



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 20, 2009

House File 38 - Introduced

HOUSE FILE  
BY L. MILLER

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

**A BILL FOR**

- 1 An Act relating to the administration of epinephrine in schools,
- 2 and providing effective and applicability dates.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1771YH 83
- 5 ak/nh/5



Iowa General Assembly  
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House File 38 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 280.16A PROCEDURES FOR  
1 2 ADMINISTRATION OF EPINEPHRINE.  
1 3 1. The board of directors of a school district and the  
1 4 authorities in charge of an accredited nonpublic school shall  
1 5 develop a policy for the emergency administration of  
1 6 epinephrine via an epinephrine auto injector for the treatment  
1 7 of anaphylaxis or to avoid anaphylaxis.  
1 8 2. The policy shall include the following criteria:  
1 9 a. The student's parent or guardian shall provide the  
1 10 school written authorization for the administration of  
1 11 epinephrine via an epinephrine auto injector by designated  
1 12 school officials.  
1 13 b. The student's parent or guardian shall provide the  
1 14 school a written statement from the student's physician  
1 15 containing the following information:  
1 16 (1) The reason why the student may need the epinephrine.  
1 17 (2) The name of the medication.  
1 18 (3) The prescribed dosage.  
1 19 (4) The circumstances under which the epinephrine is to be  
1 20 administered.  
1 21 (5) Whether the student, if the student at the time the  
1 22 epinephrine is needed is able, can self-administer the  
1 23 epinephrine.  
1 24 c. A designated location for the epinephrine auto injector  
1 25 that can be accessed by both designated school officials and  
1 26 the student.  
1 27 d. A requirement that the student's parent or guardian and  
1 28 the school meet the requirements of subsection 4.  
1 29 3. a. The policy for the administration of epinephrine to  
1 30 a student shall provide that the school nurse or other  
1 31 designated school official and another designated school  
1 32 official shall have the responsibility for the administration  
1 33 of epinephrine by epinephrine auto injectors. At least one  
1 34 school official who is qualified to administer epinephrine to  
1 35 a student shall be present during school hours.



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2 1       b. Each designated school official shall be properly  
2 2 trained in the administration of an epinephrine auto injector  
2 3 by a school nurse or other qualified health professional,  
2 4 using standardized training approved by the department of  
2 5 education in consultation with the department of public  
2 6 health.

2 7       c. The parent or guardian of the student shall consent in  
2 8 writing to the administration of epinephrine by the designated  
2 9 school officials.

2 10      4. a. The school district or accredited nonpublic school  
2 11 shall notify the parent or guardian of the student, in  
2 12 writing, that the school district or accredited nonpublic  
2 13 school and its employees are not liable, except for gross  
2 14 negligence, as a result of any injury arising from  
2 15 administration of epinephrine to the student. The parent or  
2 16 guardian of the student shall sign a statement acknowledging  
2 17 that the school district or nonpublic school and its employees  
2 18 are not liable, except for gross negligence, as a result of  
2 19 administration of epinephrine to the student.

2 20      b. A school district or accredited nonpublic school and  
2 21 its employees acting reasonably and in good faith shall not be  
2 22 liable for any improper use of epinephrine or for supervising,  
2 23 monitoring, or interfering with a student's  
2 24 self-administration of epinephrine.

2 25      c. The permission granted by a parent or guardian for  
2 26 administration of epinephrine by designated school officials  
2 27 is effective for the school year in which it is granted and  
2 28 shall be renewed each subsequent school year upon fulfillment  
2 29 of the requirements of this section. However, the parent or  
2 30 guardian shall immediately notify the school of any changes in  
2 31 the information provided pursuant to subsection 2, paragraph  
2 32 "b".

2 33      Sec. 2. EFFECTIVE AND APPLICABILITY DATES. This Act,  
2 34 being deemed of immediate importance, shall take effect upon  
2 35 enactment and shall apply to school years beginning on or



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House File 38 - Introduced continued

3 1 after July 1, 2009.

3 2 EXPLANATION

3 3 This bill directs the boards of directors of school  
3 4 districts and the authorities in charge of accredited  
3 5 nonpublic schools to develop a policy for the emergency  
3 6 administration of epinephrine via an epinephrine auto injector  
3 7 to treat anaphylaxis or to avoid anaphylaxis in a student.

3 8 The policy must require a parent or guardian's written  
3 9 authorization for the administration of epinephrine with an  
3 10 epinephrine auto injector. The policy must require that the  
3 11 student's physician provide information about why the student  
3 12 may need the epinephrine, the name of the medication, the  
3 13 dosage, the circumstances under which the epinephrine may be  
3 14 administered, and whether the student, if at the time the  
3 15 epinephrine is needed the student is able, can self-administer  
3 16 the epinephrine.

3 17 The policy for administering epinephrine with an  
3 18 epinephrine auto injector must also include designation of a  
3 19 location where both designated school officials and the  
3 20 student have access to the epinephrine auto injector. The  
3 21 policy must also designate school officials at each school or  
3 22 building where a student may need epinephrine to be authorized  
3 23 to administer the epinephrine. A school nurse or other school  
3 24 official and another school official are required to be  
3 25 designated so that there is always at least one school  
3 26 official present during school hours to administer the  
3 27 epinephrine.

3 28 A designated school official must be properly trained to  
3 29 use an epinephrine auto injector by the school nurse or  
3 30 another health professional using training methods approved by  
3 31 the department of education in cooperation with the department  
3 32 of public health.

3 33 It shall also be required that the school inform the parent  
3 34 or guardian that the school and its employees shall have no  
3 35 liability as a result of administering the epinephrine to the



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4 1 student or for supervising a student's self-administration of  
4 2 the epinephrine; the parent or guardian must sign a statement  
4 3 acknowledging the school's position. Permission from the  
4 4 parent or guardian is good for the school year in which it is  
4 5 given; it must be renewed each year.  
4 6     The bill takes effect upon enactment and applies to school  
4 7 years beginning on or after July 1, 2009.  
4 8 LSB 1771YH 83  
4 9 ak/nh/5



Iowa General Assembly  
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House File 39 - Introduced

HOUSE FILE  
BY ROBERTS and DRAKE

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

**A BILL FOR**

- 1 An Act modifying the closing hours of precinct polling places.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1183YH 83
- 4 sc/nh/5



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House File 39 - Introduced continued

PAG LIN

1 1 Section 1. Section 49.73, subsection 2, Code 2009, is  
1 2 amended to read as follows:  
1 3 2. The commissioner shall not shorten voting hours for any  
1 4 election if there is filed in the commissioner's office, at  
1 5 least twenty-five days before the election, a petition signed  
1 6 by at least fifty eligible electors of the school district or  
1 7 city, as the case may be, requesting that the polls be opened  
1 8 not later than 7:00 a.m. All polling places where the  
1 9 candidates of or any public question submitted by any one  
1 10 political subdivision are being voted upon shall be opened at  
1 11 the same hour, except that this requirement shall not apply to  
1 12 merged areas established under chapter 260C. The hours at  
1 13 which the respective precinct polling places are to open shall  
1 14 not be changed after publication of the notice required by  
1 15 section 49.53. The polling places shall be closed at ~~9:00~~  
1 16 8:00 p.m. ~~for state primary and general elections and other~~  
~~1 17 partisan elections, and for any other election held~~  
~~1 18 concurrently therewith, and at 8:00 p.m. for all other~~  
1 19 elections.

1 20 EXPLANATION

1 21 This bill changes the time for closing precinct polling  
1 22 places from 9:00 p.m. to 8:00 p.m. for all elections.  
1 23 LSB 1183YH 83  
1 24 sc/nh/5



Iowa General Assembly  
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House Study Bill 42

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

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

- 1 An Act relating to the number of historic preservation grants
- 2 that may be awarded in a county and providing an effective
- 3 date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 1306XD 83
- 6 tw/sc:mg/14



Iowa General Assembly  
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House Study Bill 42 continued

PAG LIN

1 1 Section 1. 2008 Iowa Acts, chapter 1179, section 1,  
1 2 subsection 4, paragraph b, unnumbered paragraph 2, is amended  
1 3 to read as follows:

1 4 In making grants pursuant to this lettered paragraph, the  
1 5 department shall consider the existence and amount of other  
1 6 funds available to an applicant for the designated project. A  
1 7 grant awarded from moneys appropriated in this lettered  
1 8 paragraph shall not exceed \$100,000 per project. Not more  
1 9 than ~~two grants may be awarded in the same county~~ \$200,000 may  
1 10 be awarded in the same county in the same round of grant  
1 11 reviews.

1 12 Sec. 2. EFFECTIVE DATE. This Act, being deemed of  
1 13 immediate importance, takes effect upon enactment.

1 14 EXPLANATION

1 15 This bill amends the 2008 Iowa Acts to allow the department  
1 16 of cultural affairs to award more than two historic  
1 17 preservation grants in the same county.

1 18 The bill limits the total amount of grants made in a county  
1 19 to \$200,000 during the same round of grant reviews, rather  
1 20 than limiting the total number of grants made in a county as  
1 21 provided by current law.

1 22 The bill takes effect upon enactment.

1 23 LSB 1306XD 83

1 24 tw/sc:mg/14



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House Study Bill 43

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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House Study Bill 43 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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House Study Bill 43 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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House Study Bill 44

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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House Study Bill 44 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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House Study Bill 44 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



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House Study Bill 45

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 relating to financing agreements entered into on behalf of
- 2 the department of corrections by the treasurer of state.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1236DP 83
- 5 jm/rj/5



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House Study Bill 45 continued

PAG LIN

1 1 Section 1. DEPARTMENT OF CORRECTIONS == FINANCING  
1 2 AGREEMENTS. Notwithstanding section 12.28, subsection 6, the  
1 3 treasurer of state may enter into a financing agreement on  
1 4 behalf of the department of corrections for a principal amount  
1 5 not to exceed three million five hundred thousand dollars  
1 6 during the fiscal year beginning July 1, 2009, and ending June  
1 7 30, 2010, for the purpose of establishing the central  
1 8 warehouse and supply depot and distribution facility pursuant  
1 9 to section 904.118A.

1 10 EXPLANATION

1 11 This bill relates to financing agreements entered into on  
1 12 behalf of the department of corrections by the treasurer of  
1 13 state.

1 14 The bill provides that notwithstanding Code section  
1 15 12.28(6), the treasurer of state may enter into a financing  
1 16 agreement on behalf of the department of corrections for a  
1 17 principal amount not to exceed \$3.5 million during the fiscal  
1 18 year beginning July 1, 2009, and ending June 30, 2010, for the  
1 19 purpose of establishing the central warehouse and supply depot  
1 20 and distribution facility pursuant to Code section 904.118A.

1 21 LSB 1236DP 83

1 22 jm/rj/5



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House Study Bill 46

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



Iowa General Assembly  
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House Study Bill 46 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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House Study Bill 46 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



Iowa General Assembly  
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January 20, 2009

House Study Bill 47

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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January 20, 2009

House Study Bill 47 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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- 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



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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



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House Study Bill 48

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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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~~  
~~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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House Study Bill 49

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT OF  
HUMAN SERVICES BILL)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to child support enforcement including
- 2 withholding of an employee's compensation by an employer for
- 3 support of a child under a support order, the required
- 4 establishment of a personal account for self-employed child
- 5 support obligors, and protection of child support information,
- 6 providing a penalty, and providing an effective date.
- 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 8 TLSB 1666DP 83
- 9 pf/nh/5



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1 1 DIVISION I  
 1 2 WITHHOLDING OF EMPLOYEE COMPENSATION  
 1 3 Section 1. Section 252D.18A, subsection 4, Code 2009, is  
 1 4 amended to read as follows:  
 1 5 4. The payor shall identify and report payments by the  
 1 6 obligor's name, account number, amount, and date withheld  
 1 7 pursuant to section 252D.17. ~~Until October 1, 1999, if~~  
~~1 8 payments for multiple obligees are combined, the portion of~~  
~~1 9 the payment attributable to each obligee shall be specifically~~  
~~1 10 identified. Beginning October 1, 1999, if~~ If payments for  
 1 11 multiple obligees are combined, the portion of the payment  
 1 12 attributable to each obligee shall be specifically identified  
 1 13 only if the payor is directed to do so by the child support  
 1 14 recovery unit.  
 1 15 Sec. 2. Section 252E.5, subsection 3, Code 2009, is  
 1 16 amended to read as follows:  
 1 17 3. The employer shall withhold from the employee's  
 1 18 compensation, the employee's share, if any, of premiums for  
 1 19 the health benefit plan in an amount that does not exceed the  
 1 20 amount specified in the national medical support notice or  
~~1 21 order~~ or the amount specified in 15 U.S.C. } 1673(b) and which  
 1 22 is consistent with federal law. The employer shall forward  
 1 23 the amount withheld to the insurer.  
 1 24 Sec. 3. 2007 Iowa Acts, chapter 218, sections 162 and 167,  
 1 25 are repealed.  
 1 26 DIVISION II  
 1 27 SELF=EMPLOYED OBLIGORS  
 1 28 Sec. 4. NEW SECTION. 252B.28 SELF=EMPLOYED OBLIGORS ==  
 1 29 ORDER FOR ESTABLISHMENT OF ACCOUNT == PENALTY.  
 1 30 1. a. If support payments owed by an obligor are  
 1 31 delinquent in an amount equal to the payment for one month,  
 1 32 the child support recovery unit may file a motion with the  
 1 33 district court to order an income provider to utilize an  
 1 34 existing single-owner personal account for obtaining support  
 1 35 payments, or, if such an account is not provided, to establish



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2 1 a bank or other financial institution account for the sole  
2 2 purpose of obtaining support payments owed by the obligor.  
2 3     b. Notice shall be served on the obligor or other income  
2 4 provider by regular mail and proof of service completed  
2 5 according to rule of civil procedure 1.442.  
2 6     c. If a hearing is not requested within ten days of  
2 7 service of the notice, the court may enter an order under this  
2 8 subsection. The order shall specify the amount of the  
2 9 compensation that is to be deposited into such account and the  
2 10 frequency with which such deposits are to be made.  
2 11     d. Within ten days of the issuance of the order under this  
2 12 subsection, the income provider shall provide the unit with  
2 13 written authorization for the unit to receive from such  
2 14 account, by automatic withdrawal, the amount ordered to be  
2 15 deposited into such account.  
2 16     e. The court may provide a method for timely increase or  
2 17 decrease of the amounts to be deposited or withdrawn and shall  
2 18 specify the duration of the order. The order shall be subject  
2 19 to modification due to a change in the amount of the support  
2 20 order or a delinquency, or if the unit will no longer be  
2 21 providing services under this chapter.  
2 22     2. Failure to utilize the existing or to establish an  
2 23 account or to deposit the required amount into the account or  
2 24 to authorize automatic withdrawal of the required amount by  
2 25 the unit is failure to comply with an order entered under  
2 26 subsection 1, which is punishable as contempt.  
2 27     3. This section shall be construed to furnish an  
2 28 additional remedy and shall in no way affect or impair any  
2 29 other remedy, civil or criminal, provided in any other statute  
2 30 and available to the unit in relation to the same subject  
2 31 matter, and shall not relieve an income provider of a duty  
2 32 under any other chapter.  
2 33     4. For purposes of this section:  
2 34     a. "Income provider" means any of the following:  
2 35     (1) A self-employed obligor. As used in this



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3 1 subparagraph, "self-employed" means earning at least a portion  
3 2 of the individual's income directly from the individual's own  
3 3 business, trade, or profession rather than as a specified  
3 4 salary or wages from an employer.

3 5 (2) A partnership or corporation from which an obligor  
3 6 receives compensation in the form of wages, salary,  
3 7 commissions, bonuses, or other income, if the obligor is a  
3 8 partner, owner, or officer of the partnership or corporation.

3 9 (3) A partnership or corporation from which a partnership  
3 10 or corporation specified in subparagraph (2) receives  
3 11 compensation in the form of wages, salary, commissions,  
3 12 bonuses, or other income.

3 13 b. "Support payments" means the same as in section  
3 14 252D.16.

3 15 DIVISION III

3 16 CHILD SUPPORT ENFORCEMENT INFORMATION

3 17 Sec. 5. Section 252B.5, subsection 9, paragraph b,  
3 18 unnumbered paragraph 1, Code 2009, is amended to read as  
3 19 follows:

3 20 ~~Notwithstanding section 252B.9, the~~ The unit may forward  
3 21 information to the department of administrative services as  
3 22 necessary to implement this subsection, including but not  
3 23 limited to both of the following:

3 24 Sec. 6. Section 252B.9, subsection 2, unnumbered paragraph  
3 25 1, Code 2009, is amended to read as follows:

3 26 Notwithstanding other statutory provisions to the contrary,  
3 27 including but not limited to chapters 22 and 217, as the  
3 28 chapters relate to confidentiality of records maintained by  
3 29 the department, the payment records of the collection services  
3 30 center maintained under section 252B.13A ~~are public records~~  
3 31 may be released, except when prohibited by federal law or  
3 32 regulation, only as follows:

3 33 Sec. 7. Section 252B.9, subsection 2, paragraph a, Code  
3 34 2009, is amended to read as follows:

3 35 a. Payment records of the collection services center ~~which~~



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~~4 1 are maintained pursuant to chapter 598 are public records and  
4 2 may be released upon request, for the administration of a plan  
4 3 or program approved under Title IV, XIX, or XXI of the federal  
4 4 Social Security Act, as amended, and as otherwise permitted  
4 5 under Title IV-D of the federal Social Security Act, as  
4 6 amended. Payment records of the clerk of the district court,  
4 7 to which the department has access to meet the requirements of  
4 8 a state disbursement unit, are also public records and may be  
4 9 released upon request. A payment record shall not include  
4 10 address or location information.~~

4 11 Sec. 8. Section 252B.9, subsection 2, paragraph b,  
4 12 unnumbered paragraph 1, Code 2009, is amended to read as  
4 13 follows:

4 14 ~~Except as otherwise provided in subsection 1, the~~ The  
4 15 ~~department shall not~~ may release details related to payment  
4 16 records or provide alternative formats for release of the  
4 17 information, ~~with the following additional exceptions for the~~  
4 18 ~~administration of a plan or program under Title IV-D of the~~  
4 19 ~~federal Social Security Act, as amended, including as follows:~~

4 20 Sec. 9. Section 252B.9, subsection 2, paragraph b,  
4 21 subparagraph (1), Code 2009, is amended to read as follows:

4 22 (1) The unit or collection services center may provide  
4 23 ~~additional~~ detail or present the information in an alternative  
4 24 format to an individual or to the individual's legal  
4 25 representative if the individual owes or is owed a support  
4 26 obligation, to an agency assigned the obligation as the result  
4 27 of receipt by a party of public assistance, to an agency  
4 28 charged with enforcing child support pursuant to Title IV-D of  
4 29 the federal Social Security Act, as amended, or to the court.

4 30 Sec. 10. Section 252B.9, subsection 3, paragraph e, Code  
4 31 2009, is amended to read as follows:

4 32 e. Information may be released if directly connected with  
4 33 any of the following:

4 34 (1) The administration of ~~the~~ a plan or program approved  
4 35 under Title ~~I, IV-A, IV-B, IV-D, IV-E, X, XIV, XVI,~~ IV, XIX,



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5 1 or ~~XX XXI~~, ~~or the supplemental security income program~~  
~~5 2 established under Title XVI, of the federal Social Security~~  
5 3 Act, as amended.  
5 4 (2) Any investigations, prosecutions, or criminal or civil  
5 5 proceeding conducted in connection with the administration of  
5 6 any such plan or program.  
~~5 7 (3) The administration of any other federal or federally~~  
~~5 8 assisted program which provides assistance in cash or in kind~~  
~~5 9 or provides services, directly to individuals on the basis of~~  
~~5 10 need.~~  
5 11 ~~(4)~~ (3) Reporting to an appropriate agency or official of  
5 12 any such plan or program, information on known or suspected  
5 13 instances of physical or mental injury, sexual abuse or  
5 14 exploitation, or negligent treatment or maltreatment of a  
5 15 child who is the subject of a child support enforcement action  
5 16 under circumstances which indicate that the child's health or  
5 17 welfare is threatened.  
5 18 Sec. 11. Section 252B.9, subsection 3, paragraph g, Code  
5 19 2009, is amended to read as follows:  
5 20 g. The child support recovery unit ~~shall~~ may release  
5 21 information relating to an absent parent to another unit of  
~~5 22 the department pursuant to a written request for the~~  
~~5 23 information approved by the director or the director's~~  
~~5 24 designee for the administration of a plan or program approved~~  
5 25 under Title IV, XIX, or XXI of the federal Social Security  
5 26 Act, as amended, specified under subsection 2 or this  
5 27 subsection, to the extent the release of information does not  
5 28 interfere with the unit meeting its own obligations under  
5 29 Title IV-D of the federal Social Security Act, as amended, and  
5 30 subject to requirements prescribed by the federal office of  
5 31 child support enforcement of the United States department of  
5 32 health and human services.  
5 33 Sec. 12. Section 252B.9A, subsection 1, Code 2009, is  
5 34 amended to read as follows:  
5 35 1. A person, except a court or government agency, who is



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6 1 an authorized person to receive specified confidential  
6 2 information under 42 U.S.C. } 653, may submit a written  
6 3 request to the unit for disclosure of specified confidential  
6 4 information regarding a nonrequesting party. The written  
6 5 request shall comply with federal law and regulations,  
6 6 including any evidence and any payment to the federal office  
6 7 of child support enforcement of the United States department  
6 8 of health and human services required by federal law or  
6 9 regulation, and shall include a sworn statement attesting to  
6 10 the reason why the requester is an authorized person under 42  
6 11 U.S.C. } 653, including that the requester would use the  
6 12 confidential information only for purposes permitted in that  
6 13 section.

6 14 Sec. 13. Section 252G.5, subsections 2 and 3, Code 2009,  
6 15 are amended to read as follows:

6 16 2. State agencies as specified under 42 U.S.C. } 653A  
6 17 which utilize income information for the determination of  
6 18 eligibility or calculation of payments for benefit or  
6 19 entitlement payments unless prohibited under federal law.

6 20 3. State agencies ~~which utilize income information for the~~  
6 21 ~~recoupment of debts to the state operating employment security~~  
6 22 ~~and workers' compensation programs for the purposes of~~  
6 23 ~~administering such programs unless prohibited under federal~~  
6 24 law.

6 25 Sec. 14. Section 598.22, subsection 3, Code 2009, is  
6 26 amended to read as follows:

6 27 3. An order or judgment entered by the court for temporary  
6 28 or permanent support or for income withholding shall be filed  
6 29 with the clerk. The orders have the same force and effect as  
6 30 judgments when entered in the judgment docket and lien index  
6 31 and are records open to the public. Unless otherwise provided  
6 32 by federal law, if it is possible to identify the support  
6 33 order to which a payment is to be applied, and if sufficient  
6 34 information identifying the obligee is provided, the clerk or  
6 35 the collection services center, as appropriate, shall disburse



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7 1 the payments received pursuant to the orders or judgments  
7 2 within two working days of the receipt of the payments. All  
7 3 moneys received or disbursed under this section shall be  
7 4 entered in records kept by the clerk, or the collection  
7 5 services center, as appropriate, ~~which~~ and the records kept by  
7 6 the clerk shall be available to the public. The clerk or the  
7 7 collection services center shall not enter any moneys paid in  
7 8 the record book if not paid directly to the clerk or the  
7 9 center, as appropriate, except as provided for trusts and  
7 10 federal social security disability payments in this section,  
7 11 and for tax refunds or rebates in section 602.8102, subsection  
7 12 47.

7 13 Sec. 15. Section 598.26, subsection 1, Code 2009, is  
7 14 amended to read as follows:

7 15 1. Until a decree of dissolution has been entered, the  
7 16 record and evidence shall be closed to all but the court, its  
7 17 officers, and the child support recovery unit of the  
7 18 department of human services pursuant to section 252B.9.  
7 19 However, the payment records of a temporary support order,  
~~7 20 whether~~ maintained by the clerk of the district court ~~or the~~  
~~7 21 department of human services,~~ are public records and may be  
7 22 released upon request. Payment records shall not include  
7 23 address or location information. No other person shall permit  
7 24 a copy of any of the testimony, or pleading, or the substance  
7 25 ~~thereof~~ of any testimony or pleading, to be made available to  
7 26 any person other than a party to the action or a party's  
7 27 attorney. Nothing in this subsection shall be construed to  
7 28 prohibit publication of the original notice as provided by the  
7 29 rules of civil procedure.

7 30 Sec. 16. EFFECTIVE DATE. This division of this Act takes  
7 31 effect March 23, 2009.

7 32 EXPLANATION

7 33 Division I of this bill relates to withholding of an  
7 34 employee's compensation by an employer for the purposes of  
7 35 paying support payments and the premiums for a health benefit



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8 1 plan to provide coverage for a child of the employee under a  
8 2 support order. The division eliminates language currently  
8 3 only published in the 2007 Iowa Acts, that would have taken  
8 4 effect July 1, 2009, directing an employer to allocate funds  
8 5 in a specific manner if an obligor was responsible for more  
8 6 than one support obligation and the employee did not have  
8 7 sufficient compensation available to meet the employee's share  
8 8 for all such obligations. In place of the repealed  
8 9 provisions, the division amends current law only by adding a  
8 10 reference to an order as well as a notice in specifying the  
8 11 amount of the employee's compensation to be withheld and by  
8 12 eliminating language that is no longer necessary due to  
8 13 passage of the dates referenced.

8 14 Division II of the bill provides for the required use of an  
8 15 existing or establishment of a new single-owner personal  
8 16 account for the sole purpose of obtaining support payments  
8 17 owed by a child support obligor. If an obligor's support  
8 18 payments are delinquent in an amount equal to payment for one  
8 19 month, the child support recovery unit may file a motion with  
8 20 the district court to order the use or establishment of such  
8 21 an account. The provisions apply to income providers  
8 22 including a self-employed obligor; a partnership or  
8 23 corporation from which an obligor receives compensation if the  
8 24 obligor is a partner, owner, or officer of the partnership or  
8 25 corporation; or a partnership or corporation from which such a  
8 26 partnership or corporation receives compensation. The  
8 27 division specifies notice provisions, the provisions to be  
8 28 included in an order, and provisions relating to modification  
8 29 of the order. Failure to utilize or establish the account or  
8 30 to authorize automatic withdrawal of the required account, as  
8 31 specified, is punishable as contempt. The remedy provided in  
8 32 the division is in addition to but does not affect or impair  
8 33 any other remedy available or relieve an income provider of  
8 34 any other duty specified by law.

8 35 Division III of the bill amends provisions regarding the



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9 1 use and disclosure of confidential information relating to  
9 2 child support enforcement in accordance with new federal  
9 3 regulations. The division, in accordance with these federal  
9 4 regulations, restricts the use and disclosure of such  
9 5 information, including payment records, to only the  
9 6 administration of the child support program under Title IV=D  
9 7 of the federal Social Security Act, and to provide information  
9 8 to other government agencies for programs under Title IV  
9 9 [temporary assistance for needy families, family investment  
9 10 program, and child welfare], Title XIX (Medicaid), and Title  
9 11 XXI (state children's health insurance program) of the federal  
9 12 Social Security Act. The division also requires evidence that  
9 13 a person is authorized under federal law in order to access  
9 14 parent locator services, and limits the government agencies  
9 15 that may have access to the Iowa central employee registry.  
9 16 The division takes effect March 23, 2009, the date the new  
9 17 federal regulations are effective.  
9 18 LSB 1666DP 83  
9 19 pf/nh/5



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House Study Bill 50

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

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to health-related activities and regulation by
- 2 the department of public health and making penalties
- 3 applicable.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1142DP 83
- 6 jp/nh/5



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1 1 DIVISION I

1 2 LEAD=SAFE RENOVATORS AND CHILD=OCCUPIED FACILITIES

1 3 Section 1. Section 135.105A, Code 2009, is amended to read

1 4 as follows:

1 5 135.105A LEAD INSPECTOR, ~~AND~~ LEAD ABATER, AND LEAD=SAFE

1 6 RENOVATOR TRAINING AND CERTIFICATION PROGRAM ESTABLISHED ==

1 7 CIVIL PENALTY.

1 8 1. The department shall establish a program for the

1 9 training and certification of lead inspectors, ~~and~~ lead

1 10 abaters, and lead-safe renovators. The department shall

1 11 maintain a listing, available to the public and to city and

1 12 county health departments, of lead inspector, ~~and~~ lead abater,

1 13 and lead-safe renovator training programs that have been

1 14 approved by the department, and of lead inspectors, ~~and~~ lead

1 15 abaters, and lead-safe renovators who have successfully

1 16 completed the training program and have been certified by the

1 17 department. A person may be certified as ~~both~~ a lead

1 18 inspector, ~~and~~ a lead abater, or a lead-safe renovator, or may

1 19 be certified to provide two or more of such services.

1 20 However, a person who ~~is certified as both a lead inspector~~

~~1 21 and a lead abater~~ holds more than one such certification shall

1 22 not provide ~~both~~ inspection service and also provide abatement

1 23 ~~services~~ service or renovation service at the same site unless

1 24 a written consent or waiver, following full disclosure by the

1 25 person, is obtained from the owner or manager of the site.

1 26 2. ~~The department shall also establish a program for the~~

~~1 27 training of painting, demolition, and remodeling contractors~~

~~1 28 and those who conduct interim controls of lead-based paint~~

~~1 29 hazards. The training shall be completed on a voluntary~~

~~1 30 basis.~~

1 31 ~~3.~~ 2. A person who owns real property which includes a

1 32 residential dwelling and who performs lead inspection, ~~or~~ lead

1 33 abatement, or renovation of the residential dwelling is not

1 34 required to obtain certification to perform these measures,

1 35 unless the residential dwelling is occupied by a person other



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2 1 than the owner or a member of the owner's immediate family  
2 2 while the measures are being performed. However, the  
2 3 department shall encourage property owners who are not  
2 4 required to be certified to complete the applicable training  
2 5 course to ensure the use of appropriate and safe lead  
2 6 inspection and, lead abatement, or lead-safe renovation  
2 7 procedures.

2 8 ~~4.~~ 3. Except as otherwise provided in this section, a  
2 9 person shall not perform lead abatement or lead inspections,  
2 10 and shall not perform renovations on target housing or a  
2 11 child-occupied facility, unless the person has completed a  
2 12 training program approved by the department and has obtained  
2 13 certification pursuant to this section. All lead abatement  
2 14 and lead inspections~~;~~ and lead inspector, ~~and~~ lead abater,  
2 15 and lead-safe renovation training programs~~;~~ and renovations  
2 16 on target housing or a child-occupied facility, shall be  
2 17 performed and conducted in accordance with work practice  
2 18 standards established by the department. A person shall not  
2 19 conduct a training program for lead inspectors, ~~or~~ lead  
2 20 abaters, or lead-safe renovators unless the program has been  
2 21 submitted to and approved by the department.

2 22 4. A person who violates this section is subject to a  
2 23 civil penalty not to exceed five thousand dollars for each  
2 24 offense.

2 25 5. The department shall adopt rules regarding minimum  
2 26 requirements for lead inspector, lead abater, and lead-safe  
2 27 renovator training programs, certification, work practice  
2 28 standards, and suspension and revocation requirements, and  
2 29 shall implement the training and certification programs. The  
2 30 department shall seek federal funding and shall establish fees  
2 31 in amounts sufficient to defray the cost of the programs.  
2 32 Fees received shall be considered repayment receipts as  
2 33 defined in section 8.2.

2 34 Sec. 2. Section 135.105C, Code 2009, is amended to read as  
2 35 follows:



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3 1 135.105C RENOVATION, REMODELING, AND REPAINTING == LEAD  
3 2 HAZARD NOTIFICATION PROCESS ESTABLISHED.

3 3 1. A person who performs renovation, remodeling, or  
3 4 repainting services ~~of~~ for target housing or a child=occupied  
3 5 facility for compensation shall provide an approved lead  
3 6 hazard information pamphlet to the owner and occupant of the  
3 7 housing or facility prior to commencing the services. The  
3 8 department shall adopt rules to implement the renovation,  
3 9 remodeling, and repainting lead hazard notification process  
3 10 under this section.

3 11 2. For the purpose of this section and section 135.105A,  
3 12 ~~target~~ unless the context otherwise requires:

3 13 a. (1) "Child=occupied facility" means a building, or  
3 14 portion of a building, constructed prior to 1978, that is  
3 15 described by all of the following:

3 16 (a) The building is visited on a regular basis by the same  
3 17 child, who is less than six years of age, on at least two  
3 18 different days within any week. For purposes of this  
3 19 paragraph "a", a week is a Sunday through Saturday period.

3 20 (b) Each day's visit by the child lasts at least three  
3 21 hours, and the combined annual visits total at least sixty  
3 22 hours.

3 23 (2) A child=occupied facility may include but is not  
3 24 limited to a child care center, preschool, or kindergarten  
3 25 classroom. A child=occupied facility also includes common  
3 26 areas that are routinely used by children who are less than  
3 27 six years of age, such as restrooms and cafeterias, and the  
3 28 exterior walls and adjoining space of the building that are  
3 29 immediately adjacent to the child=occupied facility or the  
3 30 common areas routinely used by children under the age of six  
3 31 years.

3 32 b. "Target housing" means housing constructed prior to  
3 33 1978 with the exception of housing for the elderly or for  
3 34 persons with disabilities and housing that does not contain a  
3 35 bedroom, unless at least one child, under six years of age,



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4 1 resides or is expected to reside in the housing. ~~The~~  
~~4 2 department shall adopt rules to implement the renovation,~~  
~~4 3 remodeling, and repainting lead hazard notification process.~~

4 4 3. A person who violates this section is subject to a  
4 5 civil penalty not to exceed five thousand dollars for each  
4 6 offense.

4 7

DIVISION II

4 8

NEWBORN AND INFANT HEARING SCREENING

4 9 Sec. 3. Section 135.131, Code 2009, is amended to read as  
4 10 follows:

4 11 135.131 UNIVERSAL NEWBORN AND INFANT HEARING SCREENING.

4 12 1. For the purposes of this section, unless the context  
4 13 otherwise requires:

4 14 a. "Birth center" means birth center as defined in section  
4 15 135.61.

4 16 b. "Birthing hospital" means a private or public hospital  
4 17 licensed pursuant to chapter 135B that has a licensed  
4 18 obstetric unit or is licensed to provide obstetric services.

4 19 2. ~~Beginning January 1, 2004, all~~ All newborns and infants  
4 20 born in this state shall be screened for hearing loss in  
4 21 accordance with this section. The person required to perform  
4 22 the screening shall use at least one of the following  
4 23 procedures:

4 24 a. Automated or diagnostic auditory brainstem response.

4 25 b. Otoacoustic emissions.

4 26 c. Any other technology approved by the department.

4 27 3. ~~a. Beginning January 1, 2004, a~~ A birthing hospital  
4 28 shall screen every newborn delivered in the hospital for  
4 29 hearing loss prior to discharge of the newborn from the  
4 30 birthing hospital. A birthing hospital that transfers a  
4 31 newborn for acute care prior to completion of the hearing  
4 32 screening shall notify the receiving facility of the status of  
4 33 the hearing screening. The receiving facility shall be  
4 34 responsible for completion of the newborn hearing screening.

4 35 b. The birthing hospital or other facility completing the



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5 1 hearing screening under this subsection shall report the  
5 2 results of the screening to the parent or guardian of the  
5 3 newborn and to the department in a manner prescribed by rule  
5 4 of the department. The birthing hospital or other facility  
5 5 shall also report the results of the hearing screening to the  
5 6 primary care provider of the newborn or infant upon discharge  
5 7 from the birthing hospital or other facility. If the newborn  
5 8 or infant was not tested prior to discharge, the birthing  
5 9 hospital or other facility shall report the status of the  
5 10 hearing screening to the primary care provider of the newborn  
5 11 or infant.

5 12 4. ~~Beginning January 1, 2004, a~~ A birth center shall refer  
5 13 the newborn to a licensed audiologist, physician, or hospital  
5 14 for screening for hearing loss prior to discharge of the  
5 15 newborn from the birth center. The hearing screening shall be  
5 16 completed within thirty days following discharge of the  
5 17 newborn. The person completing the hearing screening shall  
5 18 report the results of the screening to the parent or guardian  
5 19 of the newborn and to the department in a manner prescribed by  
5 20 rule of the department. Such person shall also report the  
5 21 results of the screening to the primary care provider of the  
5 22 newborn.

5 23 5. ~~Beginning January 1, 2004, if~~ If a newborn is delivered  
5 24 in a location other than a birthing hospital or a birth  
5 25 center, the physician or other health care professional who  
5 26 undertakes the pediatric care of the newborn or infant shall  
5 27 ensure that the hearing screening is performed within three  
5 28 months of the date of the newborn's or infant's birth. The  
5 29 physician or other health care professional shall report the  
5 30 results of the hearing screening to the parent or guardian of  
5 31 the newborn or infant, to the primary care provider of the  
5 32 newborn or infant, and to the department in a manner  
5 33 prescribed by rule of the department.

5 34 6. A birthing hospital, birth center, physician, or other  
5 35 health care professional required to report information under



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6 1 subsection 3, 4, or 5 shall report all of the following  
6 2 information to the department relating to a newborn's or  
6 3 infant's hearing screening, as applicable:

6 4 a. The name, address, and telephone number, if available,  
6 5 of the mother of the newborn or infant.

6 6 b. The primary care provider at the time of the newborn's  
6 7 or infant's discharge from the birthing hospital or birth  
6 8 center for the newborn or infant.

6 9 c. The results of the hearing screening.

6 10 d. Any rescreenings and the diagnostic audiological  
6 11 assessment procedures used.

6 12 e. Any known risk indicators for hearing loss of the  
6 13 newborn or infant.

6 14 f. Other information specified in rules adopted by the  
6 15 department.

6 16 7. The department may share information with agencies and  
6 17 persons involved with newborn and infant hearing screenings,  
6 18 follow-up, and intervention services, including the local  
6 19 birth-to-three coordinator or similar agency, the local area  
6 20 education agency, and local health care providers. The  
6 21 department shall adopt rules to protect the confidentiality of  
6 22 the individuals involved.

6 23 8. ~~An area education agency with which information is~~  
6 24 ~~shared pursuant to subsection 7~~ audiologist who provides  
6 25 services addressed by this section shall conduct diagnostic  
6 26 audiological assessments of newborns and infants in accordance  
6 27 with standards specified in rules adopted by the department.

6 28 The audiologist shall report all of the following information  
6 29 to the department relating to a newborn's or infant's hearing,  
6 30 follow-up, diagnostic audiological assessment, and  
6 31 intervention services, as applicable:

6 32 a. The name, address, and telephone number, if available,  
6 33 of the mother of the newborn or infant.

6 34 b. The results of the hearing screening and any  
6 35 rescreenings, including the diagnostic audiological assessment



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7 1 procedures used.

7 2 c. The nature of any follow-up or other intervention  
7 3 services provided to the newborn or infant.

7 4 d. Any known risk indicators for hearing loss of the  
7 5 newborn or infant.

7 6 e. Other information specified in rules adopted by the  
7 7 department.

7 8 9. This section shall not apply if the parent objects to  
7 9 the screening. If a parent objects to the screening, the  
7 10 birthing hospital, birth center, physician, or other health  
7 11 care professional required to report information under  
7 12 subsection 3, 4, or 5 to the department shall obtain a written  
7 13 refusal from the parent, shall document the refusal in the  
7 14 newborn's or infant's medical record, and shall report the  
7 15 refusal to the department in the manner prescribed by rule of  
7 16 the department.

7 17 10. A person who acts in good faith in complying with this  
7 18 section shall not be civilly or criminally liable for  
7 19 reporting the information required to be reported by this  
7 20 section.

7 21 DIVISION III

7 22 PUBLIC HEALTH DISASTER AUTHORITY

7 23 Sec. 4. Section 135.140, subsection 6, paragraph b, Code  
7 24 2009, is amended by adding the following new subparagraph:

7 25 NEW SUBPARAGRAPH. (4) Short-term or long-term physical or  
7 26 behavioral health consequences to a large number of the  
7 27 affected population.

7 28 Sec. 5. Section 135.140, subsection 7, Code 2009, is  
7 29 amended to read as follows:

7 30 7. "Public health response team" means a team of  
7 31 professionals, including licensed health care providers,  
7 32 nonmedical professionals skilled and trained in disaster or  
7 33 emergency response, and public health practitioners, which is  
7 34 sponsored by a hospital or other entity and approved by the  
7 35 department to provide disaster ~~medical~~ assistance in the event



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8 1 of a disaster or threatened disaster.

8 2 Sec. 6. Section 135.141, subsection 2, paragraphs b, g,  
8 3 and i, Code 2009, are amended to read as follows:

8 4 b. Coordinate with federal, state, and local agencies and  
8 5 officials, and private agencies, organizations, companies, and  
8 6 persons, the administration of emergency planning, response,  
8 7 and recovery matters that involve the public health.

8 8 g. Conduct or coordinate public information activities  
8 9 regarding emergency and disaster planning, response, and  
8 10 recovery matters that involve the public health.

8 11 i. Establish and coordinate other programs or activities  
8 12 as necessary for the prevention, detection, management, and  
8 13 containment of public health disasters, and for the recovery  
8 14 from such disasters.

8 15 Sec. 7. Section 135.143, subsection 1, paragraph b, Code  
8 16 2009, is amended by adding the following new subparagraphs:

8 17 NEW SUBPARAGRAPH. (6) During or after a natural  
8 18 occurrence or incident, including but not limited to fire,  
8 19 flood, storm, drought, earthquake, tornado, or windstorm.

8 20 NEW SUBPARAGRAPH. (7) During or after a man-made  
8 21 occurrence or incident, including but not limited to an  
8 22 attack, spill, or explosion.

8 23 Sec. 8. Section 135.143, Code 2009, is amended by adding  
8 24 the following new subsection:

8 25 NEW SUBSECTION. 1A. The department shall provide by rule  
8 26 a process for registration and approval of public health  
8 27 response team members and sponsor entities and shall authorize  
8 28 specific public health response teams, which may include but  
8 29 are not limited to disaster assistance teams and environmental  
8 30 health response teams. The department may expedite the  
8 31 registration and approval process during a disaster,  
8 32 threatened disaster, or other incident described in subsection  
8 33 1.

8 34 Sec. 9. Section 135.144, subsection 4, Code 2009, is  
8 35 amended to read as follows:



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9 1 4. Take reasonable measures as necessary to ensure that  
9 2 all cases of chemical, biological, and radiological  
9 3 contamination, and other environmental health hazards are  
9 4 properly identified, controlled, ~~and~~ treated, and remediated.  
9 5 In coordination with local boards of health, the department  
9 6 may conduct investigations of environmental health hazards and  
9 7 initiate and conduct environmental sampling to assess risks to  
9 8 human health. The department may provide recommendations or  
9 9 issue orders as necessary for the purpose of reducing or  
9 10 eliminating any identified environmental health hazards.

9 11 Sec. 10. Section 135.144, Code 2009, is amended by adding  
9 12 the following new subsection:

9 13 NEW SUBSECTION. 12. Temporarily reassign department  
9 14 employees for purposes of response and recovery efforts, to  
9 15 the extent such employees consent to the reassignments.

9 16 EXPLANATION

9 17 This bill relates to health-related activities and  
9 18 regulation by the department of public health involving  
9 19 lead-safe renovators, newborn and infant hearing screening,  
9 20 and public health disaster authority. The bill is organized  
9 21 into divisions.

9 22 LEAD-SAFE RENOVATORS AND CHILD-OCCUPIED FACILITIES. This  
9 23 division relates to the existing program established in Code  
9 24 section 135.105A for training and certification of lead  
9 25 inspectors and lead abaters by adding lead-safe renovators to  
9 26 the program. The renovator provisions replace an existing  
9 27 provision for a voluntary program for renovators. Other than  
9 28 a person's own residential dwelling occupied by the person or  
9 29 an immediate family member, performing a renovation of target  
9 30 housing or child-occupied facility without obtaining a  
9 31 lead-safe renovator certification is prohibited. Training  
9 32 programs for lead-safe renovators are subject to the approval  
9 33 of the department.

9 34 Violations of Code section 135.105A are punishable by a  
9 35 civil penalty of not more than \$5,000.



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10 1 Code section 135.105C, relating to lead hazard  
10 2 notifications, is amended to add a notice requirement for  
10 3 services provided at a "child=occupied facility" to current  
10 4 law requiring persons performing, for compensation,  
10 5 renovation, remodeling, or painting services for target  
10 6 housing. The required notice involves providing a pamphlet to  
10 7 the owner and occupant prior to commencing the services.  
10 8 "Child=occupied facility" is defined to mean a building or  
10 9 portion of a building constructed prior to 1978 visited by a  
10 10 child who is under six on a regular basis as specified in the  
10 11 bill. The bill lists examples of such facilities which  
10 12 include child care centers, preschools, and kindergarten  
10 13 classrooms and common areas routinely used by such children.  
10 14 Violation of the notice requirement is punishable by a  
10 15 civil penalty of not more than \$5,000.  
10 16 NEWBORN AND INFANT HEARING SCREENING. This division amends  
10 17 Code section 135.131, providing for universal newborn and  
10 18 infant hearing screening.  
10 19 References to the initial applicability date of January 1,  
10 20 2004, are eliminated.  
10 21 In addition to existing reporting requirements, a birthing  
10 22 hospital, birth center, or person performing the screening is  
10 23 required to report hearing screening results or screening  
10 24 status to the primary care provider of the newborn or infant  
10 25 upon discharge from the birthing hospital or other facility.  
10 26 Additions to the required reporting information include  
10 27 identifying the primary care provider, known risk indicators  
10 28 for hearing loss, and other information to be specified in  
10 29 departmental rule.  
10 30 Language applying reporting requirements to area education  
10 31 agencies receiving information from the department is deleted  
10 32 and replaced with a requirement for audiologists. An  
10 33 audiologist providing services under the law is required to  
10 34 conduct diagnostic audiological assessments in accordance with  
10 35 standards in rules to be adopted by the department. Additions



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11 1 to the information required to be reported to the department  
11 2 by audiologists include diagnostic audiological assessments,  
11 3 known risk indicators for hearing loss, and other information  
11 4 to be specified in departmental rule.

11 5 PUBLIC HEALTH DISASTER AUTHORITY. This division revises  
11 6 and adds to the department's duties and authority involving  
11 7 public health disasters and other disasters.

11 8 Code section 135.140, providing definitions for the  
11 9 department's disaster preparedness provisions, is amended.

11 10 The term "public health disaster" is expanded to include  
11 11 conditions that pose a high probability of short-term or  
11 12 long-term physical or behavioral health consequences to a  
11 13 large number of the affected population. The term "public  
11 14 health response team" is expanded to allow such a team to  
11 15 provide general disaster assistance rather than being  
11 16 restricted to disaster medical assistance.

11 17 Code section 135.141, specifying the department's duties  
11 18 involving disasters, is amended to include in the duties  
11 19 emergency response and recovery activities involving public  
11 20 health.

11 21 Code section 135.143, relating to public health response  
11 22 teams, is amended to include natural and man-made occurrences  
11 23 and incidents in the list of incidents for which the teams can  
11 24 be requested by local medical or public health personnel or  
11 25 hospitals to provide support services. The department is  
11 26 required to provide by rule a process for registering and  
11 27 approving team members and sponsor entities, including types  
11 28 specified in the bill. The department is authorized to  
11 29 expedite the registration and approval process when certain  
11 30 disaster or emergency conditions exist.

11 31 Code section 135.144, relating to additional duties of the  
11 32 department in response to a public health disaster, is amended  
11 33 to expand the duties and departmental authority. The duty to  
11 34 take reasonable measures regarding various forms of  
11 35 contamination is expanded to include other environmental



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12 1 hazards and the authority to remediate the contamination and  
12 2 hazards. In addition, the department is authorized to conduct  
12 3 investigations, including environmental sampling, in  
12 4 coordination with local boards of health. The department is  
12 5 authorized to provide recommendations and to issue orders to  
12 6 reduce or eliminate identified environmental health hazards.  
12 7 Code section 135.144 is also amended to authorize the  
12 8 department to temporarily reassign employees for response and  
12 9 recovery efforts when there is a public health disaster. The  
12 10 authority is limited to the extent the employees consent to  
12 11 the reassignments.  
12 12 LSB 1142DP 83  
12 13 jp/nh/5.2



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House Study Bill 51

SENATE/HOUSE FILE  
BY (PROPOSED BOARD OF  
PHARMACY BILL)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

1 An Act relating to the practice of pharmacy by establishing a  
2 registration program for pharmacy support persons and  
3 regulating the internet sale of prescription products,  
4 including a program of registration of pharmacy internet  
5 sites, making penalties applicable, and establishing a general  
6 definition for the term "internet site".  
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
8 TLSB 1416DP 83  
9 jr/rj/8



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1 1 Section 1. Section 4.1, Code 2009, is amended by adding  
1 2 the following new subsection:

1 3 NEW SUBSECTION. 9B. "Internet site" means a specific  
1 4 location on the internet that is determined by internet  
1 5 protocol numbers, by a domain name, or by both, including but  
1 6 not limited to domain names that use the designations ".com",  
1 7 ".edu", ".gov", ".org", and ".net".

1 8 Sec. 2. Section 155A.3, subsection 38, Code 2009, is  
1 9 amended to read as follows:

1 10 38. "Prescription drug order" means ~~a written, electronic,~~  
~~1 11 or facsimile an order from~~ transmitted, delivered, or  
1 12 otherwise communicated to a pharmacist by a practitioner or an  
~~1 13 oral order from as directed by a practitioner or the~~  
~~1 14 practitioner's authorized agent who communicates the~~  
~~1 15 practitioner's instructions in the authorized course of~~  
1 16 professional practice for a prescription drug or device to be  
1 17 dispensed.

1 18 Sec. 3. NEW SECTION. 155A.6B PHARMACY SUPPORT PERSON  
1 19 REGISTRATION.

1 20 1. The board shall establish a registration program for  
1 21 pharmacy support persons who work in a licensed pharmacy and  
1 22 who are not licensed pharmacists or registered pharmacy  
1 23 technicians for the purposes of identification, tracking, and  
1 24 disciplinary action for the violation of federal drug laws or  
1 25 regulations, state drug or pharmacy laws, or board rules. The  
1 26 registration shall not include any determination of the  
1 27 competency of the registered individual and, notwithstanding  
1 28 section 272C.2, subsection 1, shall not require continuing  
1 29 education for renewal.

1 30 2. A person registered with the board as a pharmacy  
1 31 support person may assist pharmacists by performing routine  
1 32 clerical and support functions. Such a person shall not  
1 33 perform any professional duties or any technical or dispensing  
1 34 duties. The ultimate responsibility for the actions of a  
1 35 pharmacy support person working under a licensed pharmacist's



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2 1 supervision shall remain with the licensed pharmacist.  
2 2 3. Applicants for registration must apply to the board for  
2 3 registration on a form prescribed by the board.  
2 4 4. The board shall adopt rules in accordance with chapter  
2 5 17A on matters pertaining to pharmacy support person  
2 6 registration, application, renewals, fees, termination of  
2 7 registration, training, and any other relevant matters.  
2 8 5. The board may deny, suspend, or revoke the registration  
2 9 of a pharmacy support person or otherwise discipline the  
2 10 pharmacy support person for any violation of the laws of this  
2 11 state, another state, or the United States relating to  
2 12 prescription drugs, controlled substances, or nonprescription  
2 13 drugs, or for any violation of this chapter or chapter 124,  
2 14 124A, 124B, 126, 147, 205, or 272C, or any rule of the board.  
2 15 Sec. 4. NEW SECTION. 155A.13B PHARMACY INTERNET SITES.  
2 16 1. As used in this section:  
2 17 a. "Electronic mail" means any message transmitted through  
2 18 the internet including but not limited to messages transmitted  
2 19 from or to any address affiliated with an internet site.  
2 20 b. "Internet broker" means an entity that serves as an  
2 21 agent or intermediary or other capacity that causes the  
2 22 internet to be used to bring together a buyer and seller.  
2 23 c. "Internet sale" means a transaction, initiated via an  
2 24 internet site, that includes the order of and the payment for  
2 25 a prescription drug product.  
2 26 2. A pharmacy operating within or outside this state shall  
2 27 not sell, dispense, distribute, deliver, or participate in the  
2 28 sale, dispensing, distribution, or delivery of any  
2 29 prescription drug to any patient in this state through an  
2 30 internet site or by electronic mail unless all of the  
2 31 following are met:  
2 32 a. All internet sites and electronic mail used by the  
2 33 pharmacy for purposes of sales or delivery of a  
2 34 prescription-only drug are in compliance with all requirements  
2 35 of federal law applicable to the site or electronic mail.



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House Study Bill 51 continued

- 3 1       b. (1) The pharmacy that sells, dispenses, distributes,  
3 2 or delivers the prescription-only drugs is in compliance with  
3 3 all requirements of relevant state law.
- 3 4       (2) The pharmacy is properly licensed and regulated by the  
3 5 board to operate a pharmacy pursuant to section 155A.13 or  
3 6 155A.13A.
- 3 7       c. The pharmacist who fills the prescription drug order is  
3 8 not in violation of subsection 4.
- 3 9       d. (1) The pharmacy is not in violation of subsection 6.  
3 10       (2) The pharmacy is in compliance with an Iowa  
3 11 prescription drug monitoring program if an Iowa prescription  
3 12 drug monitoring program exists and the pharmacy is subject to  
3 13 reporting or other requirements of the program.
- 3 14       3. A practitioner who writes a prescription drug order  
3 15 through an internet site or electronic mail for a patient  
3 16 physically located in this state must be licensed by the  
3 17 applicable licensing authority and in compliance with all  
3 18 applicable laws.
- 3 19       4. A pharmacist practicing within or outside this state  
3 20 shall not fill a prescription drug order to dispense a  
3 21 prescription drug to a patient if the pharmacist knows or  
3 22 reasonably should have known under the circumstances that the  
3 23 prescription drug order was issued under both of the  
3 24 following:
- 3 25       a. Solely on the basis of an internet questionnaire, an  
3 26 internet consultation, or a telephonic consultation.
- 3 27       b. Without a prior valid patient-practitioner  
3 28 relationship.
- 3 29       5. An internet broker operating within or outside this  
3 30 state may participate in the sale of a prescription drug in  
3 31 this state only if the internet broker knows that the  
3 32 pharmacist who dispenses the drug is not in violation of  
3 33 subsection 4.
- 3 34       6. A pharmacy shall not sell, dispense, distribute,  
3 35 deliver, or participate in the sale, dispensing, distribution,



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House Study Bill 51 continued

4 1 or delivery of any prescription-only drug to a consumer in  
4 2 this state if any part of the transaction was conducted  
4 3 through an internet site unless the internet site displays in  
4 4 a clear and conspicuous manner all of the following:  
4 5     a. The name of the pharmacy.  
4 6     b. The address of the licensed physical location of the  
4 7 pharmacy.  
4 8     c. The telephone number of the pharmacy.  
4 9     d. The license number issued by the board to the pharmacy.  
4 10    e. The certification issued by the national association of  
4 11 boards of pharmacy identifying the pharmacy as a verified  
4 12 internet pharmacy practice sites site, the verified internet  
4 13 pharmacy practice site's seal, and a link to the national  
4 14 association of boards of pharmacy's verification site, except  
4 15 that verified internet pharmacy practice sites certification  
4 16 shall not be required of a pharmacy that utilizes an internet  
4 17 site for the convenience of a patient to request a  
4 18 prescription refill or to request or retrieve drug information  
4 19 but requires that the filled prescription be delivered to the  
4 20 patient at the licensed physical location of the pharmacy.  
4 21    f. The internet site registration number issued by the  
4 22 board.  
4 23    7. A pharmacy that sells, dispenses, distributes,  
4 24 delivers, prescribes, or participates in the sale, dispensing,  
4 25 distribution, or delivery of any prescription drug to any  
4 26 patient in this state, if the patient submitted the purchase  
4 27 order for the prescription drug through an internet site or by  
4 28 electronic mail, shall not disclaim, limit, or waive any  
4 29 liability to which the pharmacy otherwise is subject under law  
4 30 for the act or practice of selling, dispensing, distributing,  
4 31 or delivering prescription drugs.  
4 32    8. A disclaimer, limitation, or waiver in violation of  
4 33 this section is void.  
4 34    9. An attempt to make a disclaimer, limitation, or waiver  
4 35 in violation of this section is a violation of this chapter.



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House Study Bill 51 continued

5 1 10. For purposes of this section, the board shall adopt  
5 2 rules in accordance with chapter 17A on matters pertaining to  
5 3 internet site registration, application, forms, renewals,  
5 4 fees, termination of registration, and any other relevant  
5 5 matters.

5 6 Sec. 5. Section 155A.27, unnumbered paragraph 1, Code  
5 7 2009, is amended to read as follows:

5 8 ~~Each~~ To be valid, each prescription drug order issued or  
5 9 filled dispensed in this state must be based on a prior valid  
5 10 patient=practitioner relationship, and:

5 11 Sec. 6. Section 155A.29, Code 2009, is amended by adding  
5 12 the following new subsection:

5 13 NEW SUBSECTION. 4. An authorization to refill a  
5 14 prescription drug order may be transmitted to a pharmacist by  
5 15 a prescriber or the prescriber's agent through word of mouth,  
5 16 note, telephone, facsimile, or other means of communication  
5 17 initiated by or directed by the practitioner. The  
5 18 transmission shall include the information required pursuant  
5 19 to section 155A.27 and, if not transmitted directly by the  
5 20 practitioner, shall identify by name and title the  
5 21 practitioner's agent completing the transmission.

5 22 EXPLANATION

5 23 This bill establishes a registration program for pharmacy  
5 24 support persons who may perform only routine clerical and  
5 25 support functions. A pharmacy support person shall not  
5 26 perform any professional duties or any technical or dispensing  
5 27 duties.

5 28 The bill also establishes new requirements for the internet  
5 29 sale of prescription drugs by pharmacies. In part, the bill  
5 30 prohibits a pharmacist from filling a prescription drug order  
5 31 from a provider if both of the following conditions are met:

5 32 1. The order is based solely on an internet questionnaire,  
5 33 an internet consultation, or a telephonic consultation.

5 34 2. A prior valid patient=practitioner relationship does  
5 35 not exist.



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House Study Bill 51 continued

6 1 The bill requires internet pharmacies to display certain  
6 2 information on their internet sites and requires them to  
6 3 obtain certification as a verified internet pharmacy practice  
6 4 site from the national association of boards of pharmacy. The  
6 5 bill requires internet pharmacies to obtain an internet site  
6 6 registration from the board and prevents internet pharmacies  
6 7 from disclaiming, limiting, or waiving liability to which they  
6 8 otherwise would be subject under the law.

6 9 The bill allows a prescriber or the prescriber's agent to  
6 10 authorize the refill of a prescription by any means of  
6 11 communication, including word of mouth.

6 12 The bill also amends Code chapter 4, adding a general  
6 13 definition of the term "internet site".

6 14 LSB 1416DP 83

6 15 jr/rj/8.1



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**Senate File 22 - Introduced**

SENATE FILE  
BY JOCHUM

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

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



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Senate File 22 - Introduced continued

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

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

1 17 EXPLANATION

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

1 31 LSB 1780SS 83

1 32 pf/nh/14



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**Senate File 23 - Introduced**

SENATE FILE  
BY SENG

(COMPANION TO LSB 1459HH  
BY LYKAM)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act providing for the killing of dogs which present an
- 2 immediate public danger and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1459SS 83
- 5 da/nh/14



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Senate File 23 - Introduced continued

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1 1 Section 1. Section 351.27, Code 2009, is amended to read  
1 2 as follows:  
1 3 351.27 RIGHT TO KILL TAGGED DOG THAT PRESENTS IMMEDIATE  
1 4 PUBLIC DANGER.

1 5 1. It shall be lawful for any A person to shall not kill a  
1 6 dog, wearing a collar attached with a rabies vaccination tag  
1 7 attached, when unless the dog is caught presents an immediate  
1 8 public danger.

1 9 2. A dog presents an immediate public danger only during  
1 10 the period when it is in the act of chasing, maiming, or  
1 11 killing any a domestic animal or fowl, or when such dog is  
1 12 attacking or attempting to bite a person.

1 13 3. A person who violates this section is guilty of animal  
1 14 abuse, animal neglect, or animal torture as provided in  
1 15 chapter 717B.

1 16 Sec. 2. Section 717B.2, Code 2009, is amended by adding  
1 17 the following new subsection:

1 18 NEW SUBSECTION. 12. A person killing a dog that presents  
1 19 an immediate public danger as provided in section 351.27.

1 20 Sec. 3. Section 717B.3A, subsection 2, Code 2009, is  
1 21 amended by adding the following new subsection:

1 22 NEW PARAGRAPH. 1. A person killing a dog that presents an  
1 23 immediate public danger as provided in section 351.27.

1 24 EXPLANATION

1 25 BACKGROUND. Two Code chapters apply to killing dogs. Code  
1 26 chapter 351 allows a person to kill a dog running at large and  
1 27 Code chapter 717B prohibits the mistreatment of domestic  
1 28 animals including dogs, with a number of exceptions. Code  
1 29 section 351.27 authorizes a person to kill a dog which is  
1 30 wearing a collar with a vaccination tag attached to it, but  
1 31 only when the dog is in the act of chasing or menacing  
1 32 livestock or attacking a person.

1 33 BILL'S PROVISIONS. This bill prohibits a person from  
1 34 killing a dog wearing a vaccination tag, unless it presents an  
1 35 immediate public danger. An immediate public danger exists



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Senate File 23 - Introduced continued

2 1 only when the dog is in the act of chasing or menacing  
2 2 livestock or attacking a person. The bill expressly provides  
2 3 that a person who violates the prohibition is guilty of animal  
2 4 abuse, animal neglect, or animal torture as provided in Code  
2 5 chapter 717B.  
2 6 Code section 717B.2 provides that a person who  
2 7 intentionally injures or kills an animal owned by another  
2 8 person commits animal abuse and is guilty of an aggravated  
2 9 misdemeanor. An aggravated misdemeanor is punishable by  
2 10 confinement for no more than two years and a fine of at least  
2 11 \$625 but not more than \$6,250. Code section 717B.3 provides  
2 12 that a person who confines an animal and fails to supply it  
2 13 with sufficient care or who injures or kills the animal by any  
2 14 means which causes unjustified pain commits animal neglect and  
2 15 is guilty of a simple misdemeanor. A simple misdemeanor is  
2 16 punishable by confinement for no more than 30 days or a fine  
2 17 of at least \$65 but not more than \$625 or by both. However, a  
2 18 person who intentionally commits animal neglect is guilty of a  
2 19 serious misdemeanor. Code section 717B.3A provides that a  
2 20 person who inflicts severe physical pain upon an animal with a  
2 21 depraved or sadistic intent to cause prolonged suffering or  
2 22 death is guilty of animal torture, regardless of whether the  
2 23 person is the owner of the animal. A person who commits  
2 24 animal torture is guilty of an aggravated misdemeanor for the  
2 25 first offense and a class "D" felony for the second offense.  
2 26 A class "D" felony is punishable by confinement for no more  
2 27 than five years and a fine of at least \$750 but not more than  
2 28 \$7,500.  
2 29 LSB 1459SS 83  
2 30 da/nh/14



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Senate Study Bill 1065

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
REBUILD IOWA BILL BY  
CHAIRPERSON HOGG)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

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



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

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

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

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

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



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

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

2 7 EXPLANATION

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

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

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



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3 1 held on March 3, 2009.  
3 2 3. The bill requires the imposition date for a local  
3 3 option sales tax to be on April 1, 2009.  
3 4 4. The bill, for purposes of a local options sales tax  
3 5 imposed under the bill, amends a three-year period used for  
3 6 purposes of distribution of tax receipts.  
3 7 The bill takes effect upon enactment.  
3 8 LSB 1746XC 83  
3 9 tm/sc/5.2



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Senate Study Bill 1066

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 an additional homestead credit for disabled
- 2 veterans and including effective and applicability date
- 3 provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1276SC 83
- 6 md/mg:sc/5



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1 1 Section 1. NEW SECTION. 425.15A DISABLED VETERAN TAX  
1 2 FREEZE.  
1 3 1. For purposes of this section, unless the context  
1 4 otherwise requires:  
1 5 a. "Base year" means the fiscal year immediately preceding  
1 6 the first fiscal year in which the additional homestead credit  
1 7 under this section is allowed on the disabled veteran's  
1 8 homestead.  
1 9 b. "Disabled veteran" means either of the following:  
1 10 (1) A veteran who is entitled to compensation or who, but  
1 11 for the receipt of military retirement pay, would be entitled  
1 12 to compensation under laws administered by the secretary of  
1 13 the United States department of veterans affairs.  
1 14 (2) A person who was discharged or released from active  
1 15 duty because of a service-connected disability.  
1 16 2. A disabled veteran who is eligible for the credit  
1 17 allowed under section 425.1 may claim an additional homestead  
1 18 credit pursuant to this section. To claim the credit under  
1 19 this section, the disabled veteran shall file on or before  
1 20 June 30 of the base year for which the veteran is first  
1 21 claiming the credit. The amount of the credit equals the  
1 22 amount of property taxes, less the regular homestead credit  
1 23 allowed under section 425.1, due and payable in the coming  
1 24 fiscal year that exceeds the amount of property taxes, less  
1 25 the regular homestead credit allowed under section 425.1, that  
1 26 were due and payable in the base year. The credit under this  
1 27 section is payable from the homestead credit fund created in  
1 28 section 425.1.  
1 29 3. Upon the filing and allowance of the claim, the claim  
1 30 shall be allowed on the disabled veteran's homestead for  
1 31 successive years without further filing as long as the  
1 32 property is legally and equitably owned and used as a  
1 33 homestead by the disabled veteran on July 1 of each of those  
1 34 successive years. The credit allowed shall be continued to  
1 35 the estate of the disabled veteran who is deceased or the



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2 1 surviving spouse and any child, as defined in section 234.1,  
2 2 who are the beneficiaries of the deceased, disabled veteran,  
2 3 so long as the surviving spouse remains unmarried.  
2 4 Sec. 2. EFFECTIVE DATE. This Act, being deemed of  
2 5 immediate importance, takes effect upon enactment and applies  
2 6 to property taxes due and payable in fiscal years beginning on  
2 7 or after July 1, 2009.

2 8 EXPLANATION

2 9 This bill provides that the property tax on a disabled  
2 10 veteran's homestead shall not increase from year to year. To  
2 11 receive this credit, the veteran must file on or before June  
2 12 30 in a manner similar to filing for the regular homestead  
2 13 credit. Once the claim is filed and allowed, the veteran does  
2 14 not have to file for successive years so long as the property  
2 15 is still owned and used by the veteran as a homestead.

2 16 A disabled veteran is one who is entitled to compensation  
2 17 for injuries from active duty or would have received  
2 18 compensation but for retirement pay or is one who was  
2 19 discharged or released from active duty because of a  
2 20 service-connected disability.

2 21 The bill takes effect upon enactment and applies to  
2 22 property taxes due and payable in fiscal years beginning on or  
2 23 after July 1, 2009.

2 24 LSB 1276SC 83

2 25 md/mg:sc/5



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**Senate Study Bill 1067**

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 military service property tax exemption
- 2 and credit and including an applicability date provision.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1271SC 83
- 5 md/mg:sc/5



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1 1 Section 1. Section 25B.7, subsection 2, paragraph c, Code  
1 2 2009, is amended to read as follows:  
1 3 c. Military service property tax credit and exemption  
1 4 pursuant to chapter 426A, ~~to the extent of six dollars and~~  
~~1 5 ninety-two cents per thousand dollars of assessed value of the~~  
~~1 6 exempt property.~~

1 7 Sec. 2. Section 426A.2, Code 2009, is amended to read as  
1 8 follows:

1 9 426A.2 MILITARY SERVICE TAX CREDIT.  
1 10 The moneys shall be apportioned each year so as to replace  
1 11 all or a portion of the tax which would be due on property  
1 12 eligible for military service tax exemption in the state, if  
1 13 the property were subject to taxation, ~~the amount of the~~  
~~1 14 credit to be not more than six dollars and ninety-two cents~~  
~~1 15 per thousand dollars of assessed value of property which would~~  
~~1 16 be subject to the tax, except for the military service tax~~  
~~1 17 exemption.~~

1 18 Sec. 3. Section 426A.11, subsections 1 and 2, Code 2009,  
1 19 are amended to read as follows:

1 20 1. The property, not to exceed ~~two thousand seven hundred~~  
~~1 21 seventy-eight~~ sixteen thousand three hundred dollars in  
1 22 taxable value of any veteran, as defined in section 35.1, of  
1 23 the First World War.

1 24 2. The property, not to exceed ~~one thousand eight hundred~~  
~~1 25 fifty-two~~ sixteen thousand three hundred dollars in taxable  
1 26 value of an honorably separated, retired, furloughed to a  
1 27 reserve, placed on inactive status, or discharged veteran, as  
1 28 defined in section 35.1.

1 29 Sec. 4. APPLICABILITY DATE. This Act applies to property  
1 30 taxes due and payable in fiscal years beginning on or after  
1 31 July 1, 2010.

1 32 EXPLANATION

1 33 Under current law, veterans of the First World War are  
1 34 entitled to a property tax exemption of \$2,778 and honorably  
1 35 discharged veterans that serve during other specific time



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2 1 periods are entitled to a property tax exemption of \$1,852.  
2 2 This bill increases the exemption amount for all eligible  
2 3 veterans to \$16,300.  
2 4 Under current law, the state provides funding to local  
2 5 governments for the military service property tax exemption  
2 6 and credit up to \$6.92 per \$1,000 of assessed value of the  
2 7 exempt property. The bill strikes this state funding  
2 8 limitation and makes the property tax exemption and credit  
2 9 funding requirements of Code section 25B.7 applicable to the  
2 10 increased military service exemption and credit amounts. Code  
2 11 section 25B.7 provides that if a state appropriation made to  
2 12 fund the credit or exemption is not sufficient to fully fund  
2 13 the credit or exemption, the political subdivision shall be  
2 14 required to extend to the taxpayer only that portion of the  
2 15 credit or exemption estimated by the department of revenue to  
2 16 be funded by the state appropriation.  
2 17 The bill applies to property taxes due and payable in  
2 18 fiscal years beginning on or after July 1, 2010.  
2 19 LSB 1271SC 83  
2 20 md/mg:sc/5



Iowa General Assembly  
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**Senate Study Bill 1068**

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 relating to financing agreements entered into on behalf of
- 2 the department of corrections by the treasurer of state.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1236DP 83
- 5 jm/rj/5



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Senate Study Bill 1068 continued

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1 1 Section 1. DEPARTMENT OF CORRECTIONS == FINANCING  
1 2 AGREEMENTS. Notwithstanding section 12.28, subsection 6, the  
1 3 treasurer of state may enter into a financing agreement on  
1 4 behalf of the department of corrections for a principal amount  
1 5 not to exceed three million five hundred thousand dollars  
1 6 during the fiscal year beginning July 1, 2009, and ending June  
1 7 30, 2010, for the purpose of establishing the central  
1 8 warehouse and supply depot and distribution facility pursuant  
1 9 to section 904.118A.

1 10 EXPLANATION

1 11 This bill relates to financing agreements entered into on  
1 12 behalf of the department of corrections by the treasurer of  
1 13 state.

1 14 The bill provides that notwithstanding Code section  
1 15 12.28(6), the treasurer of state may enter into a financing  
1 16 agreement on behalf of the department of corrections for a  
1 17 principal amount not to exceed \$3.5 million during the fiscal  
1 18 year beginning July 1, 2009, and ending June 30, 2010, for the  
1 19 purpose of establishing the central warehouse and supply depot  
1 20 and distribution facility pursuant to Code section 904.118A.

1 21 LSB 1236DP 83

1 22 jm/rj/5



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**Senate Study Bill 1069**

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT OF  
AGRICULTURE AND LAND  
STEWARDSHIP BILL)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to appropriations for soil and water
- 2 conservation.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1125DP 83
- 5 da/rj/5





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Senate Study Bill 1069 continued

2 1 e. The impact of various drainage system designs on the  
2 2 contribution of surface water runoff and subsurface water  
2 3 drainage to total water flow from the drainage district.

2 4 2. The department shall submit a report to the governor  
2 5 and the general assembly which includes a summary of its  
2 6 methodology, the findings of the study, and any  
2 7 recommendations, by January 15, 2011.

2 8 Sec. 2. FINANCIAL INCENTIVES TO IMPROVE WATERSHED  
2 9 STRUCTURES. There is appropriated from the general fund of  
2 10 the state to the department of agriculture and land  
2 11 stewardship for the fiscal year beginning July 1, 2009, and  
2 12 ending June 30, 2010, the following amount, or so much thereof  
2 13 as is necessary, to be used for the purposes designated:

2 14 For providing financial incentives to landowners to  
2 15 increase the design capacity of conservation structures, such  
2 16 as terraces, water control basins, and grade structures, and  
2 17 including salaries, support, maintenance, and miscellaneous  
2 18 purposes:  
2 19 ..... \$ 1,500,000

2 20 1. The moneys appropriated by this section shall be  
2 21 allocated to soil and water conservation districts as  
2 22 determined by the department. A district's award of financial  
2 23 incentives to a landowner shall be made on a cost-share basis  
2 24 in the same manner as an award of financial incentives to  
2 25 support the voluntary establishment of soil and water  
2 26 conservation practices as provided in section 161A.73. A  
2 27 district shall award financial incentives to support  
2 28 communities which are presented with the most immediate threat  
2 29 from an excessive precipitation event.

2 30 2. Notwithstanding section 8.33, moneys appropriated in  
2 31 this section to the department of agriculture and land  
2 32 stewardship that remain unencumbered or unobligated at the  
2 33 close of the fiscal year shall not revert but shall remain  
2 34 available for expenditure for the purposes designated until  
2 35 the close of the fiscal year beginning July 1, 2012.



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Senate Study Bill 1069 continued

3 1 Sec. 3. DEVELOPMENT OF A STATEWIDE FLOODPLAIN MAP USING
3 2 LIDAR. There is appropriated from the general fund of the
3 3 state to the department of agriculture and land stewardship
3 4 for the fiscal year beginning July 1, 2009, and ending June
3 5 30, 2010, the following amount, or so much thereof as is
3 6 necessary, to be used for the purposes designated:
3 7 For developing a statewide map using light detection and
3 8 ranging (LIDAR) technology, including salaries, support,
3 9 maintenance, and miscellaneous purposes:
3 10 ..... \$ 300,000
3 11 1. The maps shall illustrate ground elevations and
3 12 floodplain locations for use in constructing new or improved
3 13 flood control structures, installing new or improved soil
3 14 conservation practices, and preparing comprehensive
3 15 development plans.
3 16 2. The department may cooperate with state agencies
3 17 including the department of natural resources and the
3 18 department of transportation, and federal agencies including
3 19 the United States department of agriculture, natural resources
3 20 conservation service.
3 21 3. Notwithstanding section 8.33, moneys appropriated in
3 22 this section to the department of agriculture and land
3 23 stewardship that remain unencumbered or unobligated at the
3 24 close of the fiscal year shall not revert but shall remain
3 25 available for expenditure for the purposes designated until
3 26 the close of the fiscal year beginning July 1, 2012.
3 27 DIVISION II
3 28 URBAN CONSERVATION
3 29 Sec. 4. SURFACE WATER CONTROL. There is appropriated from
3 30 the general fund of the state to the department of agriculture
3 31 and land stewardship for the fiscal year beginning July 1,
3 32 2009, and ending June 30, 2010, the following amount, or so
3 33 much thereof as is necessary, to be used for the purposes
3 34 designated:
3 35 For purposes of supporting urban conservation efforts to



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4 1 provide for effective surface water control, including  
 4 2 salaries, support, maintenance, miscellaneous purposes, and  
 4 3 for not more than the following full-time equivalent  
 4 4 positions:  
 4 5 ..... \$ 450,000  
 4 6 ..... FTEs 6.00  
 4 7 1. The appropriation and authorization of full-time  
 4 8 equivalent positions provided in this section shall be used to  
 4 9 supplement the number of technicians employed by the department  
 4 10 to assist communities in this state to plan strategies for water  
 4 11 storage, drainage, and movement, including but not limited to  
 4 12 storm water control measures, as determined by the department.  
 4 13 2. Notwithstanding section 8.33, moneys appropriated in this  
 4 14 section to the department of agriculture and land stewardship  
 4 15 that remain unencumbered or unobligated at the close of the  
 4 16 fiscal year shall not revert but shall remain available for  
 4 17 expenditure for the purposes designated until the close of the  
 4 18 fiscal year beginning July 1, 2012.  
 4 19 DIVISION III  
 4 20 EMERGENCY SUPPORT  
 4 21 Sec. 5. EMERGENCY RESTORATION OF SOIL AND WATER  
 4 22 CONSERVATION PRACTICES NOT COVERED BY FEDERAL OPERATION AND  
 4 23 MAINTENANCE AGREEMENTS. There is appropriated from the  
 4 24 general fund of the state to the department of agriculture and  
 4 25 land stewardship for the fiscal year beginning July 1, 2009,  
 4 26 and ending June 30, 2010, the following amount, or so much  
 4 27 thereof as is necessary, to be used for the purposes  
 4 28 designated:  
 4 29 1. For the restoration of permanent soil and water  
 4 30 conservation practices in order to prevent future erosion, in  
 4 31 excess of the applicable soil loss limits, caused by the  
 4 32 disaster emergency associated with the 2008 precipitation  
 4 33 event:  
 4 34 ..... \$ 6,000,000  
 4 35 2. The moneys appropriated in this section shall be used



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5 1 to provide one-time financing on a cost-share basis as  
 5 2 provided in chapter 161A, division V, part 2, to assist  
 5 3 landowners to reconstruct or repair soil and water  
 5 4 conservation practices which were constructed or maintained  
 5 5 under an operation and maintenance agreement executed with the  
 5 6 United States department of agriculture pursuant to 7 C.F.R.  
 5 7 pt. 654, if the landowners are not eligible to finance the  
 5 8 restoration under that agreement.

5 9 3. Notwithstanding section 8.33, moneys appropriated in  
 5 10 this section to the department of agriculture and land  
 5 11 stewardship that remain unencumbered or unobligated at the  
 5 12 close of the fiscal year shall not revert but shall remain  
 5 13 available for expenditure for the purposes designated until  
 5 14 the close of the fiscal year beginning July 1, 2012.

5 15 Sec. 6. EMERGENCY LOW-INTEREST LOANS. There is  
 5 16 appropriated from the general fund of the state to the  
 5 17 department of agriculture and land stewardship for the fiscal  
 5 18 year beginning July 1, 2009, and ending June 30, 2010, the  
 5 19 following amount, or so much thereof as is necessary, to be  
 5 20 used for the purposes designated:

5 21 1. For the maintenance of soil and water practices,  
 5 22 including but not limited to terraces, grass waterways, and  
 5 23 sediment retention basins in order to prevent erosion in  
 5 24 excess of the applicable soil loss limits, caused by the  
 5 25 disaster emergency associated with the 2008 precipitation  
 5 26 event:

5 27 ..... \$ 1,500,000

5 28 2. The moneys appropriated in this section shall be used  
 5 29 to provide low-interest loans to landowners upon terms and  
 5 30 conditions established by the department.

5 31 3. Moneys repaid to the department by landowners who have  
 5 32 received low-interest loans under this section shall be  
 5 33 deposited in the conservation practices revolving loan fund  
 5 34 for use as provided in section 161A.71.

5 35 4. Notwithstanding section 8.33, moneys appropriated in



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6 1 this section to the department of agriculture and land  
6 2 stewardship that remain unencumbered or unobligated at the  
6 3 close of the fiscal year shall not revert but shall remain  
6 4 available for expenditure for the purposes designated until  
6 5 the close of the fiscal year beginning July 1, 2012.

6 6     Sec. 7. EMERGENCY TECHNICAL SUPPORT AND ENGINEERING  
6 7 SERVICES. There is appropriated from the general fund of the  
6 8 state to the department of agriculture and land stewardship  
6 9 for the fiscal year beginning July 1, 2009, and ending June  
6 10 30, 2010, the following amount, or so much thereof as is  
6 11 necessary, to be used for the purposes designated:

6 12     1. For emergency technical support and engineering  
6 13 services required to provide for the restoration of permanent  
6 14 soil and water conservation practices in order to prevent  
6 15 erosion, in excess of the applicable soil loss limits, caused  
6 16 by the disaster emergency associated with the 2008  
6 17 precipitation event:

6 18 ..... \$ 3,000,000

6 19     2. The department may allocate the moneys appropriated in  
6 20 this section to soil and water conservation districts,  
6 21 landowners, or persons providing technical support and  
6 22 engineering.

6 23     3. Notwithstanding section 8.33, moneys appropriated in  
6 24 this section to the department of agriculture and land  
6 25 stewardship that remain unencumbered or unobligated at the  
6 26 close of the fiscal year shall not revert but shall remain  
6 27 available for expenditure for the purposes designated until  
6 28 the close of the fiscal year beginning July 1, 2012.

6 29     Sec. 8. EMERGENCY TECHNICAL PERSONNEL == SOIL AND WATER  
6 30 CONSERVATION DISTRICTS. There is appropriated from the  
6 31 general fund of the state to the department of agriculture and  
6 32 land stewardship for the fiscal year beginning July 1, 2009,  
6 33 and ending June 30, 2010, the following amount, or so much  
6 34 thereof as is necessary, to be used for the purposes  
6 35 designated:



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Senate Study Bill 1069 continued

7 1 1. For salaries, support, maintenance, miscellaneous  
 7 2 purposes, and for not more than the following full-time  
 7 3 equivalent positions:  
 7 4 ..... \$ 700,000  
 7 5 ..... FTEs 20.00

7 6 2. a. The moneys appropriated and the full-time  
 7 7 equivalent positions authorized in this section shall be  
 7 8 related to the employment of additional soil conservation  
 7 9 technicians in order to assist landowners in obtaining state  
 7 10 and federal assistance to prevent erosion, in excess of the  
 7 11 applicable soil loss limits, caused by the disaster emergency  
 7 12 associated with the 2008 precipitation event. The department  
 7 13 shall assign additional soil conservation technicians to soil  
 7 14 and water conservation districts according to a priority  
 7 15 process established by the department.

7 16 b. The moneys appropriated in this section may be used as  
 7 17 determined by the department to train the additional soil  
 7 18 conservation technicians, and to assist landowners to receive  
 7 19 financial incentives awarded pursuant to this Act and chapter  
 7 20 161A, division V, part 2. The moneys may be used to support  
 7 21 the purposes of the Iowa resources enhancement and protection  
 7 22 fund created pursuant to section 455A.18, and the water  
 7 23 protection fund created in section 161C.4. In addition, the  
 7 24 moneys may be used to supplement moneys allocated by the  
 7 25 federal government including under the environmental quality  
 7 26 incentives program (EQUP), 7 C.F.R. pt. 1466.

7 27 3. Notwithstanding section 8.33, moneys appropriated in  
 7 28 this section to the department of agriculture and land  
 7 29 stewardship that remain unencumbered or unobligated at the  
 7 30 close of the fiscal year shall not revert but shall remain  
 7 31 available for expenditure for the purposes designated until  
 7 32 the close of the fiscal year beginning July 1, 2012.

EXPLANATION

7 34 DIVISION I == LONG-TERM SOIL AND WATER MANAGEMENT  
 7 35 PRACTICES. This division appropriates moneys to the



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Senate Study Bill 1069 continued

8 1 department of agriculture and land stewardship for the fiscal  
8 2 year beginning July 1, 2009, for purposes of developing water  
8 3 management strategies, including methods to improve long-term  
8 4 soil and water management practices. The division  
8 5 appropriates moneys to: (1) study the impact of agricultural  
8 6 land management on Iowa's hydrology, (2) provide financial  
8 7 incentives to increase the design capacity of conservation  
8 8 structures, and (3) develop a statewide map using light  
8 9 detection and ranging (LIDAR) technology to illustrate ground  
8 10 elevations and floodplain locations.

8 11 Moneys appropriated to the department to conduct the study  
8 12 are for a two-year period ending June 30, 2011. Moneys  
8 13 appropriated to the department for financial incentives and  
8 14 developing LIDAR technology are for one fiscal year ending  
8 15 June 30, 2010. However, these moneys do not revert at the  
8 16 close of the fiscal year but remain available for expenditure  
8 17 until the close of the fiscal year beginning July 1, 2012.

8 18 DIVISION II == URBAN CONSERVATION. This division  
8 19 appropriates moneys from the general fund of the state to the  
8 20 department of agriculture and land stewardship for purposes of  
8 21 supporting urban conservation efforts, including by  
8 22 supplementing the number of technicians employed by the  
8 23 department to assist communities to plan strategies for water  
8 24 storage, drainage, and movement.

8 25 Moneys appropriated to the department are for the fiscal  
8 26 year ending June 30, 2010. However, these moneys do not  
8 27 revert at the close of the fiscal year but remain available  
8 28 for expenditure until the close of the fiscal year beginning  
8 29 July 1, 2012.

8 30 DIVISION III == EMERGENCY SUPPORT. This division provides  
8 31 for a number of appropriations to the department of  
8 32 agriculture and land stewardship to be used for the  
8 33 restoration of permanent soil and water conservation practices  
8 34 in order to prevent future erosion, in excess of applicable  
8 35 soil loss limits, associated with the 2008 snowmelt and rains



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9 1 (precipitation event). The appropriations are for the  
9 2 following purposes:  
9 3 1. To provide one-time financing on a cost-share basis to  
9 4 reconstruct or repair soil and water conservation practices  
9 5 which were constructed or maintained under an operation and  
9 6 maintenance agreement executed with the United States  
9 7 department of agriculture.  
9 8 2. To provide for emergency low-interest loans for the  
9 9 maintenance of soil and water practices, including but not  
9 10 limited to terraces, grass waterways, and sediment retention  
9 11 basins in order to prevent erosion, in excess of the  
9 12 applicable soil loss limits, caused by the disaster emergency  
9 13 associated with the 2008 precipitation event. Moneys are to  
9 14 be repaid to the conservation practices revolving loan fund  
9 15 (Code section 161A.71).  
9 16 3. To support emergency technical support and engineering  
9 17 services for allocation to soil and water conservation  
9 18 districts, landowners, or persons providing technical support  
9 19 and engineering.  
9 20 4. To support additional soil conservation technicians  
9 21 assigned to soil and water conservation districts in order to  
9 22 assist landowners in obtaining state and federal assistance.  
9 23 All unobligated or unexpended moneys that remain  
9 24 unencumbered or unobligated at the close of the fiscal year do  
9 25 not revert but remain available for expenditure for the  
9 26 purposes designated until the close of the fiscal year  
9 27 beginning July 1, 2012.  
9 28 LSB 1125DP 83  
9 29 da/rj/5.1