf of any person, firm, corporation, or
2 28 association in relation to any case, proceeding, or
2 29 application with respect to which the person was directly
2 30 concerned and personally participated during the period of
2 31 service or employment.

2 32 2. A person who has served as the head of or on a
2 33 commission or board of a regulatory agency or as a deputy
2 34 thereof, shall not, within a period of two years after the
2 35 termination of such service ~~accept~~ do any of the following:



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3 1 a. Accept employment with that commission, board, or
3 2 agency ~~or receive.~~
3 3 b. Receive compensation for any services rendered on
3 4 behalf of any person, firm, corporation, or association in any
3 5 case, proceedings, or application before the department with
3 6 which the person so served wherein the person's compensation
3 7 is to be dependent or contingent upon any action by such
3 8 agency with respect to any license, contract, certificate,
3 9 ruling, decision, opinion, rate schedule, franchise, or other
3 10 benefit, or in promoting or opposing, directly or indirectly,
3 11 the passage of bills or resolutions before either house of the
3 12 general assembly.

3 13 Sec. 4. Section 68B.26, Code 2009, is amended to read as
3 14 follows:

3 15 68B.26 ACTIONS COMMENCED.

3 16 1. Complaints ~~regarding~~ alleging conduct of local
3 17 officials or local employees which violates this chapter,
3 18 except for sections 68B.36, 68B.37, and 68B.38, shall be filed
3 19 with the county attorney in the county where the accused
3 20 resides. However, if the county attorney is the person
3 21 against whom the complaint is filed, or if the county attorney
3 22 otherwise has a personal or legal conflict of interest, the
3 23 complaint shall be referred to another county attorney.

3 24 2. Complaints alleging conduct of local officials or local
3 25 employees which violates section 68B.36, 68B.37, or 68B.38,
3 26 shall be filed with the ethics committee of the appropriate
3 27 house of the general assembly if the conduct involves lobbying
3 28 activities before the general assembly or with the board if
3 29 the conduct involves lobbying activities before the executive
3 30 branch.

3 31 Sec. 5. Section 68B.35, subsection 5, Code 2009, is
3 32 amended to read as follows:

3 33 5. a. A candidate for statewide office shall file a
3 34 financial statement with the ethics and campaign disclosure
3 35 board, a candidate for the office of state representative



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4 1 shall file a financial statement with the chief clerk of the
4 2 house of representatives, and a candidate for the office of
4 3 state senator shall file a financial statement with the
4 4 secretary of the senate. Statements shall contain information
4 5 concerning the year preceding the year in which the election
4 6 is to be held. ~~The statement shall be filed no later than~~
~~4 7 thirty days after the date on which a person is required to~~
~~4 8 file nomination papers for state office under section 43.11,~~
~~4 9 or, if the person is a candidate in a special election, as~~
~~4 10 soon as practicable after the certification of the name of the~~
~~4 11 nominee under section 43.88, but the statement shall be~~
~~4 12 postmarked no later than seven days after certification.~~

4 13 b. The ethics and campaign disclosure board shall adopt
4 14 rules pursuant to chapter 17A providing for the filing of the
4 15 financial statements with the board and for the deposit,
4 16 retention, and availability of the financial statements. The
4 17 ethics committees of the house of representatives and the
4 18 senate shall recommend rules for adoption by the respective
4 19 houses providing for the filing of the financial statements
4 20 with the chief clerk of the house or the secretary of the
4 21 senate and for the deposit, retention, and availability of the
4 22 financial statements. Rules adopted shall also include a
4 23 procedure for notification of candidates of the duty to file
4 24 disclosure statements under this section.

4 25 Sec. 6. CODE EDITOR DIRECTIVES.

4 26 1. The Code editor shall create a new subchapter in
4 27 chapter 68B and move sections 68B.25 and 68B.26 into the new
4 28 subchapter.

4 29 2. The Code editor shall consider modifying the headnote
4 30 to section 68B.2A to read, "Prohibited Outside Employment and
4 31 Activities == Conflicts of Interest".

4 32 3. The Code editor shall consider modifying the headnote
4 33 to section 68B.7 to read, "Prohibited Use of Influence".

4 34 EXPLANATION

4 35 This bill relates to ethics regulations for the executive



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5 1 branch, legislative branch, and local officials and employees.
5 2 The bill eliminates a general prohibition that any person
5 3 who serves or is employed by the state or a political
5 4 subdivision of the state shall not engage in any outside
5 5 employment or activity which is in conflict with the person's
5 6 official duties and responsibilities. The bill identifies as
5 7 prohibited outside employment or activities, certain outside
5 8 employment and activities that are currently identified in the
5 9 Code as examples of conflicts of interest.

5 10 The bill eliminates a requirement that persons
5 11 participating in undefined unacceptable conflicts of interest
5 12 must take certain courses of action. The bill provides that
5 13 persons conducting activities or outside employment that are
5 14 prohibited under rules adopted by the ethics and campaign
5 15 disclosure board or under the senate or house codes of ethics
5 16 must take certain courses of action.

5 17 Currently, a person who has served as an official, state
5 18 employee of a state agency, member of the general assembly, or
5 19 legislative employee is prohibited within a period of two
5 20 years after the termination of such service or employment from
5 21 appearing before the agency or receiving compensation for any
5 22 services rendered on behalf of any person, firm, corporation,
5 23 or association in relation to any case, proceeding, or
5 24 application with respect to which the person was directly
5 25 concerned and personally participated during the period of
5 26 service or employment. The bill eliminates the prohibition
5 27 against appearing before the agency.

5 28 Currently, complaints regarding conduct of local officials
5 29 or local employees which violates provisions included in Code
5 30 chapter 68B are filed with the county attorney. The bill
5 31 provides that complaints alleging conduct of local officials
5 32 or local employees which violates certain lobbying-related
5 33 provisions of Code chapter 68B shall be filed with the ethics
5 34 committee of the appropriate house of the general assembly if
5 35 the conduct involves lobbying activities before the general



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Senate Study Bill 1046 continued

6 1 assembly or with the ethics and campaign disclosure board if
6 2 the conduct involves lobbying activities before the executive
6 3 branch.

6 4 The bill eliminates statutory filing deadlines for
6 5 financial statements of candidates for statewide office and
6 6 candidates for the general assembly. Such deadlines could be
6 7 included in rules adopted by the senate and house of
6 8 representatives and by the ethics and campaign disclosure
6 9 board.

6 10 The bill includes Code editor directives for the
6 11 reorganization of Code chapter 68B and the titling of Code
6 12 sections in Code chapter 68B.

6 13 LSB 1185XD 83

6 14 tm/rj/14



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Senate Study Bill 1047

SENATE/HOUSE FILE
BY (PROPOSED ETHICS AND
CAMPAIGN DISCLOSURE
BOARD BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to express advocacy disseminated through mass
- 2 media for campaign finance disclosure purposes.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1234XD 83
- 5 jr/rj/8



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Senate Study Bill 1047 continued

PAG LIN

1 1 Section 1. Section 68A.102, subsection 14, Code 2009, is
1 2 amended by adding the following new paragraph:

1 3 NEW PARAGRAPH. c. A communication that does all of the
1 4 following:

1 5 (1) Is disseminated by radio, television, or print. For
1 6 purposes of this paragraph, "print" does not include an
1 7 individual's internet site unless the site is owned or
1 8 controlled by a political party, political committee, or
1 9 candidate.

1 10 (2) Refers to a clearly identified candidate for the
1 11 general assembly or statewide office.

1 12 (3) Is made within a period of twenty days before a
1 13 primary election, special election, or a general election in
1 14 which the clearly identified candidate is on the ballot.

1 15 (4) Costs seven hundred fifty dollars or more to produce
1 16 and distribute.

1 17 (5) Does not appear in a news story, commentary, or
1 18 editorial distributed through a media organization, unless
1 19 such organization is owned or controlled by a political party,
1 20 political committee, or candidate.

1 21 (6) Does not constitute a candidate debate or forum
1 22 conducted pursuant to rules adopted by the board, or that
1 23 solely promotes such a debate or forum and is made by or on
1 24 behalf of the person sponsoring the debate or forum.

1 25 Sec. 2. Section 68B.32A, subsection 1, Code 2009, is
1 26 amended to read as follows:

1 27 1. Adopt rules pursuant to chapter 17A as necessary to
1 28 interpret and carry out the purposes of this chapter, chapter
1 29 68A, and section 8.7, to implement any judicial rulings, and
1 30 to conduct hearings under sections 68B.32B and 68B.32C and
1 31 chapter 17A, as necessary to carry out the purposes of this
~~1 32 chapter, chapter 68A, and section 8.7.~~

1 33 EXPLANATION

1 34 Under current law, the term "express advocacy" is defined
1 35 as political speech made in the form of a contribution or



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2 1 specifically advocates either the election or defeat of a
2 2 clearly identified candidate, or the passage or defeat of a
2 3 clearly identified ballot issue.
2 4 This bill adds a third type of express advocacy. This new
2 5 definition of express advocacy is met if all of the following
2 6 six specified criteria apply to the communication:
2 7 1. The communication is disseminated by radio, television,
2 8 or print.
2 9 2. The communication refers to a clearly identified
2 10 candidate for the general assembly or statewide office.
2 11 3. The communication is made within a period of 20 days
2 12 before a primary election, special election, or a general
2 13 election in which the clearly identified candidate is on the
2 14 ballot.
2 15 4. The communication costs \$750 or more to produce and
2 16 distribute.
2 17 5. The communication does not appear in a news story,
2 18 commentary, or editorial distributed through a media
2 19 organization, unless such organization is owned or controlled
2 20 by a political party, political committee, or candidate.
2 21 6. The communication does not constitute a candidate
2 22 debate or forum conducted pursuant to rules adopted by the
2 23 board, or that solely promotes such a debate or forum and is
2 24 made by or on behalf of the person sponsoring the debate or
2 25 forum.
2 26 The bill also adds some detail to the current rulemaking
2 27 authority of the ethics and campaign disclosure board.
2 28 LSB 1234XD 83
2 29 jr/rj/8



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Senate Study Bill 1048

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 the provision of services over certain Iowa
2 communications network connection facilities under specified
3 circumstances.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1296XD 83
6 rn/nh/8



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Senate Study Bill 1048 continued

PAG LIN

1 1 Section 1. Section 8D.13, subsection 5, Code 2009, is
1 2 amended to read as follows:

1 3 5. a. The Except as provided in paragraph "b", the state
1 4 shall lease all fiberoptic cable facilities or facilities with
1 5 minimum DS=3 capacity for Part III connections for which state
1 6 funding is provided. The state shall lease all fiberoptic
1 7 cable facilities or facilities with minimum DS=3 or DS=1
1 8 capacity for the judicial branch, judicial district department
1 9 of correctional services, and state agency connections for
1 10 which state funding is provided. Such facilities shall be
~~1 11 leased from qualified providers. The state shall not own such~~
~~1 12 facilities, except for those facilities owned by the state as~~
~~1 13 of January 1, 1994.~~

1 14 The lease provisions of this ~~subsection~~ paragraph "a" do
1 15 not apply to a school district ~~which~~ that elects to provide
1 16 one hundred percent of the financing for the district's
1 17 connection.

1 18 b. (1) Notwithstanding paragraph "a", the state may
1 19 provide fiberoptic cable facilities or other facilities with
1 20 minimum DS=3 or DS=1 capacity in a manner other than pursuant
1 21 to a lease if any of the following apply:

1 22 (a) An incumbent provider providing a leased connection
1 23 terminates ownership of an existing leased connection.

1 24 (b) An incumbent provider providing a leased connection
1 25 ceases to provide the necessary level of maintenance service
1 26 to an existing leased connection.

1 27 (c) The commission determines that it is in the long-term
1 28 best interest of the state to provide an existing or otherwise
1 29 authorized network connection in a manner other than pursuant
1 30 to a lease. In making this determination, the commission, at
1 31 a minimum, shall consider the cost to taxpayers and the
1 32 ability of the network to provide a level of service necessary
1 33 to meet the demands of network users.

1 34 (2) Prior to proceeding as permitted under subparagraph
1 35 (1), the commission shall make a determination that an



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2 1 alternative cost-effective solution other than proceeding
2 2 under subparagraph (1) is not available from a private sector
2 3 qualified provider. For purposes of state ownership of a
2 4 network connection, the commission shall also make a
2 5 determination that utilization of a competitive bidding
2 6 process would not be effective and is not in the best interest
2 7 of the state.
2 8 (3) The commission shall by rule establish procedures and
2 9 criteria for proceeding as permitted under subparagraph (1).
2 10 The commission shall publish network connection changes made
2 11 pursuant to this paragraph "b" in the commission's annual
2 12 report related to the network.

2 13 EXPLANATION

2 14 This bill relates to the provision of services over
2 15 presently leased Iowa communications network connection
2 16 facilities. Currently, the state is required to lease all
2 17 connections that apply to part III connections, the judicial
2 18 branch, the judicial district department of correctional
2 19 services, and state agencies that are paid for with state
2 20 funding from qualified providers and is prohibited from owning
2 21 such connections except for facilities owned by the state as
2 22 of January 1, 1994. The bill authorizes the state to provide
2 23 fiberoptic cable facilities or other facilities supplying a
2 24 minimum of DS=3 or DS=1 capacity in a manner other than
2 25 through a lease under specified circumstances. Provision
2 26 other than through leasing will be permitted when an incumbent
2 27 connection qualified provider terminates ownership of a leased
2 28 connection, or ceases to provide the necessary level of
2 29 maintenance service to an existing leased connection.
2 30 Provision other than through leasing will also be permitted
2 31 when the state telecommunications and technology commission
2 32 determines that such provision is in the best interest of the
2 33 state.

2 34 Prior to proceeding with an alternative connection to an
2 35 existing or otherwise authorized network connection, the



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3 1 commission shall determine that an alternate cost-effective
3 2 solution is not available from a private sector qualified
3 3 provider. The commission shall also determine that
3 4 utilization of a competitive bidding process will not be
3 5 effective and is not in the best interest of the state for
3 6 providing an existing or otherwise authorized network
3 7 connection. The commission is directed to establish by rule
3 8 procedures and criteria for the process and to publish notice
3 9 of the changes contained in the bill in the commission's
3 10 annual report related to the network.
3 11 The bill additionally changes references to DS=3 and DS=1
3 12 facility capacity to refer to such capacity as minimum DS=3 or
3 13 DS=1 in nature.
3 14 LSB 1296XD 83
3 15 rn/nh/8



Iowa General Assembly
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Senate Study Bill 1049

SENATE/HOUSE FILE
BY (PROPOSED ETHICS AND
CAMPAIGN DISCLOSURE
BOARD BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the administration of campaign disclosure
- 2 laws.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1177DP 83
- 5 jr/rj/5



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1 1 Section 1. Section 68A.101, Code 2009, is amended to read
1 2 as follows:

1 3 68A.101 CITATION AND ADMINISTRATION.

1 4 This chapter may be cited as the "Campaign

1 5 Disclosure==Income Tax Checkoff Act". The Iowa ethics and
1 6 campaign disclosure board shall administer this chapter as

1 7 provided in sections 68B.32, 68B.32A, 68B.32B, 68B.32C, and
1 8 68B.32D.

1 9 Sec. 2. Section 68A.301, subsection 1, Code 2009, is
1 10 amended to read as follows:

1 11 1. A candidate's committee shall not accept contributions
1 12 from, or make contributions to, any other candidate's
1 13 committee including candidate's committees from other states
1 14 or for federal office, unless the candidate for whom each
1 15 committee is established is the same person. For purposes of
1 16 this section, "contributions" includes monetary and in-kind
1 17 contributions but does not include travel costs incurred by a
1 18 candidate in attending a campaign event of another candidate
1 19 and does not include the sharing of information in any format.

1 20 Sec. 3. Section 68A.303, subsection 6, Code 2009, is
1 21 amended to read as follows:

1 22 6. ~~An individual or a political committee~~ A person shall
1 23 not knowingly make transfers or contributions to a candidate
1 24 or candidate's committee for the purpose of transferring the
1 25 funds to another candidate or candidate's committee to avoid
1 26 the disclosure of the source of the funds pursuant to this
1 27 chapter. A candidate or candidate's committee shall not
1 28 knowingly accept transfers or contributions from ~~an individual~~
1 29 ~~or political committee~~ any person for the purpose of

1 30 transferring funds to another candidate or candidate's
1 31 committee as prohibited by this subsection. A candidate or
1 32 candidate's committee shall not accept transfers or
1 33 contributions which have been transferred to another candidate
1 34 or candidate's committee as prohibited by this subsection.
1 35 The board shall notify candidates of the prohibition of such



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2 1 transfers and contributions under this subsection.

2 2 Sec. 4. Section 68A.402, subsection 1, Code 2009, is
2 3 amended to read as follows:

2 4 1. FILING METHODS. Each committee shall file with the
2 5 board reports disclosing information required under this
2 6 section on forms prescribed by rule. Reports Except as set
2 7 out in section 68A.401, reports shall be filed on or before
2 8 the required due dates by using any of the following methods:
2 9 mail bearing a United States postal service postmark,
2 10 hand-delivery, facsimile transmission, electronic mail
2 11 attachment, or electronic filing as prescribed by rule. Any
2 12 report that is required to be filed five days or less prior to
2 13 an election must be physically received by the board to be
2 14 considered timely filed. For purposes of this section,
2 15 "physically received" means the report is either
2 16 electronically filed using the board's electronic filing
2 17 system or is received by the board prior to 4:30 p.m. on the
2 18 report due date.

2 19 Sec. 5. Section 68A.402A, subsection 1, paragraph g, Code
2 20 2009, is amended to read as follows:

2 21 g. Disbursements made to a consultant or subvendor and
2 22 disbursements made by the consultant or subvendor during the
2 23 reporting period disclosing the name and address of the
2 24 recipient, amount, purpose, and date. "Subvendor" means a
2 25 person working under the control, direction, or on behalf of a
2 26 consultant.

2 27 Sec. 6. Section 68A.404, subsection 2, paragraph b, Code
2 28 2009, is amended to read as follows:

2 29 b. This section does not apply to a candidate, candidate's
2 30 committee, state statutory political committee, county
2 31 statutory political committee, or a political committee. This
2 32 section does not apply to a federal committee or an
2 33 out-of-state committee that makes an independent expenditure.

2 34 Sec. 7. Section 68A.503, subsection 4, paragraph c, Code
2 35 2009, is amended to read as follows:



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3 1 c. The placement of campaign signs as permitted under
3 2 section 68A.406.

3 3 EXPLANATION

3 4 This bill specifies that the campaign finance disclosure
3 5 laws are administered by the Iowa ethics and campaign
3 6 disclosure board citing authority currently set out in Code
3 7 sections 68B.32, 68B.32A, 68B.32B, 68B.32C, and 68B.32D.

3 8 The bill provides that the term "contribution" includes
3 9 both monetary and in-kind contributions with respect to
3 10 restrictions on receipt of contributions by a candidate's
3 11 committee from another candidate's committee.

3 12 The bill also provides that disbursements to a subvendor
3 13 must be reported; current law provides for reporting
3 14 disbursements to consultants.

3 15 The bill substitutes the term "person" for the phrase
3 16 "individual or political committee" in relation to certain
3 17 disclosures of campaign contributions.

3 18 The bill excludes from reporting requirements an
3 19 independent expenditure made by a federal committee or an
3 20 out-of-state committee.

3 21 LSB 1177DP 83

3 22 jr/rj/5



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Senate Study Bill 1050

SENATE/HOUSE FILE
BY (PROPOSED COMMISSION ON
THE STATUS OF WOMEN BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for gender balance on local boards, commissions,
- 2 committees, and councils, and including an applicability
- 3 provision.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1345DP 83
- 6 ec/rj/8



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Senate Study Bill 1050 continued

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1 1 Section 1. Section 69.16A, Code 2009, is amended to read
1 2 as follows:

1 3 69.16A GENDER BALANCE.

1 4 All appointive boards, commissions, committees, and
1 5 councils of the state, or of a political subdivision of the
1 6 state, that are established by the Code, if not otherwise
1 7 provided by law, shall be gender balanced. No person shall be
1 8 appointed or reappointed to any board, commission, committee,
1 9 or council established by the Code if that appointment or
1 10 reappointment would cause the number of members of the board,
1 11 commission, committee, or council of one gender to be greater
1 12 than one-half the membership of the board, commission,
1 13 committee, or council plus one if the board, commission,
1 14 committee, or council is composed of an odd number of members.
1 15 If the board, commission, committee, or council is composed of
1 16 an even number of members, not more than one-half of the
1 17 membership shall be of one gender. If there are multiple
1 18 appointing authorities for a board, commission, committee, or
1 19 council, they shall consult each other to avoid a violation of
1 20 this section. ~~This section shall not prohibit an individual~~
~~1 21 from completing a term being served on June 30, 1987.~~

1 22 Sec. 2. APPLICABILITY. This Act is applicable to
1 23 appointive boards, commissions, committees, and councils of a
1 24 political subdivision of the state on and after January 1,
1 25 2012.

1 26 EXPLANATION

1 27 This bill requires appointive boards, commissions,
1 28 committees, and councils of a political subdivision of the
1 29 state that are established by the Iowa Code to be gender
1 30 balanced. Current law only applies the gender balance
1 31 requirement to state boards, commissions, committees, and
1 32 councils. The bill provides that the gender balance
1 33 requirement for political subdivisions applies beginning on
1 34 and after January 1, 2012.

1 35 LSB 1345DP 83



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Senate Study Bill 1050 continued

2 1 ec/rj/8



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Senate Study Bill 1051

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act pertaining to the duties and regulations under the purview
- 2 of the labor commissioner.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1362DP 83
- 5 ak/nh/24



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1 1 DIVISION I
1 2 AMUSEMENT RIDE INSURANCE
1 3 Section 1. Section 88A.9, Code 2009, is amended to read as
1 4 follows:
1 5 88A.9 INSURANCE.
1 6 No person shall be issued a permit under this chapter
1 7 unless the person first obtains an insurance policy in an
1 8 amount of not less than one ~~hundred thousand~~ million dollars
1 9 for bodily injury to or death of one person in any one
1 10 accident, and, subject to the limit for one person, in an
1 11 amount of not less than ~~three hundred thousand~~ two million
1 12 dollars for bodily injury to or death of two or more persons
1 13 in any one accident, and in an amount of not less than ~~five~~
1 14 twenty-five thousand dollars for injury to or destruction of
1 15 property of others in any one accident, insuring the operator
1 16 against liability for injury or death suffered by a person
1 17 attending a fair or carnival.
1 18 DIVISION II
1 19 CONVEYANCE APPLICATION
1 20 Sec. 2. Section 89A.3, subsection 2, Code 2009, is amended
1 21 by adding the following new paragraph:
1 22 NEW PARAGRAPH. j. Submission of information such as
1 23 plans, drawings, and measurements concerning new installations
1 24 and alterations.
1 25 Sec. 3. Section 89A.8, Code 2009, is amended by striking
1 26 the section and inserting in lieu thereof the following:
1 27 89A.8 NEW INSTALLATION PERMITS.
1 28 1. The installation or relocation of a conveyance shall
1 29 not begin until an installation permit has been issued by the
1 30 commissioner.
1 31 2. An application for an installation permit shall be
1 32 submitted in a format determined by the commissioner.
1 33 3. a. If the application or any accompanying materials
1 34 indicates a failure to comply with applicable rules, the
1 35 commissioner shall give notice of the compliance failures to



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2 1 the person filing the application.

2 2 b. If the application indicates compliance with applicable
2 3 rules or after compliance failures have been remedied, the
2 4 commissioner shall issue an installation permit for relocation
2 5 or installation, as applicable.

2 6 EXPLANATION

2 7 Division I. This bill increases the insurance policy
2 8 minimums needed to obtain an operator's permit under Code
2 9 chapter 88A, relating to amusement ride safety. The policy
2 10 amount for bodily injury or death to one person is raised to
2 11 \$1 million from \$100,000 and the amount for bodily injury or
2 12 death to two or more persons is raised to \$2 million from
2 13 \$300,000. The policy amount for injury or destruction to the
2 14 property of others is raised to \$25,000 from \$5,000.

2 15 Division II. The bill directs the elevator safety board to
2 16 adopt rules regarding the submission of plans, drawings, and
2 17 measurements concerning new conveyance installations and
2 18 alterations. The bill also allows the labor commissioner to
2 19 determine the form of an application for an installation
2 20 permit for a new conveyance. An application is required to be
2 21 submitted to and approved by the commissioner before an
2 22 installation permit for a conveyance is issued.

2 23 LSB 1362DP 83

2 24 ak/nh/24



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Senate Study Bill 1052

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to unemployment insurance benefits and compliance
- 2 with federal law regarding and in order to qualify for
- 3 funding, and including effective and applicability dates.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1434DP 83
- 6 ak/rj/14



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1 1 Section 1. Section 96.3, subsection 5, Code 2009, is
1 2 amended to read as follows:
1 3 5. a. DURATION OF BENEFITS. The maximum total amount of
1 4 benefits payable to an eligible individual during a benefit
1 5 year shall not exceed the total of the wage credits accrued to
1 6 the individual's account during the individual's base period,
1 7 or twenty=six times the individual's weekly benefit amount,
1 8 whichever is the lesser. The director shall maintain a
1 9 separate account for each individual who earns wages in
1 10 insured work. The director shall compute wage credits for
1 11 each individual by crediting the individual's account with
1 12 one=third of the wages for insured work paid to the individual
1 13 during the individual's base period. However, the director
1 14 shall recompute wage credits for an individual who is laid off
1 15 due to the individual's employer going out of business at the
1 16 factory, establishment, or other premises at which the
1 17 individual was last employed, by crediting the individual's
1 18 account with one=half, instead of one=third, of the wages for
1 19 insured work paid to the individual during the individual's
1 20 base period. Benefits paid to an eligible individual shall be
1 21 charged against the base period wage credits in the
1 22 individual's account which have not been previously charged,
1 23 in the inverse chronological order as the wages on which the
1 24 wage credits are based were paid. However if the state "off
1 25 indicator" is in effect and if the individual is laid off due
1 26 to the individual's employer going out of business at the
1 27 factory, establishment, or other premises at which the
1 28 individual was last employed, the maximum benefits payable
1 29 shall be extended to thirty=nine times the individual's weekly
1 30 benefit amount, but not to exceed the total of the wage
1 31 credits accrued to the individual's account.
1 32 b. TRAINING EXTENSION BENEFITS. An individual who is in
1 33 training with the approval of the director at the time regular
1 34 benefits are exhausted may be eligible for training extension
1 35 benefits. The training extension benefit amount shall be



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2 1 twenty-six times the individual's weekly benefit amount, and
2 2 the weekly benefit amount shall be equal to the individual's
2 3 weekly benefit amount for the claim in which benefits were
2 4 exhausted while in training. An individual who is receiving
2 5 training extension benefits shall not be denied benefits due
2 6 to application of section 96.4, subsection 3, or section 96.5,
2 7 subsection 3. However, an employer's account shall not be
2 8 charged with benefits so paid. Relief of charges under this
2 9 paragraph applies to both contributory and reimbursable
2 10 employers, notwithstanding section 96.8, subsection 5. In
2 11 order for the individual to be eligible for training extension
2 12 benefits all of the following criteria must be met:
2 13 (1) Training extension benefits end upon completion of the
2 14 training even though a portion of the training extension
2 15 benefit amount may remain, and the benefits shall not extend
2 16 beyond the end of the benefit year.
2 17 (2) The individual must be enrolled, participating in the
2 18 training, and making satisfactory progress to complete the
2 19 training.
2 20 (3) The individual is considered to be in training during
2 21 regularly scheduled vacation or recess periods of three weeks
2 22 or less but not during a summer vacation period or school
2 23 break which is longer than three weeks. If the individual
2 24 immediately returns to training after the summer vacation or
2 25 break period of longer than three weeks, the individual may
2 26 reopen the training extension claim. Otherwise, the
2 27 individual must be continuously in training in order to be
2 28 eligible for training extension benefits.
2 29 Sec. 2. Section 96.4, subsection 4, Code 2009, is amended
2 30 to read as follows:
2 31 4. a. The individual has been paid wages for insured work
2 32 during the individual's base period in an amount at least one
2 33 and one-quarter times the wages paid to the individual during
2 34 that quarter of the individual's base period in which the
2 35 individual's wages were highest; provided that the individual



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3 1 has been paid wages for insured work totaling at least three
3 2 and five-tenths percent of the statewide average annual wage
3 3 for insured work, computed for the preceding calendar year if
3 4 the individual's benefit year begins on or after the first
3 5 full week in July and computed for the second preceding
3 6 calendar year if the individual's benefit year begins before
3 7 the first full week in July, in that calendar quarter in the
3 8 individual's base period in which the individual's wages were
3 9 highest, and the individual has been paid wages for insured
3 10 work totaling at least one-half of the amount of wages
3 11 required under this ~~subsection~~ paragraph in the calendar
3 12 quarter of the base period in which the individual's wages
3 13 were highest, in a calendar quarter in the individual's base
3 14 period other than the calendar quarter in which the
3 15 individual's wages were highest. The calendar quarter wage
3 16 requirements shall be rounded to the nearest multiple of ten
3 17 dollars.

3 18 b. For an individual who does not have sufficient wages in
3 19 the base period, as defined in section 96.19, to otherwise
3 20 qualify for benefits pursuant to this subsection, the
3 21 individual's base period shall be the last four completed
3 22 calendar quarters immediately preceding the first day of the
3 23 individual's benefit year if such period qualifies the
3 24 individual for benefits under this subsection.

3 25 (1) Wages that fall within the alternative base period
3 26 established under this paragraph "b" are not available for
3 27 qualifying benefits in any subsequent benefit year.

3 28 (2) Employers shall be charged in the manner provided in
3 29 this chapter for benefits paid based upon quarters used in the
3 30 alternative base period.

3 31 c. If the individual has drawn benefits in any benefit
3 32 year, the individual must during or subsequent to that year,
3 33 work in and be paid wages for insured work totaling at least
3 34 two hundred fifty dollars, as a condition to receive benefits
3 35 in the next benefit year.



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4 1 Sec. 3. Section 96.7, subsection 2, paragraph a,
4 2 subparagraph (2), Code 2009, is amended by adding the
4 3 following new subparagraph division:

4 4 NEW SUBPARAGRAPH DIVISION. (e) The account of an employer
4 5 shall not be charged with benefits paid to an individual who
4 6 is laid off if the benefits are paid as the result of the
4 7 return to work of a permanent employee who is one of the
4 8 following:

4 9 (i) A member of the national guard or organized reserves
4 10 of the armed forces of the United States ordered to temporary
4 11 duty, as defined in section 29A.1, subsection 3, 11, or 12,
4 12 for any purpose, who has completed the duty as evidenced in
4 13 accordance with section 29A.43.

4 14 (ii) A member of the civil air patrol performing duty
4 15 pursuant to section 29A.3A, who has completed the duty as
4 16 evidenced in accordance with section 29A.43.

4 17 Sec. 4. Section 96.20, subsection 2, Code 2009, is amended
4 18 to read as follows:

4 19 2. The department may enter into arrangements with the
4 20 appropriate agencies of other states, or a contiguous country
4 21 with which the United States has an agreement with respect to
4 22 unemployment compensation or of the federal government (a)
4 23 whereby wages or services, upon the basis of which an
4 24 individual may become entitled to benefits under the
4 25 unemployment compensation law of another state or of the
4 26 federal government, shall be deemed to be wages for employment
4 27 by employers for the purposes of section 96.3 and section
4 28 96.4, subsection 5; provided such other state agency or agency
4 29 of the federal government has agreed to reimburse the fund for
4 30 such portion of benefits paid under this chapter upon the
4 31 basis of such wages or services as the department finds will
4 32 be fair and reasonable as to all affected interests, and (b)
4 33 whereby the department will reimburse other state or federal
4 34 agencies charged with the administration of unemployment
4 35 compensation laws with such reasonable portion of benefits,



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5 1 paid under the law of any such other states or of the federal
5 2 government upon the basis of employment or wages for
5 3 employment by employers, as the department finds will be fair
5 4 and reasonable as to all affected interests. Reimbursements
5 5 so payable shall be deemed to be benefits for the purposes of
5 6 section 96.3, subsection 5, paragraph "a", and section 96.9,
5 7 but no reimbursement so payable shall be charged against any
5 8 employer's account for the purposes of section 96.7, unless
5 9 wages so transferred are sufficient to establish a valid claim
5 10 in Iowa, and that such charges shall not exceed the amount
5 11 that would have been charged on the basis of a valid claim.
5 12 The department is hereby authorized to make to other state or
5 13 federal agencies and receive from such other state or federal
5 14 agencies, reimbursements from or to the fund, in accordance
5 15 with arrangements pursuant to this section. The department
5 16 shall participate in any arrangements for the payment of
5 17 compensation on the basis of combining an individual's wages
5 18 and employment covered under this Act with the individual's
5 19 wages and employment covered under the unemployment
5 20 compensation laws of other states which are approved by the
5 21 United States secretary of labor in consultation with the
5 22 state unemployment compensation agencies as reasonably
5 23 calculated to assure the prompt and full payment of
5 24 compensation in such situations and which include provisions
5 25 for: Applying the base period of a single state law to a
5 26 claim involving the combining of an individual's wages and
5 27 employment covered under two or more state unemployment
5 28 compensation laws, and avoiding the duplication use of wages
5 29 and employment by reason of such combining.

5 30 Sec. 5. Section 96.23, subsection 1, paragraph b, Code
5 31 2009, is amended to read as follows:

5 32 b. The individual did not receive wages from insured work
5 33 for two calendar quarters and did not receive wages from
5 34 insured work for another calendar quarter equal to or greater
5 35 than the amount required for a calendar quarter, other than



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6 1 the calendar quarter in which the individual's wages were
6 2 highest, under section 96.4, subsection 4, paragraph "a".

6 3 Sec. 6. Section 96.40, subsection 8, Code 2009, is amended
6 4 to read as follows:

6 5 8. An individual shall not be entitled to receive shared
6 6 work benefits and regular unemployment compensation benefits
6 7 in an aggregate amount which exceeds the maximum total amount
6 8 of benefits payable to that individual in a benefit year as
6 9 provided under section 96.3, subsection 5, paragraph "a".

6 10 Notwithstanding any other provisions of this chapter, an
6 11 individual shall not be eligible to receive shared work
6 12 benefits for more than twenty-six calendar weeks during the
6 13 individual's benefit year.

6 14 Sec. 7. FUTURE APPROPRIATION OF FEDERAL FUNDS. Any funds
6 15 received by this state from the federal government pursuant to
6 16 section 903 of the federal Social Security Act as a result of
6 17 the enactment of this Act are appropriated by the general
6 18 assembly to the department of workforce development to be used
6 19 for the payment of unemployment insurance benefits or for the
6 20 administration of the Iowa employment security law, chapter
6 21 96, and public employment offices.

6 22 Sec. 8. APPLICABILITY AND EFFECTIVE DATES. The section of
6 23 this Act amending section 96.3 applies to any week of
6 24 unemployment benefits beginning on or after July 5, 2009. The
6 25 section of this Act amending section 96.4 applies to any new
6 26 claim of unemployment benefits with an effective date on or
6 27 after July 5, 2009.

6 28 EXPLANATION

6 29 This bill relates to unemployment insurance benefits and
6 30 brings Iowa into compliance with federal law in order to
6 31 receive additional federal funds.

6 32 The bill establishes a benefits extension for individuals
6 33 enrolled in a training program. Regular benefits must be
6 34 exhausted and the benefit amount shall be no more than 26
6 35 times the individual's weekly benefit amount. In order to



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7 1 qualify for the training extension benefits, the following
7 2 criteria must be met: the benefits end when training is
7 3 completed and may not extend beyond the benefit year; the
7 4 individual must be enrolled, participating, and making
7 5 satisfactory progress in the training; and the individual
7 6 shall be considered in training during regular vacation or
7 7 recess breaks of three weeks or less but not during summer
7 8 vacation or breaks of three weeks or longer. An employer is
7 9 relieved of charges of unemployment benefits paid due to
7 10 claims for training extension benefits.

7 11 An alternate method of calculating the base period, to
7 12 determine the monetary attachment-to-the-workforce eligibility
7 13 of individuals for unemployment benefits, is included for
7 14 cases where the current method of calculation makes an
7 15 individual ineligible for unemployment benefits. The bill
7 16 moves the base period closer, by one quarter, to the benefit
7 17 claim filing date so that the base period would consist of the
7 18 first four calendar quarters immediately preceding the
7 19 calendar quarter in which the claim for unemployment benefits
7 20 is filed if doing so would qualify the individual for
7 21 benefits.

7 22 The bill waives employer charges for unemployment claims
7 23 stemming from temporary workers who have replaced active-duty
7 24 military employees. The bill prevents the account of an
7 25 employer from being charged if benefits are paid to an
7 26 individual who is laid off as the result of the return to work
7 27 of a permanent employee who is a member of the national guard
7 28 of the United States armed forces reserves ordered to
7 29 temporary duty, as defined in Code section 29A.1, subsection
7 30 3, 11, or 12, for any purpose and who has completed the duty,
7 31 or who is a member of the civil air patrol performing duty
7 32 pursuant to Code section 29A.3A and who has completed the
7 33 duty.

7 34 Any possible future funds received from the federal
7 35 government due to the bill's enactment are appropriated to the



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8 1 department for the payment of unemployment insurance benefits
8 2 or for the administration of the Iowa employment security law
8 3 under Code chapter 96 and public employment offices.
8 4 The amendment in the bill to Code section 96.3 applies to
8 5 any week of unemployment benefits that begins on or after July
8 6 5, 2009. The amendment in the bill to Code section 96.4
8 7 applies to any new claim with an effective date on or after
8 8 July 5, 2009.
8 9 LSB 1434DP 83
8 10 ak/rj/14.1



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Senate Study Bill 1053

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

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



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Senate Study Bill 1053 continued

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

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

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



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

2 4 EXPLANATION

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

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

2 21 LSB 1353DP 83

2 22 ak/rj/5.2



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Senate Study Bill 1054

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing training program extension benefits to
- 2 unemployment insurance benefits, and including an
- 3 applicability date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1433DP 83
- 6 ak/rj/5



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1 1 Section 1. Section 96.3, subsection 5, Code 2009, is
1 2 amended to read as follows:
1 3 5. a. DURATION OF BENEFITS. The maximum total amount of
1 4 benefits payable to an eligible individual during a benefit
1 5 year shall not exceed the total of the wage credits accrued to
1 6 the individual's account during the individual's base period,
1 7 or twenty=six times the individual's weekly benefit amount,
1 8 whichever is the lesser. The director shall maintain a
1 9 separate account for each individual who earns wages in
1 10 insured work. The director shall compute wage credits for
1 11 each individual by crediting the individual's account with
1 12 one=third of the wages for insured work paid to the individual
1 13 during the individual's base period. However, the director
1 14 shall recompute wage credits for an individual who is laid off
1 15 due to the individual's employer going out of business at the
1 16 factory, establishment, or other premises at which the
1 17 individual was last employed, by crediting the individual's
1 18 account with one=half, instead of one=third, of the wages for
1 19 insured work paid to the individual during the individual's
1 20 base period. Benefits paid to an eligible individual shall be
1 21 charged against the base period wage credits in the
1 22 individual's account which have not been previously charged,
1 23 in the inverse chronological order as the wages on which the
1 24 wage credits are based were paid. However if the state "off
1 25 indicator" is in effect and if the individual is laid off due
1 26 to the individual's employer going out of business at the
1 27 factory, establishment, or other premises at which the
1 28 individual was last employed, the maximum benefits payable
1 29 shall be extended to thirty=nine times the individual's weekly
1 30 benefit amount, but not to exceed the total of the wage
1 31 credits accrued to the individual's account.
1 32 b. TRAINING EXTENSION BENEFITS. An individual who is in
1 33 training with the approval of the director at the time regular
1 34 benefits are exhausted may be eligible for training extension
1 35 benefits. The training extension benefit amount shall be



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2 1 twenty-six times the individual's weekly benefit amount, and
2 2 the weekly benefit amount shall be equal to the individual's
2 3 weekly benefit amount for the claim in which benefits were
2 4 exhausted while in training. An individual who is receiving
2 5 training extension benefits shall not be denied benefits due
2 6 to application of section 96.4, subsection 3, or section 96.5,
2 7 subsection 3. However, an employer's account shall not be
2 8 charged with benefits so paid. Relief of charges under this
2 9 paragraph applies to both contributory and reimbursable
2 10 employers, notwithstanding section 96.8, subsection 5. In
2 11 order for the individual to be eligible for training extension
2 12 benefits, all of the following criteria must be met:

2 13 (1) Training extension benefits end upon completion of the
2 14 training even though a portion of the training extension
2 15 benefit amount may remain, but the benefits shall not extend
2 16 beyond the end of the benefit year.

2 17 (2) The individual must be enrolled, participating in the
2 18 training, and making satisfactory progress to complete the
2 19 training.

2 20 (3) The individual is considered to be in training during
2 21 regularly scheduled vacation or recess periods of three weeks
2 22 or less but not during a summer vacation period or school
2 23 break which is longer than three weeks. If the individual
2 24 immediately returns to training after the summer vacation or
2 25 break period of longer than three weeks, the individual may
2 26 reopen the training extension claim. Otherwise, the
2 27 individual must be continuously in training in order to be
2 28 eligible for training extension benefits.

2 29 Sec. 2. Section 96.20, subsection 2, Code 2009, is amended
2 30 to read as follows:

2 31 2. The department may enter into arrangements with the
2 32 appropriate agencies of other states, or a contiguous country
2 33 with which the United States has an agreement with respect to
2 34 unemployment compensation or of the federal government (a)
2 35 whereby wages or services, upon the basis of which an



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3 1 individual may become entitled to benefits under the
3 2 unemployment compensation law of another state or of the
3 3 federal government, shall be deemed to be wages for employment
3 4 by employers for the purposes of section 96.3 and section
3 5 96.4, subsection 5; provided such other state agency or agency
3 6 of the federal government has agreed to reimburse the fund for
3 7 such portion of benefits paid under this chapter upon the
3 8 basis of such wages or services as the department finds will
3 9 be fair and reasonable as to all affected interests, and (b)
3 10 whereby the department will reimburse other state or federal
3 11 agencies charged with the administration of unemployment
3 12 compensation laws with such reasonable portion of benefits,
3 13 paid under the law of any such other states or of the federal
3 14 government upon the basis of employment or wages for
3 15 employment by employers, as the department finds will be fair
3 16 and reasonable as to all affected interests. Reimbursements
3 17 so payable shall be deemed to be benefits for the purposes of
3 18 section 96.3, subsection 5, paragraph "a", and section 96.9,
3 19 but no reimbursement so payable shall be charged against any
3 20 employer's account for the purposes of section 96.7, unless
3 21 wages so transferred are sufficient to establish a valid claim
3 22 in Iowa, and that such charges shall not exceed the amount
3 23 that would have been charged on the basis of a valid claim.
3 24 The department is hereby authorized to make to other state or
3 25 federal agencies and receive from such other state or federal
3 26 agencies, reimbursements from or to the fund, in accordance
3 27 with arrangements pursuant to this section. The department
3 28 shall participate in any arrangements for the payment of
3 29 compensation on the basis of combining an individual's wages
3 30 and employment covered under this Act with the individual's
3 31 wages and employment covered under the unemployment
3 32 compensation laws of other states which are approved by the
3 33 United States secretary of labor in consultation with the
3 34 state unemployment compensation agencies as reasonably
3 35 calculated to assure the prompt and full payment of



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4 1 compensation in such situations and which include provisions
4 2 for: Applying the base period of a single state law to a
4 3 claim involving the combining of an individual's wages and
4 4 employment covered under two or more state unemployment
4 5 compensation laws, and avoiding the duplication use of wages
4 6 and employment by reason of such combining.

4 7 Sec. 3. Section 96.40, subsection 8, Code 2009, is amended
4 8 to read as follows:

4 9 8. An individual shall not be entitled to receive shared
4 10 work benefits and regular unemployment compensation benefits
4 11 in an aggregate amount which exceeds the maximum total amount
4 12 of benefits payable to that individual in a benefit year as
4 13 provided under section 96.3, subsection 5, paragraph "a".
4 14 Notwithstanding any other provisions of this chapter, an
4 15 individual shall not be eligible to receive shared work
4 16 benefits for more than twenty=six calendar weeks during the
4 17 individual's benefit year.

4 18 Sec. 4. APPLICABILITY DATE. This Act applies to any week
4 19 of unemployment benefits beginning on or after July 1, 2009.

4 20 EXPLANATION

4 21 This bill establishes a benefits extension for individuals
4 22 enrolled in a training program while receiving unemployment
4 23 insurance benefits. Regular benefits must be exhausted and
4 24 the benefit amount shall be no more than 26 times the
4 25 individual's weekly benefit amount. In order to qualify for
4 26 the training extension benefits, the following criteria must
4 27 be met: the benefits end when training is completed and may
4 28 not extend beyond the benefit year; the individual must be
4 29 enrolled, participating, and making satisfactory progress in
4 30 the training; and the individual shall be considered in
4 31 training during regular vacation or recess breaks of three
4 32 weeks or less but not during a summer vacation or break of
4 33 longer than three weeks.

4 34 The bill applies to any week of unemployment benefits
4 35 beginning on or after July 1, 2009.



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5 1 LSB 1433DP 83
5 2 ak/rj/5



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Senate Study Bill 1055

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring employers to provide notice of plant closings
- 2 and mass layoffs and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1438DP 83
- 5 ak/rj/5



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1 1 Section 1. NEW SECTION. 84C.1 TITLE.
1 2 This chapter shall be known as the "Iowa Worker Adjustment
1 3 and Retraining Notification Act".
1 4 Sec. 2. NEW SECTION. 84C.2 DEFINITIONS.
1 5 For the purposes of this chapter:
1 6 1. "Aggrieved employee" means an employee who has worked
1 7 for the employer ordering the plant closing or mass layoff and
1 8 who, as a result of the failure by the employer to comply with
1 9 section 84C.3, did not receive timely notice either directly
1 10 or through the employee's representative.
1 11 2. "Department" means the department of workforce
1 12 development.
1 13 3. "Employee" means a worker who may reasonably expect to
1 14 experience an employment loss as a consequence of a proposed
1 15 plant closing or mass layoff by an employer.
1 16 4. "Employer" means a person who employs twenty-five or
1 17 more employees, excluding part-time employees.
1 18 5. "Employment loss" means an employment termination,
1 19 other than a discharge for cause, voluntary separation, or
1 20 retirement; a layoff exceeding six months; or a reduction in
1 21 hours of more than fifty percent of work of individual
1 22 employees during each month of a six-month period.
1 23 6. "Mass layoff" means a reduction in employment force
1 24 that is not the result of a plant closing and results in an
1 25 employment loss at a single site of employment during any
1 26 thirty-day period of twenty-five or more employees, other than
1 27 part-time employees.
1 28 7. "Part-time employee" means an employee who is employed
1 29 for an average of fewer than twenty hours per week or an
1 30 employee, including a full-time employee, who has been
1 31 employed for fewer than six of the twelve months preceding the
1 32 date on which notice is required.
1 33 8. "Plant closing" means the permanent or temporary
1 34 shutdown of a single site of employment of one or more
1 35 facilities or operating units that will result in an



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2 1 employment loss for twenty=five or more employees, other than
2 2 part=time employees.

2 3 9. "Representative" means an exclusive representative of
2 4 employees within the meaning of section 9(a) of the federal
2 5 National Labor Relations Act, 29 U.S.C. } 151 et seq., and the
2 6 federal Railway Labor Act, 45 U.S.C. } 151 et seq.

2 7 10. "Single site of employment" refers to a single
2 8 location or a group of contiguous locations, such as a group
2 9 of structures that form a campus or business park or separate
2 10 facilities across the street from each other.

2 11 Sec. 3. NEW SECTION. 84C.3 NOTICE == REQUIREMENTS.

2 12 1. a. An employer who plans a plant closing or a mass
2 13 layoff shall not order such action until the end of a
2 14 thirty=day period which begins after the employer serves
2 15 written notice of such action to the affected employees or
2 16 their representatives and to the department. However, if an
2 17 applicable collective bargaining agreement designates a
2 18 different notice period, the notice period in the collective
2 19 bargaining agreement shall govern.

2 20 b. An employer who has previously announced and carried
2 21 out a short=term mass layoff of six months or less which is
2 22 extended beyond six months due to business circumstances not
2 23 reasonably foreseeable at the time of the initial mass layoff
2 24 is required to give notice when it becomes reasonably
2 25 foreseeable that the extension is required. A mass layoff
2 26 extending beyond six months from the date the mass layoff
2 27 commenced for any other reason shall be treated as an
2 28 employment loss from the date of commencement of the mass
2 29 layoff.

2 30 c. In the case of the sale of part or all of a business,
2 31 the seller is responsible for providing notice of any plant
2 32 closing or mass layoff which will take place up to and on the
2 33 effective date of the sale. The buyer is responsible for
2 34 providing notice of any plant closing or mass layoff that will
2 35 take place thereafter.



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3 1 2. a. Notice from the employer to the affected employees
3 2 or their representatives and to the department shall be in
3 3 written form and shall contain the following:
3 4 (1) The name and address of the employment site where the
3 5 plant closing or mass layoff will occur, and the name and
3 6 telephone number of a company official to contact for further
3 7 information.
3 8 (2) A statement as to whether the planned action is
3 9 expected to be permanent or temporary and, if the entire plant
3 10 is to be closed, a statement to that effect.
3 11 (3) The expected date of the first employment loss and the
3 12 anticipated schedule for employment losses.
3 13 (4) The job titles of positions to be affected and the
3 14 names of the employees currently holding the affected jobs.
3 15 The notice to the department shall also include the addresses
3 16 of the affected employees. The department shall maintain the
3 17 confidentiality of the names and addresses of employees
3 18 received by the department.
3 19 b. The notice may include additional information useful to
3 20 the employees, such as information about available dislocated
3 21 worker assistance, and, if the planned action is expected to
3 22 be temporary, the estimated duration, if known.
3 23 3. Any reasonable method of delivery to the affected
3 24 employees or their representatives, and the department which
3 25 is designed to ensure receipt of notice of at least thirty
3 26 days before the planned action is acceptable. In the case of
3 27 notification directly to affected employees, insertion of
3 28 notice into pay envelopes is a viable option.
3 29 Sec. 4. NEW SECTION. 84C.4 NOTICE == EXEMPTIONS, SPECIAL
3 30 CIRCUMSTANCES.
3 31 1. STRIKE OR LOCKOUT. If a plant closing or mass layoff
3 32 constitutes a strike or constitutes a lockout not intended to
3 33 evade the requirements of this chapter, notice is not required
3 34 to be given by the employer. This chapter does not require an
3 35 employer to serve written notice when permanently replacing an



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4 1 employee who is deemed to be an economic striker under the
4 2 federal National Labor Relations Act. This chapter shall not
4 3 be deemed to validate or invalidate any judicial or
4 4 administrative ruling relating to the hiring of permanent
4 5 replacements for economic strikers under the federal National
4 6 Labor Relations Act.

4 7 2. ROLLING LAYOFFS.

4 8 a. When affected employees will not be terminated on the
4 9 same date, the date of the first individual employment loss
4 10 within the thirty-day notice period triggers the notice
4 11 requirement. An employee's last day of employment is
4 12 considered the date of that employee's layoff. The first and
4 13 subsequent groups of terminated employees are entitled to a
4 14 full thirty days' notice.

4 15 b. An employer shall give notice if the number of
4 16 employment losses of two or more actions in any ninety-day
4 17 period triggers the notice requirements in section 84C.3 for a
4 18 plant closing or a mass layoff. An employer is not required
4 19 to give notice if the number of employment losses from one
4 20 action in a thirty-day period does not meet the requirements
4 21 of section 84C.3. All employment losses in any ninety-day
4 22 period shall be aggregated to trigger the notice requirement
4 23 unless the employer demonstrates to the department that the
4 24 employment losses during the ninety-day period are the result
4 25 of separate and distinct actions and causes.

4 26 3. EXTENDED NOTICE. Additional notice is required if the
4 27 date or schedule of dates of a planned plant closing or mass
4 28 layoff is extended beyond the date or the ending date of any
4 29 period announced in the original notice.

4 30 a. If the postponement is for less than thirty days, the
4 31 additional notice shall be given as soon as possible to the
4 32 affected employees or their representatives and the department
4 33 and shall include reference to the earlier notice, the date to
4 34 which the planned action is postponed, and the reasons for the
4 35 postponement. The notice shall be given in a manner which



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5 1 will provide the information to all affected employees.
5 2 b. If the postponement is for more than thirty days, the
5 3 additional notice shall be treated as new notice subject to
5 4 the provisions of section 84C.3.
5 5 4. FALTERING COMPANY. An exception to the thirty-day
5 6 notice applies to plant closings but not to mass layoffs if
5 7 the requirements of this subsection are met and the exception
5 8 shall be narrowly construed.
5 9 a. An employer must have been actively seeking capital or
5 10 business at the time that the thirty-day notice would have
5 11 been required by seeking financing or refinancing through the
5 12 arrangement of loans or the issuance of stocks, bonds, or
5 13 other methods of internally generated financing, or by seeking
5 14 additional money, credit, or business through any other
5 15 commercially reasonable method. The employer must identify
5 16 specific actions taken to obtain capital or business.
5 17 b. The employer must, at the time notice is actually
5 18 given, provide a statement of explanation for reducing the
5 19 notice period in addition to the other notice requirements in
5 20 section 84C.3.
5 21 c. There must have been a realistic opportunity to obtain
5 22 the financing or business sought.
5 23 d. The financing or business sought must have been
5 24 sufficient, if obtained, to have enabled the employer to avoid
5 25 or postpone the shutdown. The employer must be able to
5 26 objectively demonstrate that the amount of capital or the
5 27 volume of new business sought would have enabled the company
5 28 to keep the facility, operating unit, or site open for a
5 29 reasonable period of time.
5 30 e. The employer reasonably and in good faith must have
5 31 believed that giving the required notice would have precluded
5 32 the employer from obtaining the needed capital or business.
5 33 The employer must be able to objectively demonstrate that the
5 34 employer reasonably thought that a potential customer or
5 35 source of financing would have been unwilling to provide the



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6 1 new business or capital if notice had been given. This
6 2 condition may be satisfied if the employer can show that the
6 3 financing or business source would not choose to do business
6 4 with a troubled company or with a company whose workforce
6 5 would be looking for other jobs.

6 6 5. UNFORESEEABLE BUSINESS CIRCUMSTANCE. An exception to
6 7 the thirty-day notice applies to plant closings and to mass
6 8 layoffs if the requirements of this subsection are met.

6 9 a. Business circumstances occurred that were not
6 10 reasonably foreseeable at the time that the thirty-day notice
6 11 would have been required.

6 12 b. The employer must, at the time notice is actually
6 13 given, provide a statement of explanation for reducing the
6 14 notice period in addition to the other notice requirements in
6 15 section 84C.3.

6 16 c. An important indicator of a reasonably unforeseeable
6 17 business circumstance is that the circumstance is caused by
6 18 some sudden, dramatic, and unexpected action or condition
6 19 outside the employer's control.

6 20 d. The employer must exercise commercially reasonable
6 21 business judgment as would a similarly situated employer in
6 22 predicting the demands of the employer's particular market.
6 23 The employer is not required to accurately predict general
6 24 economic conditions that also may affect demand for products
6 25 or services.

6 26 6. NATURAL DISASTER. An exception to the thirty-day
6 27 notice applies to plant closings and to mass layoffs if the
6 28 requirements of this subsection are met.

6 29 a. A natural disaster occurred at the time notice would
6 30 have been required.

6 31 b. The employer must, at the time notice is actually
6 32 given, provide a statement of explanation for reducing the
6 33 notice period in addition to the other requirements to notice
6 34 in section 84C.3.

6 35 c. Floods, earthquakes, droughts, storms, tornadoes, and



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7 1 similar effects of nature are natural disasters under this
7 2 subsection.

7 3 d. An employer must be able to demonstrate that the plant
7 4 closing or mass layoff is a direct result of the natural
7 5 disaster.

7 6 e. If a plant closing or mass layoff occurs as an indirect
7 7 result of a natural disaster, this exception does not apply
7 8 but the unforeseeable business circumstance exception may be
7 9 applicable.

7 10 Sec. 5. NEW SECTION. 84C.5 ENFORCEMENT AND PENALTIES.

7 11 1. The department shall adopt rules pursuant to and
7 12 consistent with chapter 17A regarding investigations to
7 13 determine whether an employer has violated any provisions of
7 14 this chapter. A determination by the department that a
7 15 violation has occurred shall be considered final agency action
7 16 under chapter 17A.

7 17 2. An employer who violates the provisions of section
7 18 84C.3 with respect to the department shall be subject to a
7 19 civil penalty of not more than one hundred dollars for each
7 20 day of the violation. Any penalties collected by the
7 21 department shall be forwarded to the treasurer of state and
7 22 deposited in the general fund of the state.

7 23 3. The penalties provided for in this section shall be the
7 24 exclusive remedies for any violation of this chapter. Under
7 25 this chapter, a court shall not have authority to enjoin a
7 26 plant closing or mass layoff.

7 27 EXPLANATION

7 28 This bill creates the Iowa worker adjustment and retraining
7 29 notification Act. The bill requires employers to notify
7 30 employees or their representatives and the department of
7 31 workforce development of plant closings that result in the
7 32 layoff of 25 or more full-time employees and mass layoffs that
7 33 are reductions in the workforce of at least 25 employees in a
7 34 30-day period.

7 35 NOTICE. An employer is required to give notice to



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8 1 employees or their representatives who will be affected by a
8 2 plant closing or mass layoff and the department in writing 30
8 3 days before ordering such actions. An employer who announces
8 4 a short-term mass layoff of less than six months but which is
8 5 extended more than six months, must also give proper written
8 6 notice when it becomes reasonably foreseeable that the mass
8 7 layoff will be extended beyond six months.

8 8 If a business is sold in whole or in part, the seller is
8 9 responsible for providing written notice of any plant closings
8 10 or mass layoffs which will take place up to and on the date of
8 11 sale. The buyer is responsible for proper notification of
8 12 such actions thereafter.

8 13 The requirements for proper notice include the name and
8 14 address of the employment site where the plant closing or mass
8 15 layoff will occur; the name and telephone number of a company
8 16 official to contact for further information; a statement about
8 17 whether the planned action is expected to be permanent or
8 18 temporary; the expected date of the first separation and the
8 19 anticipated schedule for making separations; and the job
8 20 titles of positions to be affected and the names of the
8 21 employees currently holding the affected jobs. Information
8 22 provided to the department about employees shall remain
8 23 confidential. Notice may also include additional information
8 24 about available dislocated worker assistance and, if the
8 25 planned action is temporary, the estimated duration of the
8 26 planned action.

8 27 Any reasonable method of delivery to affected employees or
8 28 their representatives and the department that will ensure
8 29 receipt of the notice at least 30 days before the planned
8 30 action is allowed.

8 31 STRIKE OR LOCKOUT. If a plant closing or mass layoff is
8 32 the result of a strike or lockout that is not intended to
8 33 evade the requirements of new Code chapter 84C, the employer
8 34 is not required to give notice. An employer is not required
8 35 to give notice under new Code chapter 84C when permanently



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9 1 replacing an economic striker under the federal National Labor
9 2 Relations Act.

9 3 ROLLING LAYOFFS. If an employer will not be laying off all
9 4 employees on the same date, the date of the first employee to
9 5 be laid off triggers the 30-day notice requirement. An
9 6 employer shall give notice if the number of employment losses
9 7 of two or more actions in any 90-day period triggers the
9 8 notice requirements in Code section 84C.3 for a plant closing
9 9 or a mass layoff. All employment losses in any 90-day period
9 10 count together toward the notice requirement levels unless the
9 11 employer demonstrates to the department that the employment
9 12 losses during the 90-day period are the result of separate and
9 13 distinct actions and causes.

9 14 EXTENDED NOTICE. Additional notice is required when the
9 15 date or dates of a plant closing or mass layoff are extended
9 16 beyond the end date of any period announced in the original
9 17 notice. If the postponement is for less than 30 days,
9 18 additional notice must be given to the affected employees and
9 19 the department as soon as possible and must include the new
9 20 date of the proposed action and the reasons for the
9 21 postponement. If the postponement is for more than 30 days,
9 22 the additional notice must be treated as a new notice, subject
9 23 to the provisions of Code section 84C.3.

9 24 FALTERING COMPANY. An employer with a faltering company
9 25 may be exempted from the 30-day notice requirement for a plant
9 26 closing but not a mass layoff, but is still required to
9 27 provide proper notice, if the employer was actively seeking
9 28 capital or business at the time the 30-day notice was
9 29 required. The employer must, at the time notice is actually
9 30 given, provide an explanation for reducing the notice period.
9 31 The employer must show that the capital or business sought
9 32 would have been sufficient if obtained to have enabled the
9 33 employer to avoid or postpone the shutdown of the plant. The
9 34 employer must also demonstrate that the employer reasonably
9 35 and in good faith believed that giving notice would have



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10 1 prevented the employer from obtaining the capital or business.
10 2 UNFORESEEABLE CIRCUMSTANCE. An employer that experiences
10 3 unforeseeable business circumstances may be exempted from the
10 4 30-day notice requirement, but is still required to provide
10 5 proper notice, for a plant closing or a mass layoff. The
10 6 employer, at the time notice is actually given, must provide
10 7 an explanation for reducing the notice period. An
10 8 unforeseeable business circumstance is caused by a sudden,
10 9 dramatic, and unexpected action or condition outside the
10 10 employer's control.

10 11 NATURAL DISASTER. An employer that experiences a natural
10 12 disaster may be exempted from the 30-day notice requirement,
10 13 but is still required to provide proper notice, for a plant
10 14 closing or a mass layoff. The employer, at the time notice is
10 15 actually given, must provide an explanation for reducing the
10 16 notice period. Natural disasters include floods, earthquakes,
10 17 droughts, storms, tornadoes, and similar effects of nature.
10 18 An employer must demonstrate that the plant closing or mass
10 19 layoff is a direct result of a natural disaster. If the plant
10 20 closing or mass layoff occurs as an indirect result of a
10 21 natural disaster, this exemption does not apply, but the
10 22 unforeseeable business circumstance exemption may apply.

10 23 ENFORCEMENT AND PENALTIES. The department shall adopt
10 24 rules consistent with Code chapter 17A relating to
10 25 investigations to determine whether an employer has violated
10 26 new Code chapter 84C. A determination by the department about
10 27 whether a violation has occurred is a final agency action.

10 28 An employer who violates Code section 84C.3 with respect to
10 29 the department is subject to a civil penalty of not more than
10 30 \$100 for each day of the violation. Any penalties collected
10 31 by the department shall be forwarded to the treasurer of state
10 32 and deposited in the general fund of the state.

10 33 These penalties are the exclusive remedies for violations
10 34 in new Code chapter 84C. Under this new Code chapter, a court
10 35 shall not be able to enjoin a plant closing or mass layoff.



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