House File 50 - Introduced

HOUSE FILE
BY WESSEL=KROESCHELL, LENSING, WINCKLER, GAYMAN, GASKILL, and PETERSEN

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

A BILL FOR

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

House File 50 - Introduced continued

PAG LIN

1 1 Section 1. Section 69.16A, Code 2009, is amended to read
1 2 as follows:
1 3 69.16A GENDER BALANCE.
1 4 All appointive boards, commissions, committees, and
1 5 councils of the state, or of a political subdivision of the
1 6 state, that are established by the Code, if not otherwise
1 7 provided by law, shall be gender balanced. No person shall be
1 8 appointed or reappointed to any board, commission, committee,
1 9 or council established by the Code if that appointment or
1 10 reappointment would cause the number of members of the board,
1 11 commission, committee, or council of one gender to be greater
1 12 than one=half the membership of the board, commission,
1 13 committee, or council plus one if the board, commission,
1 14 committee, or council is composed of an odd number of members.
1 15 If the board, commission, committee, or council is composed of
1 16 an even number of members, not more than one=half of the
1 17 membership shall be of one gender. If there are multiple
1 18 appointing authorities for a board, commission, committee, or
1 19 council, they shall consult each other to avoid a violation of
1 20 this section. ~~This section shall not prohibit an individual~~
1 21 ~~from completing a term being served on June 30, 1987.~~
1 22 Sec. 2. APPLICABILITY. This Act is applicable to
1 23 appointive boards, commissions, committees, and councils of a
1 24 political subdivision of the state on and after January 1,
1 25 2012.
1 26 EXPLANATION
1 27 This bill requires appointive boards, commissions,
1 28 committees, and councils of a political subdivision of the
1 29 state that are established by the Iowa Code to be gender
1 30 balanced. Current law only applies the gender balance
1 31 requirement to state boards, commissions, committees, and
1 32 councils. The bill provides that the gender balance
1 33 requirement for political subdivisions applies beginning on
1 34 and after January 1, 2012.
1 35 LSB 1345HH 83

House File 50 - Introduced continued

2 1 ec/rj/8

House File 51 - Introduced

HOUSE FILE
BY STRUYK

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

A BILL FOR

An Act relating to civil service employment residency requirements.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1510YH 83
md/sc/5

House File 51 - Introduced continued

PAG LIN

1 1 Section 1. Section 400.17, unnumbered paragraph 3, Code
1 2 2009, is amended to read as follows:
1 3 Employees shall not be required to be a resident of the
1 4 city or state in which they are employed~~, but they shall~~
~~1 5 become a resident of the state at~~. Cities may set reasonable
1 6 maximum distances outside of the corporate limits of the city,
1 7 whether inside or outside of the state, that employees may
1 8 live. At the time such appointment or employment begins and
1 9 ~~shall remain a resident of the state~~ during employment the
1 10 employee shall live within the distances designated by the
1 11 city. ~~Cities may set reasonable maximum distances outside of~~
~~1 12 the corporate limits of the city that police officers, fire~~
~~1 13 fighters and other critical municipal employees may live.~~
1 14 EXPLANATION
1 15 Under current law, an employee under civil service is
1 16 required to be a resident of the state. This bill eliminates
1 17 the state residency requirement. The bill instead allows
1 18 cities to set reasonable maximum distances outside of the
1 19 corporate limits of the city that employees may live.
1 20 LSB 1510YH 83
1 21 md/sc/5

House File 52 - Introduced

HOUSE FILE
BY STRUYK

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

A BILL FOR

An Act relating to the coverage of specialized medical equipment under medical assistance home and community=based services waivers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1488YH 83
pf/nh/14

House File 52 - Introduced continued

PAG LIN

1 1 Section 1. HOME AND COMMUNITY=BASED SERVICES WAIVERS ==
1 2 SPECIALIZED MEDICAL EQUIPMENT. The department of human
1 3 services shall adopt rules to provide for the same level of
1 4 coverage of specialized medical equipment under all medical
1 5 assistance home and community=based services waivers.
1 6 EXPLANATION
1 7 This bill requires the department of human services to
1 8 adopt rules to provide for the same level of coverage of
1 9 specialized medical equipment under all medical assistance
1 10 home and community=based services waivers. Currently, only
1 11 the brain injury and physical disability waivers provide for
1 12 coverage of specialized medical equipment.
1 13 LSB 1488YH 83
1 14 pf/nh/14

House File 53 - Introduced

HOUSE FILE
BY STRUYK

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

A BILL FOR

An Act concerning the use of moneys appropriated but unexpended for certain vacant state employee positions.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1483YH 83
ec/rj/14

House File 53 - Introduced continued

PAG LIN

1 1 Section 1. Section 8.62, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 4. Notwithstanding any provision of this
1 4 section and section 8.39 to the contrary, if a full=time
1 5 equivalent position funded with an appropriation from the
1 6 general fund of the state remains vacant for a period of at
1 7 least forty=five days, the agency to which the appropriation
1 8 was made shall revert to the general fund of the state at the
1 9 close of the fiscal year the salary and benefits cost of that
1 10 position for the period of the vacancy.
1 11 EXPLANATION
1 12 This bill provides that moneys appropriated from the
1 13 general fund but not expended for the salary and benefits
1 14 costs of a full=time equivalent position that remains vacant
1 15 for at least 45 days shall revert to the general fund of the
1 16 state.
1 17 LSB 1483YH 83
1 18 ec/rj/14

House File 54 - Introduced

HOUSE FILE
BY STRUYK

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

A BILL FOR

An Act establishing a regulatory efficiency commission.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1499YH 83
tm/nh/5

House File 54 - Introduced continued

PAG LIN

1 1 Section 1. REGULATORY EFFICIENCY COMMISSION.
1 2 1. A regulatory efficiency commission is established for
1 3 purposes of identifying unneeded regulations, fines, and fees
1 4 that hinder business development. The commission shall also
1 5 identify methods for streamlining access to regulatory
1 6 information. The legislative services agency shall staff the
1 7 committee.
1 8 2. The commission shall consist of eight voting members
1 9 appointed by the governor and four ex officio members.
1 10 a. The eight voting members appointed by the governor are
1 11 subject to the requirements of sections 69.16, 69.16A, and
1 12 69.19. The eight members shall consist of the following:
1 13 (1) Two members shall be economic development
1 14 representatives from two different chambers of commerce. One
1 15 shall be from a metropolitan area with more than fifty
1 16 thousand people and one shall be from a metropolitan area with
1 17 fifty thousand people or less.
1 18 (2) Two members representing agricultural interests.
1 19 (3) One member representing the Iowa association of
1 20 business and industry.
1 21 (4) Two members representing commercial=based and
1 22 manufacturing=based businesses.
1 23 (5) One member representing the Iowa environmental
1 24 council.
1 25 b. The four ex officio members shall be members of the
1 26 general assembly. Two members shall be from the senate and
1 27 two members shall be from the house of representatives, with
1 28 not more than one member from each chamber being from the same
1 29 political party. The two senators shall be designated by the
1 30 president of the senate after consultation with the majority
1 31 and minority leaders of the senate. The two representatives
1 32 shall be designated by the speaker of the house of
1 33 representatives after consultation with the majority and
1 34 minority leaders of the house of representatives. Legislative
1 35 members shall serve in an ex officio, nonvoting capacity.

House File 54 - Introduced continued

2 1 3. Meetings of the commission are subject to the
2 2 provisions of chapter 21.
2 3 4. By January 10, 2010, the commission shall submit a
2 4 written report to the governor and the general assembly. The
2 5 report shall include the findings and legislative
2 6 recommendations of the commission. The report shall be
2 7 distributed by the secretary of the senate and the chief clerk
2 8 of the house of representatives to the chairpersons and
2 9 members of the administrative rules review committee and the
2 10 economic growth committees in the senate and the house of
2 11 representatives.
2 12 EXPLANATION
2 13 This bill establishes a regulatory efficiency commission
2 14 for purposes of identifying unneeded regulations, fines, and
2 15 fees that hinder business development. The bill provides that
2 16 the commission shall also identify methods for streamlining
2 17 access to regulatory information. The bill provides that the
2 18 commission shall consist of eight voting members appointed by
2 19 the governor and four nonvoting, ex officio members of the
2 20 general assembly. The bill provides that the meetings of the
2 21 commission are subject to open meetings laws. The bill
2 22 provides that, by January 10, 2010, the commission shall
2 23 submit a written report to the governor and the general
2 24 assembly that includes the findings and legislative
2 25 recommendations of the commission. The bill provides that the
2 26 report shall be distributed by the secretary of the senate and
2 27 the chief clerk of the house of representatives to the
2 28 chairpersons and members of the administrative rules review
2 29 committee and the economic growth committees in the senate and
2 30 the house of representatives.
2 31 LSB 1499YH 83
2 32 tm/nh/5

House File 55 - Introduced

HOUSE FILE
BY BAILEY

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

A BILL FOR

An Act concerning veterans affairs by establishing a county commissions of veteran affairs grant program, requiring the development of an internet website to assist veterans, and making an appropriation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1201YH 83
ec/nh/8

House File 55 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 35B.14A COUNTY COMMISSIONS OF
1 2 VETERAN AFFAIRS GRANT PROGRAM == APPROPRIATION.
1 3 1. A county commissions of veteran affairs grant program
1 4 is created under the control of the department of veterans
1 5 affairs to provide assistance to county commissions in serving
1 6 the needs of veterans.
1 7 2. The department shall establish a grant application
1 8 process and shall require each county applying for a grant to
1 9 submit a plan for utilizing the grant to improve outreach
1 10 services for veterans. The maximum grant to be awarded to a
1 11 county shall be five thousand dollars and may only be awarded
1 12 to a county once every three years. Grants awarded to a
1 13 county shall be used to acquire technology to enhance outreach
1 14 services for veterans.
1 15 3. Beginning with the fiscal year beginning July 1, 2009,
1 16 there is appropriated annually from the general fund of the
1 17 state to the department of veterans affairs one hundred fifty
1 18 thousand dollars for distribution to counties as grants
1 19 pursuant to the requirements of this section. Notwithstanding
1 20 section 8.33, moneys appropriated in this section that remain
1 21 unencumbered or unobligated at the close of the fiscal year
1 22 shall not revert to the fund from which appropriated but shall
1 23 be credited to the veterans trust fund created in section
1 24 35A.13.
1 25 Sec. 2. DEPARTMENT OF VETERANS AFFAIRS == WEBSITE
1 26 DEVELOPMENT == VETERAN TRANSITION ASSISTANCE. The department
1 27 of veterans affairs shall establish and develop an internet
1 28 website by January 1, 2010, to provide confidential assistance
1 29 for Iowa veterans as they transition back to civilian life
1 30 after serving in the military. The goal of the services
1 31 provided through the website is to help service members and
1 32 their families deal with the emotional and psychological
1 33 challenges they may be facing upon return from service.
1 34 EXPLANATION
1 35 This bill concerns efforts to provide outreach services to

House File 55 - Introduced continued

2 1 veterans.
2 2 The bill creates the county commissions of veteran affairs
2 3 grant program in the department of veterans affairs. The bill
2 4 appropriates $150,000 each fiscal year to the department for
2 5 the awarding of grants to counties for use in acquiring
2 6 technology to enhance outreach services to veterans. The bill
2 7 provides that the maximum grant to a county in a fiscal year
2 8 is $5,000 and a county may receive a grant only once every
2 9 three years. Moneys appropriated but not expended for the
2 10 grant program shall be credited to the veterans trust fund.
2 11 The bill also requires the department of veterans affairs
2 12 to establish an internet website by January 1, 2010, to
2 13 provide confidential assistance for Iowa veterans as they
2 14 transition back to civilian life after serving in the
2 15 military.
2 16 LSB 1201YH 83
2 17 ec/nh/8.1

House File 56 - Introduced

HOUSE FILE
BY WHITAKER

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

A BILL FOR

An Act relating to early childhood immunizations for influenza containing mercury and making penalties applicable.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1311HH 83
tm/nh/8

House File 56 - Introduced continued

PAG LIN

1 1 Section 1. Section 135.39B, subsection 1, Code 2009, is
1 2 amended to read as follows:
1 3 1. ~~Beginning January 1, 2006, early~~ Early childhood
1 4 immunizations administered in this state shall not contain
1 5 more than trace amounts of mercury.
1 6 Sec. 2. Section 135.39B, subsection 3, Code 2009, is
1 7 amended to read as follows:
1 8 3. The prohibition under this section shall not apply to
1 9 early childhood immunizations ~~for influenza or~~ in times of
1 10 emergency or epidemic as determined by the director of public
1 11 health. If an emergency or epidemic is determined to exist by
1 12 the director of public health under this subsection, the
1 13 director of public health shall notify the state board of
1 14 health, the governor, and the legislative council, and shall
1 15 notify the public upon request.
1 16 EXPLANATION
1 17 This bill relates to early childhood immunizations for
1 18 influenza containing mercury.
1 19 Currently, early childhood immunizations administered in
1 20 Iowa cannot contain more than trace amounts of mercury. An
1 21 exception to this prohibition exists for early childhood
1 22 immunizations for influenza and in times of emergency or
1 23 epidemic. The bill eliminates the exception for influenza
1 24 immunizations.
1 25 A violation of these provisions is a simple misdemeanor. A
1 26 simple misdemeanor is punishable by confinement for no more
1 27 than 30 days or a fine of at least $65 but not more than $625
1 28 or by both.
1 29 LSB 1311HH 83
1 30 tm/nh/8

House File 57 - Introduced

HOUSE FILE
BY WHITAKER

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

A BILL FOR

An Act relating to inclusion of assisted living services under the medical assistance home and community=based services waiver for the elderly.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1022YH 83
pf/nh/14

House File 57 - Introduced continued

PAG LIN

1 1 Section 1. HOME AND COMMUNITY=BASED SERVICES WAIVER FOR
1 2 THE ELDERLY == INCLUSION OF ASSISTED LIVING SERVICES.
1 3 1. The department of human services shall request a waiver
1 4 from the centers for Medicare and Medicaid services of the
1 5 United States department of health and human services to add
1 6 assisted living services to the home and community=based
1 7 services waiver for the elderly under the medical assistance
1 8 program.
1 9 2. If the department of human services receives approval
1 10 of the waiver, the department shall submit a plan for
1 11 implementation to the general assembly. However, the waiver
1 12 shall not be implemented prior to specific action by the
1 13 general assembly to implement the waiver.
1 14 EXPLANATION
1 15 This bill directs the department of human services (DHS) to
1 16 request a waiver from the centers for Medicare and Medicaid
1 17 services of the United States department of health and human
1 18 services to add assisted living services to the home and
1 19 community=based services waiver for the elderly under the
1 20 medical assistance program.
1 21 The bill provides that if DHS receives approval of the
1 22 waiver, DHS is to submit a plan for implementation to the
1 23 general assembly. The bill also prohibits DHS from
1 24 implementing the waiver prior to specific action being taken
1 25 by the general assembly to implement the waiver.
1 26 LSB 1022YH 83
1 27 pf/nh/14

House File 58 - Introduced

HOUSE FILE
BY WHITAKER

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

A BILL FOR

An Act exempting from the sales and use taxes as casual sales the provision of certain lawn care, landscaping, and custodial services to religious organizations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1503HH 83
tw/mg:sc/8

House File 58 - Introduced continued

PAG LIN

1 1 Section 1. Section 423.3, subsection 39, paragraph c,
1 2 subparagraph (3), Code 2009, is amended to read as follows:
1 3 (3) The owner of the business is a full=time student, or
1 4 is a person who provides lawn care, landscaping, or custodial
1 5 services to a religious organization.
1 6 EXPLANATION
1 7 This bill amends the definition of a "casual sale" for
1 8 purposes of the casual sales exemption from the sales and use
1 9 taxes by making providers of lawn care, landscaping, and
1 10 custodial services to religious organizations eligible for the
1 11 exemption provided the existing requirements for a casual sale
1 12 are also met.
1 13 LSB 1503HH 83
1 14 tw/mg:sc/8

House File 59 - Introduced

HOUSE FILE
BY KRESSIG

(COMPANION TO SF 19 BY HANCOCK)

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

A BILL FOR

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

House File 59 - Introduced continued

PAG LIN

1 1 Section 1. Section 80.28, subsection 2, paragraph b, Code
1 2 2009, is amended to read as follows:
1 3 b. The following members, to be appointed by the governor
1 4 from nominees submitted by volunteer and professional
1 5 organizations associated with the following:
1 6 (1) Two members who are representatives from municipal
1 7 police departments.
1 8 (2) Two members who are representatives of sheriff's
1 9 offices.
1 10 (3) Two members who are representatives from fire
1 11 departments. One of the members shall be a volunteer fire
1 12 fighter.
1 13 (4) Two members who are law communication center managers
1 14 employed by state or local government agencies.
1 15 (5) One at=large member.
1 16 Sec. 2. Section 80.28, Code 2009, is amended by adding the
1 17 following new subsection:
1 18 NEW SUBSECTION. 2A. In addition to the voting members,
1 19 the board membership shall include four members of the general
1 20 assembly with one member designated by each of the following:
1 21 the majority leader of the senate, the minority leader of the
1 22 senate, the speaker of the house of representatives, and the
1 23 minority leader of the house of representatives. A
1 24 legislative member serves for a term as provided in section
1 25 69.16B in an ex officio, nonvoting capacity and is eligible
1 26 for per diem and expenses as provided in section 2.10.
1 27 Sec. 3. Section 80.28, subsection 3, Code 2009, is amended
1 28 to read as follows:
1 29 3. ~~Board~~ The voting members of the board shall be
1 30 appointed in compliance with sections 69.16 and 69.16A.
1 31 Members shall elect a chairperson and vice chairperson from
1 32 the board membership, who shall serve two=year terms. The
1 33 members appointed by the governor shall be appointed to
1 34 three=year staggered terms and the terms shall commence and
1 35 end as provided by section 69.19. ~~The governor shall solicit~~

~~House File 59 - Introduced continued~~

~~2 1 and consider recommendations from professional or volunteer~~
~~2 2 organizations in making appointments to the board.~~ If a
2 3 vacancy occurs among the voting members, a successor shall be
2 4 appointed to serve the unexpired term. A successor shall be
2 5 appointed in the same manner and subject to the same
2 6 qualifications as the original appointment to serve the
2 7 unexpired term. ~~Members~~ The voting members of the board are
2 8 entitled to receive reimbursement for actual expenses incurred
2 9 while engaged in the performance of official duties from funds
2 10 appropriated to the department of public safety and the state
2 11 department of transportation for that purpose. The
2 12 departments shall enter into an agreement to provide
2 13 administrative assistance and support to the board.
2 14 Sec. 4. EFFECTIVE DATE. This Act, being deemed of
2 15 immediate importance, takes effect upon enactment and
2 16 initially applies to appointments made on or after April 1,
2 17 2009.
2 18 EXPLANATION
2 19 This bill relates to the membership of the public safety
2 20 communications interoperability board under Code section
2 21 80.28. The term "interoperability" means the ability of
2 22 public safety and public services personnel to communicate and
2 23 to share data on an immediate basis, on demand, when needed,
2 24 and when authorized.
2 25 The bill revises requirements for the voting members of the
2 26 board representing various types of public safety and public
2 27 services personnel by requiring appointments from nominees
2 28 submitted by professional and volunteer organizations
2 29 associated with the personnel. This provision replaces
2 30 current law which requires the governor to solicit and
2 31 consider recommendations in making appointments. The bill
2 32 specifies that one of the two members representing fire
2 33 departments must be a volunteer fire fighter.
2 34 The bill also adds four legislators to serve in an ex
2 35 officio, nonvoting capacity. The legislators are appointed by

House File 59 - Introduced continued

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

House File 60 - Introduced

HOUSE FILE
BY TYMESON

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

A BILL FOR

An Act relating to a petition for a name change filed on behalf of a minor child under the age of fourteen.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1494YH 83
rh/rj/14

House File 60 - Introduced continued

PAG LIN

1 1 Section 1. Section 674.6, Code 2009, is amended to read as
1 2 follows:
1 3 674.6 NOTICE == CONSENT.
1 4 1. If the petitioner is married, the petitioner must give
1 5 legal notice to the spouse, in the manner of an original
1 6 notice, of the filing of the petition.
1 7 2. If the petition includes or is filed on behalf of a
1 8 minor child fourteen years of age or older, the child's
1 9 written consent to the change of name of that child is
1 10 required.
1 11 3. If the petition includes or is filed on behalf of a
1 12 minor child under fourteen, ~~both parents as stated on the~~
~~1 13 birth certificate of the minor child shall file their written~~
~~1 14 consent to the name change. If one of the parents does not~~
~~1 15 consent to the name change,~~ a hearing shall be set on the
1 16 petition on twenty days' notice to ~~the nonconsenting parent~~
1 17 both parents pursuant to the rules of civil procedure. At the
1 18 hearing the court ~~may waive the requirement of consent as to~~
~~1 19 one of the parents if it finds:~~
1 20 ~~1. That the parent has abandoned the child;~~
1 21 ~~2. That the parent has been ordered to contribute to the~~
~~1 22 support of the child or to financially aid in the child's~~
~~1 23 birth and has failed to do so without good cause; or~~
1 24 ~~3. That the parent does not object to the name change~~
~~1 25 after having been given due and proper notice~~ shall determine
1 26 whether, in the best interests of the child, the name change
1 27 is warranted.
1 28 EXPLANATION
1 29 This bill relates to a petition for a name change filed on
1 30 behalf of a minor child under the age of 14.
1 31 Current law provides that a petition for a name change
1 32 filed on behalf of a minor child under the age of 14 requires
1 33 the written consent of both parents. If one of the parents
1 34 does not consent to the name change, a hearing shall be held
1 35 upon proper notice to the nonconsenting parent, but the court

House File 60 - Introduced continued

2 1 may waive the consent requirement as to one of the parents if
2 2 the court finds that the parent has abandoned the child, that
2 3 the parent has been ordered to contribute to the support of
2 4 the child or to financially aid in the child's birth and has
2 5 failed to do so without good cause, or that the parent does
2 6 not object to the name change after having been given due and
2 7 proper notice.
2 8 The bill eliminates the requirement that both parents must
2 9 consent to the name change but requires the court to hold a
2 10 hearing, upon proper notice to both parents, to determine
2 11 whether, in the best interests of the child, a name change is
2 12 warranted.
2 13 LSB 1494YH 83
2 14 rh/rj/14

House File 61 - Introduced

HOUSE FILE
BY TYMESON

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

A BILL FOR

An Act increasing the amount of an Iowa tuition grant a qualified student may receive.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1239YH 83
kh/rj/8

House File 61 - Introduced continued

PAG LIN

1 1 Section 1. Section 261.12, subsection 1, paragraphs a and
1 2 b, Code 2009, are amended to read as follows:
1 3 a. The total tuition and mandatory fees for that student
1 4 for two semesters or the trimester or quarter equivalent, less
1 5 the base amount determined annually by the college student aid
1 6 commission, which base amount shall be within ten dollars of
1 7 the average tuition for two semesters or the trimester
1 8 equivalent of undergraduate study at the state universities
1 9 under the board of regents, but in any event the base amount
1 10 shall not be less than ~~four~~ five hundred dollars; or
1 11 b. For the fiscal year beginning July 1, ~~2000~~ 2009, and
1 12 for each following fiscal year, ~~four~~ five thousand dollars.
1 13 EXPLANATION
1 14 This bill increases the base amount a qualified student
1 15 receives annually under the Iowa tuition grant program from
1 16 $400 to $500, and increases the total amount a qualified
1 17 student may receive annually from $4,000 to $5,000. The
1 18 maximum amount is currently set at $4,000 for fiscal year 2001
1 19 and succeeding fiscal years.
1 20 LSB 1239YH 83
1 21 kh/rj/8

House File 62 - Introduced

HOUSE FILE
BY TYMESON

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

A BILL FOR

An Act to make a decision by an administrative law judge final agency action for the purposes of judicial review.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1283YH 83
jr/rj/5

House File 62 - Introduced continued

PAG LIN

1 1 Section 1. Section 10A.801, subsection 10, Code 2009, is
1 2 amended by striking the subsection and inserting in lieu
1 3 thereof the following:
1 4 10. As provided by section 17A.15, decisions of
1 5 administrative law judges employed by the division constitute
1 6 final agency action for purposes of judicial review, except to
1 7 the extent specified otherwise by statute.
1 8 Sec. 2. Section 17A.15, subsections 1 and 2, Code 2009,
1 9 are amended to read as follows:
1 10 1. ~~When~~ Except as otherwise provided by statute, when the
1 11 agency or an administrative law judge presides at the
1 12 reception of the evidence in a contested case, the decision of
1 13 the agency is a final decision.
1 14 2. ~~When~~ Except as otherwise provided by statute, when the
1 15 agency or an administrative law judge did not preside at the
1 16 reception of the evidence in a contested case, the presiding
1 17 officer shall make a proposed decision. Findings of fact
1 18 shall be prepared by the officer presiding at the reception of
1 19 the evidence in a contested case unless the officer becomes
1 20 unavailable to the agency. If the officer is unavailable, the
1 21 findings of fact may be prepared by another person qualified
1 22 to be a presiding officer who has read the record, unless
1 23 demeanor of witnesses is a substantial factor. If demeanor is
1 24 a substantial factor and the presiding officer is unavailable,
1 25 the portions of the hearing involving demeanor shall be heard
1 26 again or the case shall be dismissed.
1 27 EXPLANATION
1 28 Many administrative agencies have the authority to conduct
1 29 trial=type hearings, called contested cases, and issue binding
1 30 decisions. Those decisions may then be appealed to district
1 31 court. Under current law, the head of the agency, whether a
1 32 board, commission, or agency director, is entitled to make the
1 33 final decision in these cases. In many cases the agency head
1 34 does not actually preside at the hearing itself. In those
1 35 situations the presiding officer at the hearing, often an

House File 62 - Introduced continued

2 1 administrative law judge, renders a proposed decision which
2 2 can later be upheld, reversed, or modified by the head of the
2 3 agency.
2 4 This bill provides that when an administrative law judge
2 5 presides at a contested case hearing, the resulting decision
2 6 is final agency action, and the agency head cannot reverse or
2 7 modify the decision. Several administrative agencies have a
2 8 procedure established in their own enabling statutes, and for
2 9 this reason, the bill has an exception for these statutory
2 10 provisions.
2 11 LSB 1283YH 83
2 12 jr/rj/5

House File 63 - Introduced

HOUSE FILE
BY TYMESON

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

A BILL FOR

An Act relating to the dental screening program for children enrolling in elementary or high school.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1504YH 83
pf/nh/14

House File 63 - Introduced continued

PAG LIN

1 1 Section 1. Section 135.17, subsection 1, paragraph b, Code
1 2 2009, is amended to read as follows:
1 3 b. A person performing a dental screening required by this
1 4 section shall record the fact of having conducted the
1 5 screening~~,~~ and only such additional information required by
1 6 the department~~,~~ necessary to identify the student, the
1 7 student's parent or guardian, the dental screening provider,
1 8 and the student's school. The information shall be reported
1 9 on uniform forms developed by the department in cooperation
1 10 with the department of education. ~~The form shall include a~~
~~1 11 space for the person performing the screening to summarize any~~
~~1 12 condition that may indicate a need for special services.~~
1 13 Sec. 2. Section 135.17, Code 2009, is amended by adding
1 14 the following new subsection:
1 15 NEW SUBSECTION. 3A. Nothing in this section shall be
1 16 construed to establish a duty on the part of a public or
1 17 nonpublic school to provide or ensure provision of proper
1 18 dental care to any student.
1 19 EXPLANATION
1 20 This bill amends provisions relating to the dental
1 21 screening of children program. The bill eliminates language
1 22 that would require a person performing a dental screening to
1 23 provide a summary of any condition that may indicate a need
1 24 for special services. Instead, the person would only report
1 25 that the screening had been completed and information required
1 26 by the department necessary to identify the student, the
1 27 student's parent or guardian, the dental screening provider,
1 28 and the student's school.
1 29 The bill also includes language regarding liability of a
1 30 school relative to the dental screening by providing that the
1 31 provisions of the law are not to be construed to establish a
1 32 duty on the part of a public or nonpublic school to provide or
1 33 ensure provision of proper dental care to any student.
1 34 LSB 1504YH 83
1 35 pf/nh/14

House File 64 - Introduced

HOUSE FILE
BY COMMITTEE ON REBUILD IOWA
AND DISASTER RECOVERY

(SUCCESSOR TO HSB 64)

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

A BILL FOR

An Act relating to disaster assistance by providing a jumpstart housing assistance program, disaster aid individual assistance grants, a rebuild Iowa office, and community disaster grants, making appropriations, and providing effective and retroactive applicability dates.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1877HV 83
tm/rj/5

House File 64 - Introduced continued

PAG LIN

1 1 DIVISION I
1 2 JUMPSTART HOUSING ASSISTANCE
1 3 Section 1. NEW SECTION. 16.191 JUMPSTART HOUSING
1 4 ASSISTANCE PROGRAM.
1 5 1. The Iowa finance authority shall establish and
1 6 administer a jumpstart housing assistance program. Under the
1 7 program, the authority shall provide grants to local
1 8 government participants for purposes of distributing the
1 9 moneys to eligible residents for eligible purposes relating to
1 10 disaster=affected homes.
1 11 2. An eligible resident is a person residing in a
1 12 disaster=affected home who is the owner of record of a right,
1 13 title, or interest in the disaster=affected home and who
1 14 either has been approved by the federal emergency management
1 15 agency for housing assistance or has a family income equal to
1 16 or less than one hundred fifty percent of the county median
1 17 family income.
1 18 3. a. Eligible purposes include forgivable loans for down
1 19 payment assistance and housing repair or rehabilitation and
1 20 forgivable loans for interim mortgage assistance. An eligible
1 21 resident who receives a forgivable loan may also receive
1 22 energy efficiency assistance which shall be added to the
1 23 principal of the forgivable loan. Forgivable loans shall be
1 24 for a term of not more than ten years.
1 25 b. Forgivable loans awarded after the effective date of
1 26 this division of this Act shall be awarded pursuant to the
1 27 following priorities:
1 28 (1) First priority shall be given to eligible residents
1 29 who have not received any moneys under the jumpstart housing
1 30 assistance program prior to the effective date of this
1 31 division of this Act.
1 32 (2) Second priority shall be given to eligible residents
1 33 who have received less than twenty=four thousand nine hundred
1 34 ninety=nine dollars under the jumpstart housing assistance
1 35 program prior to the effective date of this division of this

House File 64 - Introduced continued

2 1 Act.
2 2 (3) Third priority shall be given to eligible residents
2 3 who have received twenty=four thousand nine hundred
2 4 ninety=nine dollars under the jumpstart housing assistance
2 5 program prior to the effective date of this division of this
2 6 Act and who continue to have unmet needs for down payment
2 7 assistance, housing repair or rehabilitation, interim mortgage
2 8 assistance, or energy efficiency assistance.
2 9 4. Except as provided in subsection 3, paragraph "b",
2 10 subparagraph (3), an eligible resident who meets the county
2 11 median family income requirement shall not receive more than
2 12 twenty=four thousand nine hundred ninety=nine dollars under
2 13 the program.
2 14 5. A local government participant may retain a portion of
2 15 the grant moneys for administrative purposes as provided in a
2 16 grant agreement between the authority and the local government
2 17 participant. The moneys retained for administrative purposes
2 18 shall not exceed three percent of the moneys received by a
2 19 local government participant.
2 20 6. Any moneys paid to a local government participant by an
2 21 eligible resident shall be remitted to the authority for
2 22 deposit in the housing assistance fund created in section
2 23 16.40.
2 24 7. As determined by the authority, unused or unobligated
2 25 moneys in the jumpstart housing assistance program may be
2 26 reclaimed and reallocated by the authority to other local
2 27 government participants.
2 28 8. As used in this section, unless the context otherwise
2 29 requires:
2 30 a. "Disaster=affected home" means a dwelling that was
2 31 destroyed or damaged due to a natural disaster occurring after
2 32 May 24, 2008, and before August 14, 2008.
2 33 b. "Local government participant" means the cities of
2 34 Ames, Cedar Falls, Cedar Rapids, Council Bluffs, Davenport,
2 35 Des Moines, Dubuque, Iowa City, Waterloo, and West Des Moines;

House File 64 - Introduced continued

3 1 a council of governments whose territory includes at least one
3 2 county that was declared a disaster area by the president of
3 3 the United States after May 24, 2008, and before August 14,
3 4 2008; and any county that is not part of any council of
3 5 governments and that was declared a disaster area by the
3 6 president of the United States after May 24, 2008, and before
3 7 August 14, 2008.
3 8 Sec. 2. APPROPRIATION. There is appropriated from the
3 9 Iowa economic emergency fund created in section 8.55 to the
3 10 Iowa finance authority for the fiscal year beginning July 1,
3 11 2008, and ending June 30, 2009, the following amount, or so
3 12 much thereof as is necessary, to be used for the purposes
3 13 designated:
3 14 For the jumpstart housing assistance program:
3 15 ..... $ 24,000,000
3 16 Notwithstanding section 8.33 and section 8.55, subsection
3 17 3, paragraph "a", moneys appropriated in this section that
3 18 remain unencumbered or unobligated at the close of the fiscal
3 19 year shall not revert but shall remain available for
3 20 expenditure for the purposes designated until the close of the
3 21 succeeding fiscal year.
3 22 Sec. 3. EMERGENCY RULES. The authority may adopt
3 23 emergency rules under section 17A.4, subsection 3, and section
3 24 17A.5, subsection 2, paragraph "b", to implement the
3 25 provisions of this division of this Act and the rules shall be
3 26 effective immediately upon filing unless a later date is
3 27 specified in the rules. Any rules adopted in accordance with
3 28 this section shall also be published as a notice of intended
3 29 action as provided in section 17A.4.
3 30 Sec. 4. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.
3 31 This division of this Act, being deemed of immediate
3 32 importance, takes effect upon enactment and applies
3 33 retroactively to September 1, 2008, and is applicable on and
3 34 after that date.
3 35 DIVISION II

House File 64 - Introduced continued

4 1 DISASTER AID INDIVIDUAL ASSISTANCE GRANTS
4 2 Sec. 5. DISASTER AID INDIVIDUAL ASSISTANCE GRANTS ==
4 3 APPROPRIATION.
4 4 1. There is appropriated from the Iowa economic emergency
4 5 fund created in section 8.55 to the department of human
4 6 services for the fiscal year beginning July 1, 2008, and
4 7 ending June 30, 2009, the following amount, or so much thereof
4 8 as is necessary, to be used for the purposes designated:
4 9 For providing disaster aid individual assistance grants
4 10 pursuant to the requirements in this section:
4 11 ..... $ 10,000,000
4 12 2. The grant funds shall be administered by the department
4 13 of human services under the Iowa disaster aid individual
4 14 assistance grant program created under section 29C.20A.
4 15 Notwithstanding contrary provisions of section 29C.20A and
4 16 rules adopted to administer the program, a grant recipient
4 17 shall not receive more than two thousand five hundred dollars
4 18 per household, a grant recipient shall have an annual
4 19 household income that is less than three hundred percent of
4 20 the federal poverty level based on the number of people in the
4 21 recipient's household as defined by the most recently revised
4 22 poverty income guidelines published by the United States
4 23 department of health and human services, and a recipient's
4 24 eligible expenses may include mental health expenses.
4 25 3. Notwithstanding contrary provisions of section 29C.20A,
4 26 the department shall not be reimbursed using moneys
4 27 appropriated under this section for administrative costs
4 28 associated with administering the grants awarded from moneys
4 29 appropriated under this section.
4 30 4. Notwithstanding contrary provisions of section 29C.20A,
4 31 grants may be awarded to recipients located in an area for
4 32 which the president of the United States declared a disaster
4 33 to exist any time during 2008 or for which the governor
4 34 proclaimed a state of disaster emergency pursuant to section
4 35 29C.6.

House File 64 - Introduced continued

5 1 5. Notwithstanding section 8.33 and section 8.55,
5 2 subsection 3, paragraph "a", moneys appropriated in this
5 3 section that remain unencumbered or unobligated at the close
5 4 of the fiscal year shall not revert but shall remain available
5 5 for expenditure for the purposes designated until the close of
5 6 the succeeding fiscal year.
5 7 Sec. 6. EFFECTIVE DATE. This division of the Act, being
5 8 deemed of immediate importance, takes effect upon enactment.
5 9 DIVISION III
5 10 COMMUNITY DISASTER GRANTS
5 11 Sec. 7. COMMUNITY DISASTER GRANTS == APPROPRIATION.
5 12 1. There is appropriated from the Iowa economic emergency
5 13 fund created in section 8.55 to the department of management
5 14 for the fiscal year beginning July 1, 2008, and ending June
5 15 30, 2009, the following amount, or so much thereof as is
5 16 necessary, to be used for the purposes designated:
5 17 For community disaster grants to cities and counties:
5 18 ..... $ 22,000,000
5 19 2. a. The department of management shall divide the
5 20 moneys appropriated under this section and award grants to
5 21 cities and counties based on their pro rata share of the total
5 22 statewide damage costs associated with natural disasters
5 23 occurring after May 24, 2008, and before August 14, 2008, as
5 24 calculated by the federal emergency management agency as of
5 25 January 1, 2009.
5 26 b. Moneys awarded under this section shall be used by the
5 27 recipient for any of the following purposes:
5 28 (1) Small business assistance.
5 29 (2) Nonprofit organization assistance.
5 30 (3) Assistance for the public purchase of land and
5 31 accompanying structures if financial assistance for such
5 32 purchases is not available from the federal emergency
5 33 management agency.
5 34 (4) Assistance for the replacement or rehabilitation of
5 35 housing.

House File 64 - Introduced continued

6 1 (5) Assistance for the repair or replacement of public
6 2 infrastructure.
6 3 (6) Assistance for increased costs associated with the
6 4 revaluation and assessment of property due to a natural
6 5 disaster occurring in 2008.
6 6 3. The department of management and grant recipients shall
6 7 not use any moneys appropriated under this section for
6 8 purposes of reimbursement for administrative costs.
6 9 4. By January 1, 2010, each grant recipient under this
6 10 section shall submit a written report to the department of
6 11 management specifying the allocation and uses of moneys
6 12 received pursuant to this section. By January 8, 2010, the
6 13 department of management shall forward copies of all reports
6 14 received to the governor and the general assembly.
6 15 5. Notwithstanding section 8.33 and section 8.55,
6 16 subsection 3, paragraph "a", moneys appropriated in this
6 17 section that remain unencumbered or unobligated at the close
6 18 of the fiscal year shall not revert but shall remain available
6 19 for expenditure for the purposes designated until the close of
6 20 the succeeding fiscal year.
6 21 Sec. 8. EFFECTIVE DATE. This division of the Act, being
6 22 deemed of immediate importance, takes effect upon enactment.
6 23 DIVISION IV
6 24 REBUILD IOWA OFFICE
6 25 Sec. 9. REBUILD IOWA OFFICE.
6 26 1. A rebuild Iowa office is created for purposes of
6 27 coordinating the state activities associated with the
6 28 rebuilding efforts following the natural disasters occurring
6 29 in this state after May 24, 2008, and before August 14, 2008.
6 30 The homeland security and emergency management division of the
6 31 department of public defense shall provide administrative
6 32 support to the rebuild Iowa office.
6 33 2. The rebuild Iowa office shall be administered by an
6 34 executive director who shall be appointed by the governor.
6 35 3. The rebuild Iowa office shall do all of the following:

House File 64 - Introduced continued

7 1 a. Enter into contracts.
7 2 b. Receive intradepartmental and interdepartmental
7 3 transfers of moneys pursuant to section 8.39.
7 4 c. Perform all other lawful actions consistent with the
7 5 purposes and duties of the office.
7 6 d. Establish and pursue short=term priorities for recovery
7 7 and long=term plans for redevelopment.
7 8 e. Establish federal and state goals for the recovery and
7 9 rebuilding efforts and coordinate such efforts among
7 10 governmental entities to implement the goals.
7 11 f. Identify funding sources and innovative financing
7 12 alternatives to adequately fund recovery and redevelopment.
7 13 g. Receive federal moneys and establish guidelines for
7 14 disbursing such moneys.
7 15 h. Establish timelines and benchmarks by which progress in
7 16 disaster recovery and long=term reconstruction can be
7 17 measured.
7 18 i. Provide a means for members of the general public, the
7 19 business community, nonprofit organizations, communities, and
7 20 other stakeholders to have input regarding the recovery
7 21 process.
7 22 j. Provide state and local government with guidance for
7 23 long=term recovery and redevelopment after a disaster.
7 24 k. By January 31, 2010, and January 31, 2011, submit a
7 25 written report to the governor and the general assembly
7 26 regarding the activities of the office during the previous
7 27 calendar year.
7 28 4. a. A coordinating council is established to facilitate
7 29 communication between state agencies and the rebuild Iowa
7 30 office. The rebuild Iowa office shall provide staffing for
7 31 the council and the executive director of the rebuild Iowa
7 32 office shall serve as the chairperson.
7 33 b. The council shall consist of the director, or the
7 34 director's designee, of all of the following state agencies:
7 35 (1) The department of economic development.

House File 64 - Introduced continued

8 1 (2) The Iowa finance authority.
8 2 (3) The department of human services.
8 3 (4) The department of education.
8 4 (5) The department of cultural affairs.
8 5 (6) The college student aid commission.
8 6 (7) The department of public health.
8 7 (8) The department of workforce development.
8 8 (9) The department of public defense, homeland security
8 9 and emergency management division.
8 10 (10) The board of regents.
8 11 (11) The department of transportation.
8 12 (12) The department of natural resources.
8 13 (13) The department of management.
8 14 (14) The department of elder affairs.
8 15 c. The executive director of the rebuild Iowa office may
8 16 request representation on the council from other state
8 17 agencies.
8 18 5. All state agencies shall, to the greatest extent
8 19 practicable, cooperate with and provide support to the rebuild
8 20 Iowa office.
8 21 6. The governor may assign any executive branch employee
8 22 to serve in the rebuild Iowa office.
8 23 7. This section is repealed June 30, 2011.
8 24 Sec. 10. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.
8 25 This division of this Act, being deemed of immediate
8 26 importance, takes effect upon enactment, applies retroactively
8 27 to June 27, 2008, and applies on and after that date.
8 28 EXPLANATION
8 29 This bill relates to disaster assistance by providing a
8 30 jumpstart housing assistance program, disaster aid individual
8 31 assistance grants, community disaster grants, and rebuild Iowa
8 32 office, and making appropriations.
8 33 DIVISION I. This division of the bill requires the Iowa
8 34 finance authority to establish and administer a jumpstart
8 35 housing assistance program to provide grants to local

House File 64 - Introduced continued

9 1 government participants for purposes of distributing the
9 2 moneys to eligible residents for eligible purposes which
9 3 relate to disaster=affected homes. An eligible resident is a
9 4 person residing in a disaster=affected home who is the owner
9 5 of record of a right, title, or interest in the
9 6 disaster=affected home and who either has been approved by the
9 7 federal emergency management agency for housing assistance or
9 8 meets certain income requirements. A disaster=affected home
9 9 is a dwelling that was destroyed or damaged due to a natural
9 10 disaster occurring after May 24, 2008, and before August 14,
9 11 2008. Eligible purposes include forgivable loans for down
9 12 payment assistance and housing repair or rehabilitation and
9 13 forgivable loans for interim mortgage assistance. The bill
9 14 prioritizes eligible residents for the receipt of forgivable
9 15 loans.
9 16 The division appropriates from the Iowa economic emergency
9 17 fund to the Iowa finance authority for FY 2008=2009 $24
9 18 million for the jumpstart housing assistance program.
9 19 The division allows the authority to adopt emergency rules
9 20 to implement the division's provisions.
9 21 The division takes effect upon enactment and applies
9 22 retroactively to September 1, 2008.
9 23 DIVISION II. This division of the bill appropriates from
9 24 the Iowa economic emergency fund to the department of human
9 25 services for FY 2008=2009 $10 million for providing disaster
9 26 aid individual assistance grants. The grant funds shall be
9 27 administered by the department of human services under the
9 28 Iowa disaster aid individual assistance grant program. The
9 29 division provides that notwithstanding contrary provisions of
9 30 Code section 29C.20A and rules adopted to administer the
9 31 program, a grant recipient shall not receive more than $2,500
9 32 per household, shall have an annual household income that is
9 33 less than 300 percent of the federal poverty level, and
9 34 eligible expenses may include mental health expenses. The
9 35 division provides that, notwithstanding contrary provisions of

House File 64 - Introduced continued

10 1 Code section 29C.20A, the department shall not be reimbursed
10 2 for administrative costs using the moneys appropriated. The
10 3 division provides that, notwithstanding contrary provisions of
10 4 Code section 29C.20A, grants may be awarded to recipients
10 5 located in an area for which the president of the United
10 6 States declared a disaster to exist any time during 2008 or
10 7 for which the governor proclaimed a state of disaster
10 8 emergency.
10 9 The division takes effect upon enactment.
10 10 DIVISION III. This division of the bill appropriates from
10 11 the Iowa economic emergency fund to the department of
10 12 management for FY 2008=2009 $22 million for community disaster
10 13 grants to cities and counties. The division requires the
10 14 department of management to divide the appropriated moneys and
10 15 award grants to cities and counties based on their pro rata
10 16 share of the total statewide damage costs associated with
10 17 natural disasters occurring after May 24, 2008, and before
10 18 August 14, 2008, as calculated by the federal emergency
10 19 management agency as of January 1, 2009. The division
10 20 requires moneys awarded to be used by the recipient for small
10 21 business assistance, nonprofit organization assistance,
10 22 assistance for the public purchase of land and accompanying
10 23 structures if financial assistance for such purchases is not
10 24 available from the federal emergency management agency,
10 25 assistance for the replacement or rehabilitation of housing,
10 26 assistance for the repair or replacement of public
10 27 infrastructure, and assistance for increased costs associated
10 28 with the revaluation and reassessment of property due to a
10 29 natural disaster occurring in 2008. The division prohibits
10 30 the use of appropriated moneys for administrative costs and
10 31 provides reporting requirements.
10 32 The division takes effect upon enactment.
10 33 DIVISION IV. This division of the bill creates a rebuild
10 34 Iowa office for purposes of coordinating the state activities
10 35 associated with the rebuilding efforts following the natural

House File 64 - Introduced continued

11 1 disasters occurring after May 24, 2008, and before August 14,
11 2 2008. The division also establishes a coordinating council to
11 3 facilitate communication between state agencies and the
11 4 rebuild Iowa office. The rebuild Iowa office is eliminated on
11 5 June 30, 2011. The provision takes effect upon enactment and
11 6 applies retroactively to June 27, 2008, and is applicable on
11 7 and after that date.
11 8 LSB 1877HV 83
11 9 tm/rj/5

House Joint Resolution 2 - Introduced

HOUSE JOINT RESOLUTION
BY REICHERT

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

HOUSE JOINT RESOLUTION

A Joint Resolution designating the channel catfish as the official state fish for the State of Iowa.

WHEREAS, the channel catfish (ictalurus punctatus) is a native fish to Iowa's prairie streams and rivers inhabiting all 99 counties, and is one of the most abundant fish in Iowa lakes, streams, and rivers; and

WHEREAS, the channel catfish's appearance is easily recognizable by its slender scaleless body, deeply forked tail, fleshy whiskers, and sharp spines; and

WHEREAS, the channel catfish can be caught with a wide variety of tackle, most of which is inexpensive and available to all anglers; and

WHEREAS, the channel catfish is excellent table fare, with Iowa anglers reporting that they eat catfish more often than any other sport fish; and

WHEREAS, more Iowans participate in sport fishing than any other outdoor recreational sport with nearly 620,000 anglers spending approximately $365 million annually and generating $1.2 billion in economic activity; and

WHEREAS, the channel catfish is the most preferred fish among Iowa anglers, reaching trophy size above 30 pounds and providing pole=bending action, with over four million caught annually; and

WHEREAS, the channel catfish is an important fish to Mississippi river commercial fishers with nearly 650,000 pounds of channel catfish marketed each year from the river; NOW THEREFORE,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1819HH 83
av/rj/5

House Joint Resolution 2 - Introduced continued

PAG LIN

1 1 Section 1. STATE FISH DESIGNATED. The channel catfish
1 2 (ictalurus punctatus) is designated and shall be officially
1 3 known as the state fish of Iowa.
1 4 Sec. 2. APPROPRIATE REPRESENTATIONS. The director of the
1 5 department of cultural affairs shall obtain appropriate
1 6 pictures and other representations of the channel catfish and
1 7 shall display the pictures and representations in an
1 8 appropriate place in the state historical museum.
1 9 Sec. 3. OFFICIAL REGISTER. The editor of the Iowa
1 10 official register shall include an appropriate picture and
1 11 commentary of the channel catfish in the Iowa official
1 12 register, along with the pictures of the state rock, state
1 13 flower, state bird, and state tree.
1 14 EXPLANATION
1 15 This joint resolution designates the channel catfish as the
1 16 official state fish of Iowa. The director of the department
1 17 of cultural affairs shall obtain pictures and other
1 18 appropriate representations of the state fish and display the
1 19 pictures and information in the state historical museum. The
1 20 editor of the Iowa official register shall include a picture
1 21 of the state fish along with pictures of the state rock, state
1 22 flower, state bird, and state tree.
1 23 LSB 1819HH 83
1 24 av/rj/5

House Resolution 3 - Introduced

PAG LIN

H.R. _____ S.R. _____

1 1 HOUSE RESOLUTION NO. ___
1 2 BY MURPHY and PAULSEN
1 3 A Resolution honoring the life and memory of former
1 4 Representative and Senator Mary Lundby.
1 5 WHEREAS, it is with sorrow and respect that the
1 6 House of Representatives notes the passing of former
1 7 Representative and Senator Mary Lundby; and
1 8 WHEREAS, Mary Lundby came to the House of
1 9 Representatives in 1986, beginning a 22=year
1 10 legislative career; and
1 11 WHEREAS, Ms. Lundby, a diligent and thoughtful
1 12 legislator, took her obligations to the people of Iowa
1 13 seriously, but never held herself above or apart from
1 14 others; and
1 15 WHEREAS, her legislative skills were recognized
1 16 early and often, and over two decades she chaired or
1 17 co=chaired a variety of committees and was the first
1 18 woman elected Speaker Pro Tempore in the House of
1 19 Representatives and the first woman chosen Co=Majority
1 20 Leader of the Senate; and
1 21 WHEREAS, as her health failed, Ms. Lundby met this
1 22 new challenge with both determination and dignity, and
1 23 finally with a sense of grace and peace; and
1 24 WHEREAS, on Saturday, January 17, 2009, Mary Lundby
1 25 passed away, but her lifetime of accomplishments and
1 26 her wit and wisdom remain her enduring legacy; NOW
1 27 THEREFORE,
1 28 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
1 29 That the House of Representatives rises to honor the
1 30 life and memory of former Representative and Senator

House Resolution 3 - Introduced continued

2 1 Mary Lundby and to celebrate her work on behalf of the
2 2 people of Iowa.
2 3 LSB 1875HH 83
2 4 jr/rj/14

House Study Bill 70

HOUSE JOINT RESOLUTION
BY (PROPOSED COMMITTEE ON VETERANS
AFFAIRS RESOLUTION BY
CHAIRPERSON ZIRKELBACH)

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

HOUSE JOINT RESOLUTION

A Joint Resolution proposing an amendment to the Constitution of the State of Iowa requiring public or private funds appropriated, allocated, or received by the state to provide assistance to veterans to be used for that purpose.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1791HC 83
ec/rj/5

House Study Bill 70 continued

PAG LIN

1 1 Section 1. Article VII of the Constitution of the State of
1 2 Iowa is amended by adding the following new section:
1 3 VETERAN ASSISTANCE FUNDS. SEC. 10. All state funds
1 4 appropriated, and federal or private funds received by the
1 5 state, to provide assistance to veterans shall be used
1 6 exclusively for the performance and administration of
1 7 activities related to those purposes.
1 8 Sec. 2. REFERRAL AND PUBLICATION. The foregoing amendment
1 9 to the Constitution of the State of Iowa is referred to the
1 10 General Assembly to be chosen at the next general election for
1 11 members of the General Assembly, and the Secretary of State is
1 12 directed to cause the same to be published for three
1 13 consecutive months previous to the date of that election as
1 14 provided by law.
1 15 EXPLANATION
1 16 This joint resolution proposes an amendment to the
1 17 Constitution of the State of Iowa relating funds appropriated
1 18 to provide assistance to veterans. The resolution provides
1 19 that public or private funds appropriated to provide
1 20 assistance to veterans shall be used exclusively for that
1 21 purpose.
1 22 The resolution, if adopted, would be referred to the next
1 23 general assembly for adoption a second time before being
1 24 submitted to the electorate for ratification.
1 25 LSB 1791HC 83
1 26 ec/rj/5

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 22, 2009

House Study Bill 71

HOUSE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON SWAIM)

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

A BILL FOR

An Act relating to the commission of a criminal offense classified as murder in the first degree, and providing a penalty.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1686YC 83
jm/nh/5

House Study Bill 71 continued

PAG LIN

1 1 Section 1. Section 707.2, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 7. The person kills another person while
1 4 committing an act which is intended to cause serious injury to
1 5 that person.
1 6 EXPLANATION
1 7 This bill relates to the commission of a criminal offense
1 8 classified as murder in the first degree.
1 9 The bill provides that a person who kills another person
1 10 while committing an act which is intended to cause serious
1 11 injury to that person, is guilty of murder in the first
1 12 degree. Murder in the first degree is classified as a class
1 13 "A" felony.
1 14 A class "A" felony is punishable by confinement for life
1 15 without possibility of parole.
1 16 LSB 1686YC 83
1 17 jm/nh/5

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 22, 2009

House Study Bill 72

SENATE/HOUSE FILE
BY (PROPOSED ATTORNEY GENERAL BILL)

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

A BILL FOR

An Act specifying a duty of agency applicable to licensed mortgage brokers and making penalties applicable.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1295DP 83
rn/nh/5

House Study Bill 72 continued

PAG LIN

1 1 Section 1. NEW SECTION. 535B.18 DUTY OF AGENCY.
1 2 1. A licensee or individual registrant acting in the
1 3 capacity of a mortgage broker pursuant to section 535B.1,
1 4 subsection 5, shall be considered to have created an agency
1 5 relationship with the borrower in all cases and shall perform
1 6 all of the following duties:
1 7 a. Act in good faith and with fair dealing toward
1 8 borrowers and place the borrower's interest ahead of the
1 9 interest of any other party, including the interest of the
1 10 licensee or individual registrant.
1 11 b. Not accept, give, or charge any undisclosed
1 12 compensation or realize any undisclosed remuneration, either
1 13 through direct or indirect means, that inures to the benefit
1 14 of the licensee or individual registrant in connection with
1 15 the licensee's or individual registrant's relationship with
1 16 the borrower.
1 17 c. Carry out all lawful instructions provided or issued by
1 18 the borrower.
1 19 d. Affirmatively disclose to a borrower all material facts
1 20 of which the licensee or individual registrant has knowledge
1 21 which might reasonably affect the borrower's rights,
1 22 interests, or ability to receive the borrower's intended
1 23 benefit from the mortgage loan.
1 24 e. Use reasonable care in the performance of duties.
1 25 f. Account to the borrower for all the borrower's money
1 26 and property received as agent.
1 27 2. a. This section shall not be construed to prohibit a
1 28 licensee or individual registrant from contracting for or
1 29 collecting a fee after services have been rendered which was
1 30 disclosed and agreed to by the borrower in advance of the
1 31 provision of such services.
1 32 b. This section shall not be construed as requiring a
1 33 licensee or individual registrant to obtain a loan for the
1 34 borrower containing terms or conditions not available in the
1 35 usual course of business to the licensee or individual

House Study Bill 72 continued

2 1 registrant, or to obtain a loan for the borrower from a
2 2 mortgage lender with whom the licensee or individual
2 3 registrant does not have a business relationship.
2 4 3. The duties and standards of care established in this
2 5 section shall not be waived or modified by contract or
2 6 otherwise.
2 7 EXPLANATION
2 8 This bill confers upon licensed mortgage brokers and
2 9 individual registrants a duty of agency.
2 10 The bill provides that a licensee or individual registrant
2 11 acting in the capacity of a mortgage broker pursuant to Code
2 12 section 535B.1, subsection 5, shall be considered to have
2 13 created an agency relationship with a borrower in all cases.
2 14 The bill specifies duties a licensee or individual registrant
2 15 shall perform pursuant to the agency relationship, including
2 16 acting in a borrower's best interest, in good faith, and with
2 17 fair dealing, and not accepting, giving, or charging any
2 18 undisclosed compensation or realizing any undisclosed
2 19 remuneration that inures to the licensee's or individual
2 20 registrant's benefit in connection with their relationship
2 21 with the borrower. Additional duties include carrying out all
2 22 lawful instructions provided or issued by a borrower,
2 23 affirmatively disclosing all material facts of which the
2 24 licensee or individual registrant has knowledge which might
2 25 reasonably affect a borrower's rights, interests, or ability
2 26 to receive the intended benefit from the mortgage loan, using
2 27 reasonable care in the performance of duties, and accounting
2 28 for all the borrower's money and property received as agent.
2 29 The bill states that the duty of agency shall not be
2 30 construed to prohibit a licensee or individual registrant from
2 31 contracting for or collecting a fee after services have been
2 32 rendered which was disclosed and agreed to by the borrower in
2 33 advance of the provision of the services, and shall also not
2 34 be construed to require a licensee or individual registrant to
2 35 obtain a loan for the borrower containing terms or conditions

House Study Bill 72 continued

3 1 not available to the licensee or individual registrant in the
3 2 usual course of business, or to obtain a loan for the borrower
3 3 from a mortgage lender with whom the licensee or individual
3 4 registrant does not have a business relationship. The bill
3 5 provides that the duty of agency and standards of care cannot
3 6 be waived or modified by contract or otherwise.
3 7 A violation of the bill's provisions subjects a licensee to
3 8 the disciplinary provisions of Code chapter 535B, including
3 9 license suspension and revocation, and imposition of civil
3 10 penalties in an amount not to exceed $5,000 per violation.
3 11 LSB 1295DP 83
3 12 rn/nh/5.1

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 22, 2009

House Study Bill 73

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

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

Passed House, Date
Vote: Ayes _____ Nays

A BILL FOR

An Act providing that wage discrimination is an unfair employment practice under the Iowa civil rights Act and providing an enhanced remedy.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1394DP 83
ec/nh/24

House Study Bill 73 continued

PAG LIN

1 1 Section 1. Section 216.6, subsection 1, Code 2009, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. e. (1) Employer or agent of the employer
1 4 to discriminate against any employee because of the age, race,
1 5 creed, color, sex, sexual orientation, gender identity,
1 6 national origin, religion, or disability of such employee by
1 7 paying wages to such employee at a rate less than the rate
1 8 paid to other employees who are employed within the same
1 9 establishment for equal work on jobs, the performance of which
1 10 requires equal skill, effort, and responsibility, and which
1 11 are performed under similar working conditions, except where
1 12 such payment is made pursuant to a seniority system, a merit
1 13 system, a system which measures earnings by quantity or
1 14 quality of production, or a differential based on any other
1 15 factor other than the age, race, creed, color, sex, sexual
1 16 orientation, gender identity, national origin, religion, or
1 17 disability of such employee. An employer or agent of the
1 18 employer who is paying wages to an employee at a rate less
1 19 than the rate paid to other employees in violation of this
1 20 paragraph "e" shall not remedy the violation by reducing the
1 21 wage rate of any employee.
1 22 (2) For purposes of this paragraph "e", an unfair or
1 23 discriminatory practice occurs when a discriminatory pay
1 24 decision or other practice is adopted, when an individual
1 25 becomes subject to a discriminatory pay decision or other
1 26 practice, or when an individual is affected by application of
1 27 a discriminatory pay decision or other practice, including
1 28 each time wages, benefits, or other compensation is paid,
1 29 resulting in whole or in part from such a decision or other
1 30 practice.
1 31 Sec. 2. Section 216.15, subsection 8, paragraph a, Code
1 32 2009, is amended by adding the following new subparagraph:
1 33 NEW SUBPARAGRAPH. (2A) For an unfair or discriminatory
1 34 practice relative to wage discrimination, payment to the
1 35 complainant of damages which shall include but are not limited

House Study Bill 73 continued

2 1 to an amount triple the wage differential paid to the
2 2 complainant for the entirety of the time for which the
2 3 complainant has been discriminated against.
2 4 Sec. 3. Section 216.16, subsection 1, paragraph b, Code
2 5 2009, is amended to read as follows:
2 6 b. The complaint has been on file with the commission for
2 7 at least sixty days, or for a complaint alleging wage
2 8 discrimination pursuant to section 216.6, subsection 1,
2 9 paragraph "e", at least fourteen days, and the commission has
2 10 issued a release to the complainant pursuant to subsection 2
2 11 of this section.
2 12 Sec. 4. Section 216.16, subsection 2, unnumbered paragraph
2 13 1, Code 2009, is amended to read as follows:
2 14 Upon a request by the complainant, and after the expiration
2 15 of sixty days or fourteen days, as applicable, from the timely
2 16 filing of a complaint with the commission, the commission
2 17 shall issue to the complainant a release stating that the
2 18 complainant has a right to commence an action in the district
2 19 court. A release under this subsection shall not be issued if
2 20 a finding of no probable cause has been made on the complaint
2 21 by the administrative law judge charged with that duty under
2 22 section 216.15, subsection 3, a conciliation agreement has
2 23 been executed under section 216.15, the commission has served
2 24 notice of hearing upon the respondent pursuant to section
2 25 216.15, subsection 5, or the complaint is closed as an
2 26 administrative closure and two years have elapsed since the
2 27 issuance date of the closure.
2 28 EXPLANATION
2 29 This bill provides that discrimination against any employee
2 30 on the basis of pay because of the age, race, creed, color,
2 31 sex, sexual orientation, gender identity, national origin,
2 32 religion, or disability of such employee is an unfair
2 33 employment practice under the Iowa civil rights Act. The bill
2 34 also provides that reducing the wage rate of an employee does
2 35 not remedy any potential violation for wage discrimination.

House Study Bill 73 continued

3 1 The bill provides that an unfair or discriminatory practice
3 2 occurs relative to wage discrimination when a discriminatory
3 3 pay decision is made, when an individual becomes subject to a
3 4 discriminatory pay decision, or when an individual is affected
3 5 by application of a discriminatory pay decision or other
3 6 practice, including each time wages, benefits, or other
3 7 compensation is paid, resulting in whole or in part from such
3 8 a decision.
3 9 The bill also authorizes the civil rights commission to
3 10 award damages to a person subject to wage discrimination in an
3 11 amount triple the wage differential paid to the complainant
3 12 for the entirety of the time for which the complainant has
3 13 been discriminated against.
3 14 The bill also reduces from 60 days to 14 days the period of
3 15 time a complaint alleging wage discrimination must be on file
3 16 with the civil rights commission before the complainant can
3 17 request an administrative release to pursue the case in
3 18 district court.
3 19 LSB 1394DP 83
3 20 ec/nh/24.1

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 22, 2009

House Study Bill 74

SENATE/HOUSE FILE
BY (PROPOSED ATTORNEY
GENERAL BILL)

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

A BILL FOR

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

House Study Bill 74 continued

PAG LIN

1 1 Section 1. Section 710A.1, subsection 1, Code 2009, is
1 2 amended to read as follows:
1 3 1. "Commercial sexual activity" means any ~~sex act on~~
1 4 ~~behalf~~ activity of a sexual nature for the performance of
1 5 which anything of value is given, promised to, or received by
1 6 any person and ~~includes,~~ includes but is not limited ~~to,~~ to a
1 7 sex act, prostitution, participation in the production of
1 8 pornography, and performance in strip clubs.
1 9 Sec. 2. Section 915.35, subsection 1, Code 2009, is
1 10 amended to read as follows:
1 11 1. As used in this section, "victim" means a child under
1 12 the age of eighteen who has been sexually abused or subjected
1 13 to any other unlawful sexual conduct under chapter 709, 710A,
1 14 or 726 or who has been the subject of a forcible felony.
1 15 Sec. 3. Section 915.36, subsection 1, Code 2009, is
1 16 amended to read as follows:
1 17 1. Prior to an arrest or the filing of an information or
1 18 indictment, whichever occurs first, against a person charged
1 19 with a violation of chapter 709 or 710A, section 726.2, or
1 20 section 728.12, committed with or on a child~~, as defined in~~
1 21 ~~section 702.5~~ under the age of eighteen, the identity of the
1 22 child or any information reasonably likely to disclose the
1 23 identity of the child shall not be released to the public by
1 24 any public employee except as authorized by the court of
1 25 jurisdiction.
1 26 Sec. 4. Section 915.37, Code 2009, is amended to read as
1 27 follows:
1 28 915.37 GUARDIAN AD LITEM FOR PROSECUTING CHILD WITNESSES.
1 29 1. A prosecuting witness who is a child, as defined in
1 30 section 702.5, in a case involving a violation of chapter 709
1 31 or 710A, or section 726.2, 726.3, 726.6, or 728.12, is
1 32 entitled to have the witness's interests represented by a
1 33 guardian ad litem at all stages of the proceedings arising
1 34 from such violation. The guardian ad litem shall be a
1 35 practicing attorney and shall be designated by the court after

House Study Bill 74 continued

2 1 due consideration is given to the desires and needs of the
2 2 child and the compatibility of the child and the child's
2 3 interests with the prospective guardian ad litem. If a
2 4 guardian ad litem has previously been appointed for the child
2 5 in a proceeding under chapter 232 or a proceeding in which the
2 6 juvenile court has waived jurisdiction under section 232.45,
2 7 the court shall appoint the same guardian ad litem under this
2 8 section. The guardian ad litem shall receive notice of and
2 9 may attend all depositions, hearings, and trial proceedings to
2 10 support the child and advocate for the protection of the child
2 11 but shall not be allowed to separately introduce evidence or
2 12 to directly examine or cross=examine witnesses. However, the
2 13 guardian ad litem shall file reports to the court as required
2 14 by the court. If a prosecuting witness is fourteen, fifteen,
2 15 sixteen, or seventeen years of age, and would be entitled to
2 16 the appointment of a guardian ad litem if the prosecuting
2 17 witness were a child, the court may appoint a guardian ad
2 18 litem if the requirements for guardians ad litem in this
2 19 section are met, and the guardian ad litem agrees to
2 20 participate without compensation.
2 21 2. References in this section to a guardian ad litem shall
2 22 be interpreted to include references to a court appointed
2 23 special advocate as defined in section 232.2, subsection 9.
2 24 EXPLANATION
2 25 This bill relates to human trafficking.
2 26 The bill amends the definition of "commercial sexual
2 27 activity" as an element of the crime of human trafficking to
2 28 include any sexual activity of a sexual nature for the
2 29 performance of which anything of value is given, promised to,
2 30 or received by any person including but not limited to a sex
2 31 act as defined in Code section 702.17, prostitution,
2 32 participation in the production of pornography, and
2 33 performance in strip clubs.
2 34 Current law provides that a person who knowingly engages in
2 35 human trafficking by soliciting services or benefiting from

House Study Bill 74 continued

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

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 22, 2009

House Study Bill 75

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

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

A BILL FOR

An Act relating to the criminal offenses of enticing a minor, and the possession, distribution, and reporting of obscene material, and providing penalties.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1332DP 83
jm/rj/24

House Study Bill 75 continued

PAG LIN

1 1 DIVISION I
1 2 ENTICING A MINOR
1 3 Section 1. Section 692A.1, subsection 5, paragraph n, Code
1 4 2009, is amended to read as follows:
1 5 n. Enticing ~~away~~ a minor in violation of section 710.10,
1 6 subsection 1.
1 7 Sec. 2. Section 710.10, Code 2009, is amended to read as
1 8 follows:
1 9 710.10 ENTICING ~~AWAY~~ A MINOR.
1 10 1. A person commits a class "C" felony when, without
1 11 authority and with the intent to commit sexual abuse or sexual
1 12 exploitation upon a minor under the age of ~~thirteen~~ sixteen,
1 13 the person entices ~~away~~ or attempts to entice the minor under
1 14 the age of ~~thirteen~~ sixteen for the purpose of committing
1 15 sexual abuse or sexual exploitation, or entices ~~away~~ or
1 16 attempts to entice a person reasonably believed to be under
1 17 the age of ~~thirteen~~ sixteen for the purpose of committing
1 18 sexual abuse or sexual exploitation.
1 19 2. A person commits a class "D" felony when, without
1 20 authority and with the intent to commit ~~an illegal act upon a~~
~~1 21 minor under the age of sixteen, the person entices away a~~
~~1 22 minor under the age of sixteen, or entices away a person~~
~~1 23 reasonably believed to be under the age of sixteen~~ sexual
1 24 exploitation, the person entices or attempts to entice a minor
1 25 who is sixteen or seventeen years of age for the purpose of
1 26 committing sexual exploitation or entices or attempts to
1 27 entice a person reasonably believed to be a minor who is
1 28 sixteen or seventeen years of age for the purpose of
1 29 committing sexual exploitation.
1 30 3. A person commits a class "D" felony when, without
1 31 authority and with the intent to commit an illegal act upon a
1 32 minor under the age of sixteen, the person entices or attempts
1 33 to entice a minor under the age of sixteen for the purpose of
1 34 committing an illegal act, or entices or attempts to entice a
1 35 person reasonably believed to be under the age of sixteen for

House Study Bill 75 continued

2 1 the purpose of committing the illegal act.
2 2 ~~3.~~ 4. A person commits an aggravated misdemeanor when,
2 3 without authority and with the intent to commit an illegal act
2 4 upon a minor ~~under the age of sixteen, the person attempts to~~
~~2 5 entice away a minor under the age of sixteen, or attempts to~~
~~2 6 entice away a person reasonably believed to be under the age~~
~~2 7 of sixteen~~ who is sixteen or seventeen years of age, the
2 8 person entices or attempts to entice a minor who is sixteen or
2 9 seventeen years of age for the purpose of committing an
2 10 illegal act, or entices or attempts to entice a person
2 11 reasonably believed to be a minor who is sixteen or seventeen
2 12 years of age for the purpose of committing an illegal act.
2 13 ~~4.~~ 5. A person's intent to commit ~~a violation of this~~
~~2 14 section~~ sexual abuse, sexual exploitation, or an illegal act
2 15 upon a minor may be inferred when the person is not known to
2 16 the ~~person being enticed away~~ minor whom the person is
2 17 enticing or attempting to entice and the person does not have
2 18 the permission of the parent, guardian, or custodian to
2 19 contact the ~~person being enticed away~~ minor whom the person is
2 20 enticing or attempting to entice.
2 21 ~~5.~~ 6. For purposes of determining jurisdiction under
2 22 section 803.1, an offense is considered committed in this
2 23 state if the communication to entice ~~away~~ or to attempt to
2 24 entice a minor or a person believed to be a minor who is
2 25 present in this state originates from another state, or the
2 26 communication to entice ~~away~~ or to attempt to entice a minor
2 27 or a person believed to be a minor is sent from this state.
2 28 Sec. 3. Section 901A.1, subsection 1, paragraph c, Code
2 29 2009, is amended to read as follows:
2 30 c. Enticing a minor ~~away~~ in violation of section 710.10,
2 31 subsection 1.
2 32 DIVISION II
2 33 POSSESSION, DISTRIBUTION, AND REPORTING
2 34 OF OBSCENE MATERIAL
2 35 Sec. 4. Section 728.1, subsection 3, Code 2009, is amended

House Study Bill 75 continued

3 1 to read as follows:
3 2 3. "Material" means any book, magazine, newspaper or other
3 3 printed or written material or any picture, drawing,
3 4 photograph, motion picture, or other pictorial representation
3 5 or any statue or other figure, or any recording, transcription
3 6 or mechanical, chemical or electrical reproduction, or any
3 7 live transmission, or any other articles, equipment, machines
3 8 or materials.
3 9 Sec. 5. Section 728.1, subsection 7, paragraphs e and g,
3 10 Code 2009, are amended to read as follows:
3 11 e. Sadomasochistic abuse of a minor for the purpose of
3 12 arousing or satisfying the sexual desires of a person who may
3 13 view a visual depiction of the abuse.
3 14 g. Nudity of a minor for the purpose of arousing or
3 15 satisfying the sexual desires of a person who may view a
3 16 visual depiction of the nude minor.
3 17 Sec. 6. Section 728.1, Code 2009, is amended by adding the
3 18 following new subsection:
3 19 NEW SUBSECTION. 11. "Visual depiction" means but is not
3 20 limited to any picture, drawing, cartoon, painting, slide,
3 21 photograph, digital or electronic image, book, magazine,
3 22 negative image, undeveloped film, motion picture, videotape,
3 23 digital or electronic recording, live transmission, sculpture,
3 24 or other pictorial or three=dimensional representation.
3 25 Sec. 7. Section 728.12, subsection 1, Code 2009, is
3 26 amended to read as follows:
3 27 1. It shall be unlawful to employ, use, persuade, induce,
3 28 entice, coerce, solicit, knowingly permit, or otherwise cause
3 29 or attempt to cause a minor to engage in a prohibited sexual
3 30 act or in the simulation of a prohibited sexual act. A person
3 31 must know, or have reason to know, or intend that the act or
3 32 simulated act may be photographed, filmed, or otherwise
3 33 preserved in a ~~negative, slide, book, magazine, computer,~~
~~3 34 computer disk, or other print or visual medium, or be~~
~~3 35 preserved in an electronic, magnetic, or optical storage~~

~~House Study Bill 75 continued~~

~~4 1 system, or in any other type of storage system~~ visual
4 2 depiction. A person who commits a violation of this
4 3 subsection commits a class "C" felony. Notwithstanding
4 4 section 902.9, the court may assess a fine of not more than
4 5 fifty thousand dollars for each offense under this subsection
4 6 in addition to imposing any other authorized sentence.
4 7 Sec. 8. Section 728.12, subsection 3, unnumbered paragraph
4 8 1, Code 2009, is amended to read as follows:
4 9 It shall be unlawful to knowingly purchase or possess a
4 10 ~~negative, slide, book, magazine, computer, computer disk, or~~
~~4 11 other print or visual medium, or an electronic, magnetic, or~~
~~4 12 optical storage system, or any other type of storage system~~
~~4 13 which depicts a~~ visual depiction of a minor engaging in a
4 14 prohibited sexual act or the simulation of a prohibited sexual
4 15 act. A person who commits a violation of this subsection
4 16 commits an aggravated misdemeanor for a first offense and a
4 17 class "D" felony for a second or subsequent offense. For
4 18 purposes of this subsection, an offense is considered a second
4 19 or subsequent offense if, prior to the person's having been
4 20 convicted under this subsection, any of the following apply:
4 21 Sec. 9. Section 728.14, subsection 1, Code 2009, is
4 22 amended to read as follows:
4 23 1. A commercial film and photographic print processor who
4 24 has knowledge of or observes, within the scope of the
4 25 processor's professional capacity or employment, a ~~film,~~
~~4 26 photograph, video tape, negative, or slide which depicts~~
4 27 visual depiction of a minor whom the processor knows or
4 28 reasonably should know to be under the age of eighteen,
4 29 engaged in a prohibited sexual act or in the simulation of a
4 30 prohibited sexual act, shall report the depiction to the
4 31 county attorney immediately or as soon as possible as required
4 32 in this section. The processor shall not report to the county
4 33 attorney visual depictions involving mere nudity of the minor,
4 34 but shall report visual depictions involving a prohibited
4 35 sexual act. This section shall not be construed to require a

House Study Bill 75 continued

5 1 processor to review all ~~films, photographs, video tapes,~~
~~5 2 negatives, or slides~~ visual depictions delivered to the
5 3 processor within the processor's professional capacity or
5 4 employment.
5 5 For purposes of this section, "prohibited sexual act" means
5 6 any of the following:
5 7 a. A sex act as defined in section 702.17.
5 8 b. An act of bestiality involving a minor.
5 9 c. Fondling or touching the pubes or genitals of a minor
5 10 for the purpose of arousing or satisfying the sexual desires
5 11 of a person who may view a visual depiction of the act.
5 12 d. Fondling or touching the pubes or genitals of a person
5 13 by a minor for the purpose of arousing or satisfying the
5 14 sexual desires of a person who may view a visual depiction of
5 15 the act.
5 16 e. Sadomasochistic abuse of a minor for the purpose of
5 17 arousing or satisfying the sexual desires of a person who may
5 18 view a visual depiction of the abuse.
5 19 f. Sadomasochistic abuse of a person by a minor for the
5 20 purpose of arousing or satisfying the sexual desires of a
5 21 person who may view a visual depiction of the abuse.
5 22 g. Nudity of a minor for the purpose of arousing or
5 23 satisfying the sexual desires of a person who may view a
5 24 visual depiction of the nude minor.
5 25 EXPLANATION
5 26 Division I relates to criminal offenses of enticing a
5 27 minor.
5 28 The division renames the criminal offense of enticing away
5 29 a minor to enticing a minor, and eliminates the provisions
5 30 related to enticing "away" a minor.
5 31 Under the division, it is a class "C" felony if a person
5 32 without authority and with the intent to commit sexual abuse
5 33 or sexual exploitation upon a minor under the age of 16,
5 34 entices or attempts to entice the minor for the purpose of
5 35 committing sexual abuse or sexual exploitation. The division

House Study Bill 75 continued

6 1 also makes it a class "C" felony if the person being enticed
6 2 is believed to be a minor under the age of 16. Current law
6 3 makes it a class "C" felony to entice away a minor under the
6 4 age of 13 or reasonably believed to be under the age of 13 for
6 5 the purpose of committing sexual abuse or sexual exploitation.
6 6 The division makes it a class "D" felony if a person,
6 7 without authority, and with the intent to commit sexual abuse
6 8 or sexual exploitation upon a minor 16 or 17 years of age,
6 9 entices or attempts to entice the minor for the purpose of
6 10 committing sexual exploitation. The division also makes it a
6 11 class "D" felony if the person being enticed is believed to be
6 12 a minor 16 or 17 years of age. Current law makes it a class
6 13 "D" felony to entice away a minor under the age of 16 or
6 14 reasonably believed to be under the age of 16 for the purpose
6 15 of committing an illegal act.
6 16 The division makes it a class "D" felony if a person,
6 17 without authority and with the intent to commit an illegal act
6 18 upon a minor under the age of 16, entices or attempts to
6 19 entice the minor for the purpose of committing an illegal act.
6 20 The division also makes it a class "D" felony if the person
6 21 being enticed is believed to be a minor under the age of 16.
6 22 Current law makes it an aggravated misdemeanor to entice away
6 23 a minor under the age of 16 or reasonably believed to be under
6 24 the age of 16 for the purpose of committing an illegal act.
6 25 The division makes it an aggravated misdemeanor if a
6 26 person, without authority and with the intent to commit an
6 27 illegal act upon a minor 16 or 17 years of age, entices or
6 28 attempts to entice the minor for the purpose of committing an
6 29 illegal act. The division also makes it an aggravated
6 30 misdemeanor if the person being enticed is believed to be a
6 31 minor 16 or 17 years of age. Under current law, a person does
6 32 not commit enticing away a minor for illegal acts upon a minor
6 33 16 or 17 years of age.
6 34 Division II relates to the possession or distribution of
6 35 obscene material.

House Study Bill 75 continued

The division modifies the definition of "material" in Code chapter 728 to include live transmissions.

Under the division, the modification of the definition of the term "material" results in changes to the elements of the following criminal offenses: dissemination of obscene material to minors (Code section 728.2), admitting minors to premises where obscene material is exhibited (Code section 728.3), rental or sale of hard=core pornography (Code section 728.4), sexual exploitation of a minor (Code section 728.12(2)), and telephone dissemination of obscene material (Code section 728.15).

The division changes the elements of the criminal offense of sexual exploitation of a minor to prohibit purchasing or possessing "visual depictions" of a minor engaged in a prohibited or simulated sex act.

The division defines the term "visual depiction" to include any picture, drawing, cartoon, painting, slide, photograph, digital or electronic image, book, magazine, negative image, undeveloped film, motion picture, videotape, digital or electronic recording, live transmission, sculpture, or other pictorial or three=dimensional representation. The division strikes current references to a computer or other types of storage systems that may preserve such prohibited images.

The changes to the criminal offense of sexual exploitation of a minor are in response to State v. Muhlenbruch, 728 N.W.2d 212 (Iowa 2009).

The division also substitutes "visual depiction" for storage systems referenced in Code sections 728.12(1) and 728.14 to conform with the sexual exploitation of a minor changes in Code section 728.12(3) due to the Muhlenbruch case. In addition, the division adds the word "visual" in Code section 728.1(7) to also conform with the changes in the division.

A class "C" felony is punishable by confinement for no more than 10 years and a fine of at least $1,000 but not more than

House Study Bill 75 continued

8 1 $10,000. A class "D" felony is punishable by confinement for
8 2 no more than five years and a fine of at least $750 but not
8 3 more than $7,500. An aggravated misdemeanor is punishable by
8 4 confinement for no more than two years and a fine of at least
8 5 $625 but not more than $6,250.
8 6 LSB 1332DP 83
8 7 jm/rj/24

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 22, 2009

House Study Bill 76

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

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

A BILL FOR

An Act relating to required testing for infectious diseases of persons under supervision of judicial district departments of correctional services.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1219DP 83
jm/rj/8

House Study Bill 76 continued

PAG LIN

1 1 Section 1. NEW SECTION. 905.15 REQUIRED TEST.
1 2 1. For purposes of this section, "infectious disease"
1 3 means any infectious condition, which if spread by
1 4 contamination, would place others at a serious health risk.
1 5 2. A person under supervision of a district department,
1 6 who bites another person, who causes an exchange of bodily
1 7 fluids with another person, or who causes any bodily secretion
1 8 to be cast upon another person, shall submit to the withdrawal
1 9 of a bodily specimen for testing to determine if the person is
1 10 infected with a contagious infectious disease. The bodily
1 11 specimen to be taken shall be determined by a physician. The
1 12 specimen taken shall be sent to the state hygienic laboratory
1 13 at the state university at Iowa City or some other laboratory
1 14 approved by the department of public health. If a person to
1 15 be tested pursuant to this section refuses to submit to the
1 16 withdrawal of a bodily specimen, application may be made by
1 17 the director to the district court for an order compelling the
1 18 person to submit to the withdrawal and, if infected, to
1 19 available treatment. An order authorizing the withdrawal of a
1 20 specimen for testing may be issued only by a district judge or
1 21 district associate judge upon application by the director.
1 22 3. Failure to comply with an order issued pursuant to this
1 23 section may result in revocation of probation, parole, or work
1 24 release.
1 25 4. Personnel at an institution under the control of the
1 26 department of corrections or of a residential facility
1 27 operated by a judicial district department of correctional
1 28 services shall be notified if a person committed to any of
1 29 these institutions is found to have a contagious infectious
1 30 disease.
1 31 5. The district department in cooperation with the
1 32 department of corrections shall adopt policies and procedures
1 33 to prevent the transmittal of a contagious infectious disease
1 34 to other persons.
1 35 EXPLANATION

House Study Bill 76 continued

2 1 This bill relates to required testing for infectious
2 2 diseases of persons under supervision of judicial district
2 3 departments of correctional services.
2 4 The bill provides that a person under supervision of a
2 5 judicial district department of correctional services who
2 6 causes an exchange of bodily fluids with another person, shall
2 7 submit to the withdrawal of a bodily fluid for testing to
2 8 determine if the person is infected with a contagious
2 9 infectious disease.
2 10 The bill provides that if the person refuses to submit to
2 11 the withdrawal of bodily fluid, the director of the judicial
2 12 district department of correctional services may make an
2 13 application to the court for an order compelling the person to
2 14 submit to a withdrawal.
2 15 In addition, failure to comply with a court order issued
2 16 pursuant to the bill may result in the revocation of
2 17 probation, parole, or work release.
2 18 LSB 1219DP 83
2 19 jm/rj/8

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 22, 2009

House Study Bill 77

SENATE/HOUSE FILE
BY (PROPOSED ATTORNEY GENERAL BILL)

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

Passed House, Date
Vote: Ayes _____ Nays

A BILL FOR

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

House Study Bill 77 continued

PAG LIN

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

House Study Bill 77 continued

2 1 of the victim to any subsequent prosecution or on the
2 2 relationship of the persons involved in the incident, and
2 3 shall not be based solely upon the absence of visible
2 4 indications of injury or impairment.
2 5 Sec. 3. Section 708.2A, subsection 2, Code 2009, is
2 6 amended by adding the following new paragraph:
2 7 NEW PARAGRAPH. d. A class "D" felony, if the domestic
2 8 abuse assault is committed by knowingly impeding the normal
2 9 breathing or circulation of the blood of another by applying
2 10 pressure to the throat or neck of the other person or by
2 11 obstructing the nose or mouth of the other person, regardless
2 12 of whether injury results.
2 13 Sec. 4. Section 708.2A, subsection 6, paragraph b, Code
2 14 2009, is amended to read as follows:
2 15 b. A person convicted of violating subsection 2, paragraph
2 16 "d", or subsection 4 shall be sentenced as provided under
2 17 section 902.9, subsection 5, and shall be denied parole or
2 18 work release until the person has served a minimum of one year
2 19 of the person's sentence. Notwithstanding section 901.5,
2 20 subsections 1, 3, and 5 and section 907.3, the person cannot
2 21 receive a suspended or deferred sentence or a deferred
2 22 judgment; however, the person sentenced shall receive credit
2 23 for any time the person was confined in a jail or detention
2 24 facility following arrest.
2 25 EXPLANATION
2 26 This bill enhances the penalty for certain domestic abuse
2 27 assault cases. The bill provides that a person commits a
2 28 class "D" felony if the person commits domestic abuse assault
2 29 by knowingly impeding the normal breathing or circulation of
2 30 the blood of another by applying pressure to the throat or
2 31 neck of the other person, or by obstructing the nose or mouth
2 32 of the other person, regardless of whether injury results.
2 33 The bill also provides that a peace officer shall arrest
2 34 the person performing acts which violate the bill and whom the
2 35 peace officer believes to be the primary physical aggressor

House Study Bill 77 continued

3 1 just as in other domestic abuse assault situations.
3 2 A person shall be sentenced to a class "D" felony for a
3 3 first offense violation of the bill. Current law provides
3 4 that a person who commits a third or subsequent offense of
3 5 domestic abuse assault commits a class "D" felony.
3 6 In addition, a person who violates the bill shall be denied
3 7 parole or work release until the person has served a minimum
3 8 of one year of the person's sentence, and is not eligible to
3 9 receive a deferred judgment, deferred sentence, or suspended
3 10 sentence. Current law also provides that a person convicted
3 11 of a third or subsequent domestic abuse assault classified as
3 12 a class "D" felony shall be denied parole or work release
3 13 until the person has served a minimum of one year of the
3 14 person's sentence, and is not eligible to receive a deferred
3 15 judgment, deferred sentence, or suspended sentence.
3 16 A class "D" felony is punishable by confinement for no more
3 17 than five years and a fine of at least $750 but not more than
3 18 $7,500.
3 19 LSB 1429DP 83
3 20 jm/rj/14.1

Senate File 29 - Introduced

SENATE FILE
BY KIBBIE

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

A BILL FOR

An Act providing for the development of a standardized interconnection agreement applicable to utilization by small wind energy conversion facilities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1445XS 83
rn/nh/5

Senate File 29 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 476.48 INTERCONNECTION
1 2 AGREEMENTS == SMALL WIND ENERGY CONVERSION FACILITIES.
1 3 1. The board shall develop a standardized interconnection
1 4 agreement which may be adopted and utilized by electric
1 5 utilities to interconnect with a small wind energy conversion
1 6 facility. For purposes of this section, a "small wind energy
1 7 conversion facility" means a wind turbine with a nameplate
1 8 generating capacity of less than five hundred kilowatts which
1 9 generates electricity primarily for on=site consumption.
1 10 2. The interconnection agreement shall set forth the
1 11 contractual conditions under which an electric utility and a
1 12 customer agree that a small wind energy conversion facility
1 13 may be interconnected with the utility. The agreement shall
1 14 specify or provide, at a minimum, the following:
1 15 a. A low=cost, safe, and standardized method or process
1 16 for interconnection.
1 17 b. The recognition of differing system requirements and
1 18 hardware, as well as the overall demand load requirements of
1 19 individual electric utilities.
1 20 c. Reasonable terms and conditions, consistent with the
1 21 cost and operating characteristics of applicable technologies,
1 22 to provide the electric utility and the customer with a
1 23 reasonable assurance of the safe, reliable, and efficient
1 24 operation of the interconnected equipment.
1 25 3. An electric utility may modify the provisions of the
1 26 standardized interconnection agreement as the utility
1 27 determines necessary to accomplish the provisions of
1 28 subsection 2. An electric utility subject to rate regulation
1 29 shall submit proposed modifications to the board for review
1 30 and approval.
1 31 4. To facilitate interconnection, the board shall also
1 32 establish an interconnection application form which may be
1 33 distributed by an electric utility or otherwise made available
1 34 to customers interested in interconnection.
1 35 5. An electric utility shall, regardless of whether it has

Senate File 29 - Introduced continued

2 1 adopted the standardized interconnection agreement or
2 2 distributes or makes available the interconnection application
2 3 form, respond to a request or application by a small wind
2 4 energy conversion facility for interconnection with the
2 5 utility within sixty days from receipt of the request or
2 6 application.
2 7 6. Each electric utility shall maintain records concerning
2 8 applications received for interconnection with a small wind
2 9 energy conversion facility. The records shall include the
2 10 date each application is received, documents generated in the
2 11 course of processing each application, correspondence
2 12 regarding each application, and the final disposition of the
2 13 application. Based on these records, the utility shall file
2 14 with the board by a date determined by the board by rule an
2 15 interconnection report for the preceding calendar year
2 16 containing the following:
2 17 a. The number of applications received for interconnection
2 18 and their disposition.
2 19 b. Identification of each small wind energy conversion
2 20 facility interconnected with the utility's distribution
2 21 system, the capacity of the facility, and the point of
2 22 interconnection.
2 23 c. The number of discontinued interconnections during the
2 24 preceding calendar year.
2 25 EXPLANATION
2 26 This bill directs the Iowa utilities board to develop a
2 27 standardized interconnection agreement which may be adopted
2 28 and used by electric public utilities to interconnect with a
2 29 small wind energy conversion facility. The bill defines a
2 30 "small wind energy conversion facility" as a wind turbine with
2 31 a nameplate generating capacity of less than 500 kilowatts
2 32 which generates electricity primarily for on=site consumption.
2 33 The bill provides that the terms of the agreement shall
2 34 specify the contractual conditions for interconnection, and
2 35 reflect or contain a low=cost, safe, and standardized

Senate File 29 - Introduced continued

3 1 interconnection process, recognition of differing system
3 2 requirements and hardware and the overall demand load
3 3 requirements of individual utilities, and terms and conditions
3 4 which provide a reasonable assurance of the safe, reliable,
3 5 and efficient operation of the interconnected equipment. The
3 6 bill authorizes a utility to modify the provisions of the
3 7 agreement as it determines necessary, and requires a utility
3 8 subject to the board's rate regulation authority to submit
3 9 proposed modifications to the board for review and approval.
3 10 The bill also directs the board to develop an application
3 11 form for distribution by a utility to customers interested in
3 12 interconnection. The bill states that whether or not a
3 13 utility adopts the standardized interconnection agreement or
3 14 distributes the application form, the utility must respond to
3 15 a request or application by a small wind energy conversion
3 16 facility for interconnection within 60 days. The bill
3 17 specifies record=keeping and reporting requirements applicable
3 18 to small wind energy conversion system interconnections.
3 19 LSB 1445XS 83
3 20 rn/nh/5

Senate File 30 - Introduced

SENATE FILE
BY SCHOENJAHN

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

A BILL FOR

An Act relating to the abatement or refund of property taxes for certain religious, literary, and charitable societies and including effective and retroactive applicability date provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1515SS 83
md/sc/8

Senate File 30 - Introduced continued

PAG LIN

1 1 Section 1. ABATEMENT OR REFUND OF PROPERTY TAXES.
1 2 Notwithstanding the requirement for the filing of a claim for
1 3 property tax exemption by February 1, as provided in section
1 4 427.1, subsection 14, the board of supervisors of a county
1 5 having a population of more than twenty=one thousand but not
1 6 more than twenty=one thousand three hundred, based upon the
1 7 latest federal decennial census, shall abate or refund the
1 8 property taxes owed, with all interest, fees, and costs that
1 9 were due and payable during the fiscal years beginning July 1,
1 10 2007, and July 1, 2008, on the land and buildings of a
1 11 religious, literary, or charitable society that acquired the
1 12 property by gift or purchase and that did not receive a
1 13 property tax exemption due to the inability or failure to file
1 14 for the exemption. To receive the abatement or refund
1 15 provided for in this section, the religious, literary, or
1 16 charitable society shall apply to the county board of
1 17 supervisors by August 1, 2009, and provide appropriate
1 18 information establishing that the lands and buildings for
1 19 which the abatement or refund is sought were used by the
1 20 society for its appropriate objects during the fiscal years
1 21 beginning July 1, 2007, and July 1, 2008. The abatement or
1 22 refund allowed under this section only applies to property
1 23 taxes, with all interest, fees, and costs, due and payable in
1 24 the fiscal years beginning July 1, 2007, and July 1, 2008.
1 25 Upon the filing and allowance of the claim for abatement or
1 26 refund under this section, the claim for exemption shall be
1 27 allowed on the property for successive years without further
1 28 filing as long as the property continues to qualify for the
1 29 exemption.
1 30 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
1 31 immediate importance, takes effect upon enactment and applies
1 32 retroactively to property taxes due and payable in the fiscal
1 33 years beginning July 1, 2007, and July 1, 2008.
1 34 EXPLANATION
1 35 This bill requires the board of supervisors of a county

Senate File 30 - Introduced continued

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

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 22, 2009

Senate Study Bill 1076

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
COMMERCE/CREDIT UNION
DIVISION BILL)

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

A BILL FOR

An Act providing for the development of a complaint response process by the superintendent of credit unions and relating to the confidentiality of information obtained during the course of that process.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1227XD 83
rn/nh/14

Senate Study Bill 1076 continued

PAG LIN

1 1 Section 1. Section 22.7, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 62. Information obtained by the
1 4 superintendent of credit unions in connection with a complaint
1 5 response process as provided in section 533.501, subsection 3.
1 6 Sec. 2. Section 533.501, Code 2009, is amended by adding
1 7 the following new subsection:
1 8 NEW SUBSECTION. 3. COMPLAINT RESPONSE PROCESS. The
1 9 superintendent shall adopt rules establishing a complaint
1 10 response process that shall include provisions relating to but
1 11 not limited to complaint intake, preliminary informal and
1 12 formal investigation procedures, complaint dismissal
1 13 procedures, and imposition of remedial sanctions through an
1 14 administrative resolution procedure or a contested case
1 15 hearing.
1 16 a. Notwithstanding chapter 22, the superintendent shall
1 17 keep confidential any social security number, residence
1 18 address, or residence telephone number obtained in connection
1 19 with a complaint intake, investigation, dismissal, or
1 20 imposition of remedial sanctions, and may keep confidential
1 21 the name of the complainant, the name of the subject of the
1 22 complaint, and any other information obtained in connection
1 23 with a complaint intake, investigation, dismissal, or
1 24 imposition of remedial sanctions, if disclosure is not
1 25 required in the performance of the duties of the
1 26 superintendent, or in order to accomplish the provisions of
1 27 this chapter, or otherwise required by law. At the discretion
1 28 of the superintendent, the name of the complainant, residence
1 29 address of the complainant, and residence telephone number of
1 30 the complainant may be provided to the subject of the
1 31 complaint, or to an authorized agent of such person, without
1 32 waiving the confidentiality afforded by this subsection,
1 33 provided that the superintendent has notified the complainant
1 34 in advance of such disclosure. Disclosure or release of
1 35 information by the superintendent in the course of an

Senate Study Bill 1076 continued

2 1 administrative or judicial proceeding shall not constitute a
2 2 violation of this subsection.
2 3 b. Notwithstanding chapter 22, or paragraph "a" of this
2 4 subsection, if the superintendent determines it is necessary
2 5 or appropriate in the public interest or for the protection of
2 6 the public, the superintendent may share information with
2 7 other regulatory authorities or government agencies and may
2 8 publish information concerning a complaint if it is determined
2 9 that there is or has been a violation of this chapter, the
2 10 laws of this state or the United States, or a rule promulgated
2 11 or order issued pursuant to this chapter. Such information as
2 12 the superintendent deems appropriate may be redacted so that
2 13 the sharing, releasing, or publishing of the information in
2 14 accordance with this subsection does not make available
2 15 personally identifiable information.
2 16 EXPLANATION
2 17 This bill provides for the establishment of a complaint
2 18 response process pursuant to administrative rule by the
2 19 superintendent of credit unions.
2 20 The bill states that the process shall include provisions
2 21 relating to, but not limited to, complaint intake, preliminary
2 22 informal and formal investigation procedures, complaint
2 23 dismissal procedures, and imposition of remedial sanctions
2 24 through an administrative resolution procedure or a contested
2 25 case hearing. The bill specifies information obtained in the
2 26 course of the process which the superintendent is required to
2 27 keep confidential, and information which the superintendent
2 28 may choose to keep confidential, if disclosure is not
2 29 otherwise required by law, and provides that at the discretion
2 30 of the superintendent specified information relating to the
2 31 identity of the complainant may be disclosed to the subject of
2 32 the complaint, or to an authorized agent of such person
2 33 provided that the superintendent has notified the complainant
2 34 in advance of such disclosure. The bill specifies that
2 35 disclosure or release of information by the superintendent in

Senate Study Bill 1076 continued

3 1 the course of an administrative or judicial proceeding shall
3 2 not constitute a violation of the bill's provisions.
3 3 The bill authorizes disclosure of information which is
3 4 otherwise confidential if determined by the superintendent to
3 5 be in the public interest, and authorizes the superintendent
3 6 to share such information with other regulatory authorities or
3 7 government agencies and to publish information concerning a
3 8 complaint if it is determined a violation of federal or state
3 9 law, or administrative rule, has occurred, subject to
3 10 redaction as determined appropriate by the superintendent to
3 11 protect personally identifiable information.
3 12 The bill makes conforming changes to Code chapter 22
3 13 relating to confidential records.
3 14 LSB 1227XD 83
3 15 rn/nh/14

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 22, 2009

Senate Study Bill 1077

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
COMMERCE/CREDIT UNION
DIVISION BILL)

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

A BILL FOR

An Act relating to matters under the purview of the credit union division of the department of commerce.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1226XD 83
rn/nh/14

Senate Study Bill 1077 continued

PAG LIN

1 1 Section 1. Section 533.102, subsection 4, Code 2009, is
1 2 amended to read as follows:
1 3 4. "Credit union service organization" means a corporation
1 4 or limited partnership organized under state law with
1 5 ownership primarily restricted to credit unions, to
1 6 organizations of credit unions, or to credit union members,
1 7 and which is designed to provide financial and
1 8 financial=related services ~~for~~ primarily to one or more credit
1 9 unions, each of which ~~owns~~ may own part of the capital stock
1 10 of the credit union service organization, as authorized under
1 11 section 533.301, subsection 5, paragraph "f", ~~and which~~
~~1 12 corporation or limited partnership is subject to examination~~
~~1 13 by the credit union division of the Iowa department of~~
~~1 14 commerce or a federal supervisory agency~~ to organizations of
1 15 credit unions, or to credit union members.
1 16 Sec. 2. Section 533.106, subsections 2 and 3, Code 2009,
1 17 are amended to read as follows:
1 18 2. a. A state credit union, or its officers, directors,
1 19 or employees, shall not directly or indirectly make a loan of
1 20 money or property to the superintendent or deputy
1 21 superintendent.
1 22 b. The superintendent or deputy superintendent shall not
1 23 directly or indirectly accept a loan of money or property from
1 24 a state credit union, or its officers, directors, or
1 25 employees.
1 26 3. a. An employee of the credit union division, other
1 27 than the superintendent or deputy superintendent, may borrow
1 28 money from a state credit union only on comparable terms and
1 29 conditions to those ordinarily extended to all members of the
1 30 credit union. The employee shall notify the superintendent of
1 31 the acceptance of a loan from a state credit union.
1 32 b. The superintendent may restrict borrowing by employees
1 33 from state credit unions if the superintendent determines such
1 34 borrowing will interfere with the functions of the credit
1 35 union division.

Senate Study Bill 1077 continued

2 1 c. An employee shall not participate in the examination of
2 2 a credit union where the employee has a loan.
2 3 Sec. 3. Section 533.108, subsection 1, paragraph b, Code
2 4 2009, is amended to read as follows:
2 5 b. Papers, documents, writings, reports, reports of
2 6 examinations, and other information relating specifically to
2 7 the supervision and regulation of a specific state credit
2 8 union or of other persons by the superintendent pursuant to
2 9 the laws of this state are not public records and shall not be
2 10 open for examination or copying by the public or for
2 11 examination or publication by the news media. The
2 12 superintendent or an employee of the credit union division
2 13 shall not disclose such information in any manner to any
2 14 person other than the person examined, except as otherwise
2 15 authorized by this section. A state credit union or other
2 16 person subject to an examination, as authorized under section
2 17 533.113, and all directors, officers, employees, agents, and
2 18 other persons furnished a copy of a report of examination, as
2 19 authorized under section 533.113, or who are in possession of
2 20 other information that, pursuant to the laws of this state,
2 21 are not public records as provided in this section, shall not
2 22 publish or make public the information and such information
2 23 shall not be subject to subpoena from any such person.
2 24 Sec. 4. Section 533.203, subsection 2, Code 2009, is
2 25 amended by adding the following new paragraph:
2 26 NEW PARAGRAPH. d. A minor under sixteen years of age
2 27 shall not vote in the meetings of members either personally or
2 28 through the minor's parent or guardian.
2 29 Sec. 5. Section 533.204, subsection 5, Code 2009, is
2 30 amended to read as follows:
2 31 5. a. A state credit union wishing to maintain a board of
2 32 directors of less than nine members ~~may~~ shall apply to the
2 33 superintendent for permission to reduce the required number of
2 34 directors. An application to reduce the required number of
2 35 directors under this subsection must demonstrate both of the

Senate Study Bill 1077 continued

3 1 following:
3 2 ~~a.~~ (1) The application is necessitated by a hardship or
3 3 other special circumstance.
3 4 ~~b.~~ (2) A lesser number of directors is in the best
3 5 interest of the state credit union and its members.
3 6 b. ~~In no event may the~~ The superintendent shall not allow
3 7 fewer than seven directors on a state credit union board.
3 8 Sec. 6. Section 533.204, Code 2009, is amended by adding
3 9 the following new subsections:
3 10 6. An employee of a state credit union shall not be a
3 11 member of the board of directors. For purposes of this
3 12 section, "employee of a state credit union" means an
3 13 individual employed by the state credit union other than the
3 14 chief executive officer.
3 15 7. A person shall not be elected to the board of directors
3 16 unless the person is at least eighteen years old by the date
3 17 on which the annual meeting is held.
3 18 Sec. 7. Section 533.205, subsection 6, paragraph b, Code
3 19 2009, is amended by striking the paragraph.
3 20 Sec. 8. Section 533.208, subsection 3, Code 2009, is
3 21 amended to read as follows:
3 22 3. Suspend by unanimous vote any officer, director, or
3 23 member of the auditing committee and call the members together
3 24 to act on the suspension, if the auditing committee deems the
3 25 action to be necessary to the proper conduct of the state
3 26 credit union. A member of the auditing committee shall not
3 27 participate in a vote to suspend if that member is the subject
3 28 of the vote and shall not be included in the number
3 29 determining a unanimous vote of the committee. The members at
3 30 the meeting may sustain the suspension and remove the officer,
3 31 director, or member permanently or may reinstate the officer,
3 32 director, or member.
3 33 Sec. 9. Section 533.301, subsection 5, paragraph f, Code
3 34 2009, is amended to read as follows:
3 35 f. Shares, stocks, loans, and other obligations or a

Senate Study Bill 1077 continued

4 1 combination of shares, stocks, loans, and other obligations of
4 2 a credit union service organization~~, corporation, or~~
~~4 3 association, provided the membership or ownership, as the case~~
~~4 4 may be, of the credit union service organization, corporation,~~
~~4 5 or association is primarily confined or restricted to credit~~
~~4 6 unions or organizations of credit unions, and provided that~~
~~4 7 the purpose of the credit union service organization,~~
~~4 8 corporation, or association is primarily designed to provide~~
~~4 9 services to credit unions, organizations of credit unions, or~~
~~4 10 credit union members~~. ~~However, the aggregate amount invested~~
~~4 11 pursuant to this paragraph shall not exceed five percent of~~
~~4 12 the assets of the credit union.~~
4 13 Sec. 10. Section 533.309, subsection 3, Code 2009, is
4 14 amended to read as follows:
4 15 3. ACCOUNT FOR MINORS. Shares may be issued and deposits
4 16 accepted in the name of a minor. Such shares and deposits may
4 17 be withdrawn by the minor and payments made on such
4 18 withdrawals shall be valid. ~~A minor under sixteen years of~~
~~4 19 age shall not be entitled to vote in the meetings of the~~
~~4 20 members either personally or through the minor's parent or~~
~~4 21 guardian, and a minor shall not become a director until the~~
~~4 22 minor reaches the minor's eighteenth birthday.~~
4 23 Sec. 11. Section 533.501, subsection 1, Code 2009, is
4 24 amended to read as follows:
4 25 1. VIOLATION OF LAW, RULE, OR CEASE AND DESIST ORDER OR
4 26 ENGAGING IN UNSAFE OR UNSOUND PRACTICE.
4 27 a. (1) If the superintendent has reason to believe that
4 28 an officer, director, employee, or committee member of a state
4 29 credit union has violated any law, rule, or cease and desist
4 30 order relating to a state credit union, or has engaged in an
4 31 unsafe or unsound practice in conducting the business of a
4 32 state credit union, the superintendent may cause notice to be
4 33 served upon the officer, director, employee, or committee
4 34 member to appear before the superintendent to show cause why
4 35 the person should not be removed from office or employment. A

Senate Study Bill 1077 continued

5 1 copy of such notice shall be sent by certified mail or
5 2 restricted certified mail to each director of the state credit
5 3 union affected.
5 4 (2) If the superintendent finds that the accused has
5 5 violated a law, rule, or cease and desist order relating to a
5 6 state credit union, or has engaged in an unsafe or unsound
5 7 practice in conducting the business of a state credit union,
5 8 after granting the accused a hearing before an independent
5 9 administrative law judge, the superintendent in the
5 10 superintendent's discretion may order that the accused be
5 11 removed from office and from any position of employment with
5 12 the state credit union. The superintendent may further order
5 13 that the accused not accept employment in any state credit
5 14 union under the superintendent's jurisdiction without the
5 15 superintendent's prior approval.
5 16 (3) A copy of the order shall be served upon the accused
5 17 and upon the state credit union affected, at which time the
5 18 accused shall cease to be an officer, director, employee, or
5 19 committee member of the state credit union.
5 20 b. (1) If the superintendent determines that a state
5 21 credit union has violated any of the provisions of this
5 22 chapter <u>or rules adopted pursuant to this chapter</u>, after
5 23 notice and opportunity for hearing, the superintendent shall
5 24 order the state credit union to correct the violation, except
5 25 when the state credit union is insolvent.
5 26 (2) The superintendent may specify the manner in which the
5 27 violation is to be corrected and grant the state credit union
5 28 not more than sixty days within which to comply with the
5 29 order.
5 30 (3) The superintendent may revoke a state credit union's
5 31 certificate of approval for failure to comply with the order.
5 32 (4) If the certificate of approval has been revoked, the
5 33 superintendent may apply to the district court of the county
5 34 in which the state credit union is located for the appointment
5 35 of a receiver for the state credit union.

Senate Study Bill 1077 continued

EXPLANATION

This bill makes changes to several provisions of Code chapter 533, dealing with state administration and regulation of credit unions.

The bill modifies the definition of "credit union service organization" to mean a corporation or limited partnership with ownership primarily consisting of, and providing services primarily to, credit unions, organizations of credit unions, or credit union members, and deletes similar language currently contained elsewhere in Code chapter 533. The bill makes provisions regarding the making of or acceptance of a loan and the borrowing of money by or from a credit union which currently apply to the superintendent of credit unions also applicable to the deputy superintendent of credit unions.

The bill provides that a state credit union or other person subject to an authorized examination and all directors, officers, employees, agents, and other persons furnished a copy of a report of examination, or who are in possession of other information not identified as a public record, shall not publish or make public that information and that such information shall not be subject to subpoena.

The bill relocates a provision restricting the ability to vote in credit union membership meetings to persons over the age of 16 to Code section 533.203, dealing with membership meetings, and deletes the same provision elsewhere in Code chapter 533. The bill makes mandatory a currently optional provision directing a state credit union to apply to the superintendent for permission to reduce board membership to a level below nine members. The bill relocates a provision prohibiting an employee of a state credit union from being a member of the board of directors of the credit union, clarifies that "employee" in this instance does not include the chief executive officer of the credit union, and provides that a person must be at least 18 years of age by the date of the credit union's annual meeting to be elected to the board

Senate Study Bill 1077 continued

of directors.

The bill provides that a member of a credit union auditing committee shall not participate in a vote to suspend an officer, director, or member of the committee if that member is the subject of the vote. Additionally, the bill makes changes of a primarily technical nature regarding specified subsection headnotes.

LSB 1226XD 83
rn/nh/14

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 22, 2009

Senate Study Bill 1078

SENATE/HOUSE FILE
BY (PROPOSED JUDICIAL BRANCH BILL)

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

A BILL FOR

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

Senate Study Bill 1078 continued

PAG LIN

1 1 Section 1. Section 46.12, Code 2009, is amended to read as
1 2 follows:
1 3 46.12 NOTIFICATION OF VACANCY AND RESIGNATION.
1 4 1. a. When a vacancy occurs or will occur within one
1 5 hundred twenty days in the supreme court, the court of
1 6 appeals, or district court, the state commissioner of
1 7 elections shall ~~forthwith so~~ immediately notify the
1 8 chairperson of the proper judicial nominating commission
1 9 unless the chief justice has ordered the state commissioner of
1 10 elections to delay sending the notification for up to one
1 11 hundred eighty days for budgetary reasons. The chairperson
1 12 shall call a meeting of the commission within ten days after
1 13 such notice; if the chairperson fails to do so, the chief
1 14 justice shall call such meeting.
1 15 b. When a judge of the supreme court, court of appeals, or
1 16 district court resigns, the judge shall submit a copy of the
1 17 resignation to the state commissioner of elections at the time
1 18 the judge submits the resignation to the governor; and when a
1 19 judge of the supreme court, court of appeals, or district
1 20 court dies, the clerk of district court of the county of the
1 21 judge's residence shall in writing ~~forthwith~~ immediately
1 22 notify the state commissioner of elections of such fact.
1 23 2. a. When a vacancy occurs or will occur within one
1 24 hundred twenty days in the office of a district associate
1 25 judge, associate juvenile judge, or associate probate judge,
1 26 the state commissioner of elections shall immediately notify
1 27 the chairperson of the judicial district nominating commission
1 28 unless the chief justice has ordered the state commissioner of
1 29 elections to delay sending the notification for up to one
1 30 hundred eighty days for budgetary reasons. The chairperson
1 31 shall call a meeting of the commission within ten days after
1 32 such notice; if the chairperson fails to do so, the chief
1 33 judge of the judicial district shall call such meeting.
1 34 b. When a district associate judge, associate juvenile
1 35 judge, or associate probate judge resigns, the judge shall

Senate Study Bill 1078 continued

2 1 submit the resignation to the chief judge and shall submit a
2 2 copy of the resignation to the state court administrator who
2 3 shall notify the state commissioner of elections of the
2 4 resignation and the actual or impending vacancy unless the
2 5 chief justice has ordered the state commissioner of elections
2 6 to delay sending the notification for up to one hundred eighty
2 7 days for budgetary reasons. When a district associate judge,
2 8 associate juvenile judge, or associate probate judge dies, the
2 9 clerk of the district court of the county of the judge's
2 10 residence shall in writing immediately notify the chief judge
2 11 of the judicial district and the state court administrator of
2 12 such fact. The state court administrator shall notify the
2 13 state commissioner of elections of the vacancy in the office
2 14 unless the chief justice has ordered the state commissioner of
2 15 elections to delay sending the notification for up to one
2 16 hundred eighty days for budgetary reasons.
2 17 Sec. 2. Section 46.14, Code 2009, is amended to read as
2 18 follows:
2 19 46.14 NOMINATION.
2 20 1. SUPREME COURT, COURT OF APPEALS, AND DISTRICT JUDGES.
2 21 Each judicial nominating commission shall carefully consider
2 22 the individuals available for judge, and within sixty days
2 23 after receiving notice of a vacancy shall certify to the
2 24 governor and the chief justice the proper number of nominees,
2 25 in alphabetical order. Such nominees shall be chosen by the
2 26 affirmative vote of a majority of the full statutory number of
2 27 commissioners upon the basis of their qualifications and
2 28 without regard to political affiliation. Nominees shall be
2 29 members of the bar of Iowa, shall be residents of the state or
2 30 district of the court to which they are nominated, and shall
2 31 be of such age that they will be able to serve an initial and
2 32 one regular term of office to which they are nominated before
2 33 reaching the age of seventy=two years. Nominees for district
2 34 judge shall file a certified application form, to be provided
2 35 by the supreme court, with the chairperson of the district

Senate Study Bill 1078 continued

3 1 judicial nominating commission. Absence of a commissioner or
3 2 vacancy upon the commission shall not invalidate a nomination.
3 3 The chairperson of the commission shall promptly certify the
3 4 names of the nominees, in alphabetical order, to the governor
3 5 and the chief justice.
3 6 2. OFFICE OF DISTRICT ASSOCIATE JUDGE, ASSOCIATE JUVENILE
3 7 JUDGE, AND ASSOCIATE PROBATE JUDGE. The judicial district
3 8 nominating commission shall carefully consider the individuals
3 9 available for judge, and within sixty days after receiving
3 10 notice of a vacancy shall certify, as provided in section
3 11 602.6304, 602.7103B, or 633.20B, whichever is applicable, to
3 12 the longest serving district judge in the judicial election
3 13 district the proper number of nominees, in alphabetical order.
3 14 Such nominees shall be chosen by the affirmative vote of a
3 15 majority of the full statutory number of commissioners upon
3 16 the basis of their qualifications and without regard to
3 17 political affiliation. Nominees shall be members of the bar
3 18 of Iowa, shall be residents of the judicial election district
3 19 of the court to which they are nominated, and shall be of such
3 20 age that they will be able to serve an initial and one regular
3 21 term of office to which they are nominated before reaching the
3 22 age of seventy=two years.
3 23 ~~2.~~ 3. COMMISSIONER ELIGIBILITY AND VOTING. A
3 24 commissioner shall not be eligible for nomination by the
3 25 commission during the term for which the commissioner was
3 26 elected or appointed to that commission. A commissioner shall
3 27 not be eligible to vote for the nomination of a family member,
3 28 current law partner, or current business partner. For
3 29 purposes of this subsection, "family member" means a spouse,
3 30 son, daughter, brother, sister, uncle, aunt, first cousin,
3 31 nephew, niece, father=in=law, mother=in=law, son=in=law,
3 32 daughter=in=law, brother=in=law, sister=in=law, father,
3 33 mother, stepfather, stepmother, stepson, stepdaughter,
3 34 stepbrother, stepsister, half brother, or half sister.
3 35 Sec. 3. Section 236.4, subsection 2, Code 2009, is amended

Senate Study Bill 1078 continued

4 1 to read as follows:
4 2 2. The court may enter any temporary order it deems
4 3 necessary to protect the plaintiff from domestic abuse prior
4 4 to the hearing, including temporary custody or visitation
4 5 orders pursuant to subsection 2A, upon good cause shown in an
4 6 ex parte proceeding. Present danger of domestic abuse to the
4 7 plaintiff constitutes good cause for purposes of this
4 8 subsection.
4 9 Sec. 4. Section 236.4, Code 2009, is amended by adding the
4 10 following new subsection:
4 11 NEW SUBSECTION. 2A. The court may award temporary custody
4 12 of or establish temporary visitation rights with regard to
4 13 children under eighteen years of age. In awarding temporary
4 14 custody or temporary visitation rights, the court shall give
4 15 primary consideration to the safety of the alleged victim and
4 16 the children. If the court finds that the safety of the
4 17 alleged victim will be jeopardized by unsupervised or
4 18 unrestricted visitation, the court shall set conditions or
4 19 restrict visitation as to time, place, duration, or
4 20 supervision, or deny visitation entirely, as needed to guard
4 21 the safety of the victim and the children. The court shall
4 22 also investigate whether any other existing orders awarding
4 23 custody or visitation should be modified.
4 24 Sec. 5. Section 236.4, subsection 3, Code 2009, is amended
4 25 to read as follows:
4 26 3. If a hearing is continued, the court may make or extend
4 27 any temporary order under subsection 2 or 2A that it deems
4 28 necessary.
4 29 Sec. 6. Section 602.1215, subsection 1, Code 2009, is
4 30 amended to read as follows:
4 31 1. Subject to the provisions of section 602.1209,
4 32 subsection 3, the ~~district judges of each~~ chief judge of the
4 33 judicial ~~election~~ district, after consultation with the
4 34 judicial officers of the district, shall ~~by majority vote~~
4 35 appoint persons to serve as clerks of the district court

Senate Study Bill 1078 continued

5 1 within the judicial ~~election~~ district. The ~~district judges of~~
~~5 2 a judicial election district~~ chief judge may appoint a person
5 3 to serve as clerk of the district court for more than one but
5 4 not more than four contiguous counties in the same judicial
5 5 district. A person does not qualify for appointment to the
5 6 office of clerk of the district court unless the person is at
5 7 the time of application a resident of the state. A clerk of
5 8 the district court may be removed from office for cause by ~~a~~
~~5 9 majority vote of the district judges of~~ the chief judge of the
5 10 judicial ~~election~~ district. ~~Before~~ Prior to removal, the
5 11 clerk of the district court shall be notified of the cause for
5 12 removal.
5 13 Sec. 7. NEW SECTION. 602.6113 APPORTIONMENT OF CERTAIN
5 14 JUDICIAL OFFICERS == SUBSTANTIAL DISPARITY.
5 15 Notwithstanding section 602.6201, 602.6301, 602.6304,
5 16 602.7103B, or 633.20B, if a vacancy occurs in the office of a
5 17 district judge, district associate judge, associate juvenile
5 18 judge, or associate probate judge, and the chief justice of
5 19 the supreme court makes a finding that a substantial disparity
5 20 exists in the allocation of such judgeships and judicial
5 21 workload between judicial election districts, the chief
5 22 justice may apportion the vacant office from the judicial
5 23 election district where the vacancy occurs to another judicial
5 24 election district based upon the substantial disparity
5 25 finding. However, such a judgeship shall not be apportioned
5 26 pursuant to this section unless a majority of the judicial
5 27 council approves the apportionment. This section does not
5 28 apply to a district associate judge office authorized by
5 29 section 602.6302 or 602.6307.
5 30 Sec. 8. Section 602.6303, subsection 5, Code 2009, is
5 31 amended to read as follows:
5 32 5. If a majority of the district judges in a judicial
5 33 election district determines that a substitution is no longer
5 34 desirable, then all three magistrate positions shall be
5 35 terminated. However, a reversion pursuant to this subsection

Senate Study Bill 1078 continued

6 1 shall not take effect until the terms of the three magistrates
6 2 expire. Upon the termination of the magistrate positions
6 3 created under this section, an appointment shall be made to
6 4 reestablish the term of office for a district associate judge
6 5 as provided in ~~sections~~ section 602.6304 ~~and 602.6305~~.
6 6 Sec. 9. Section 602.6304, Code 2009, is amended by
6 7 striking the section and inserting in lieu thereof the
6 8 following:
6 9 602.6304 APPOINTMENT OF DISTRICT ASSOCIATE JUDGE.
6 10 1. A district associate judge authorized by the formula
6 11 pursuant to section 602.6301 or authorized by section 602.6302
6 12 or 602.6307, shall be nominated, serve an initial term, and
6 13 stand for retention in office as provided in this section and
6 14 as provided in chapter 46.
6 15 2. A person does not qualify for appointment to the office
6 16 of district associate judge unless the person is at the time
6 17 of appointment a resident of the judicial election district in
6 18 which the vacancy exists, licensed to practice law in Iowa,
6 19 and will be able, measured by the person's age at the time of
6 20 appointment, to complete the initial term of office prior to
6 21 reaching age seventy=two. An applicant for district associate
6 22 judge shall file a certified application form, to be provided
6 23 by the supreme court, with the chairperson of the district
6 24 judicial nominating commission.
6 25 3. A district associate judge shall be a resident of the
6 26 judicial election district in which appointed and retained. A
6 27 district associate judge shall serve in the judicial district
6 28 of the residence of the district associate judge while in
6 29 office, regardless of the number of district associate
6 30 judgeships authorized. A district associate judge is subject
6 31 to reassignment as provided in section 602.6108.
6 32 4. A district associate judge shall qualify for office as
6 33 provided in chapter 63 for a district judge.
6 34 5. For purposes of this section, "vacancy" means the
6 35 death, resignation, retirement, or removal of a district

Senate Study Bill 1078 continued

7 1 associate judge, or the failure of a district associate judge
7 2 to be retained in office at the judicial election, or an
7 3 increase in judgeships allowable by law.
7 4 6. Applicants for the office of district associate judge
7 5 shall apply to the district judicial nominating commission for
7 6 the judicial election district in which the vacancy is
7 7 located. The judicial district nominating commission and the
7 8 nominating process shall be governed by chapter 46 if not
7 9 inconsistent with the provisions of this section.
7 10 7. The district judicial nominating commission shall
7 11 nominate three persons to the district judges of the judicial
7 12 election district. The district judicial nominating
7 13 commission shall certify the nominees in writing to the
7 14 district judge with the longest service in the judicial
7 15 election district in which the appointment is to occur.
7 16 Copies shall be sent to the chief judge of the judicial
7 17 district, the district court administrator of the judicial
7 18 district, and the state court administrator. The longest
7 19 serving district judge of the judicial election district shall
7 20 serve as the chairperson of the district judges for the
7 21 purpose of this section.
7 22 8. Within thirty days of the date the longest serving
7 23 district judge in the judicial election district receives the
7 24 list of nominees from the judicial district nominating
7 25 commission to a vacancy in the office of district associate
7 26 judge, the district judges in the judicial election district
7 27 shall, by majority vote, appoint one of the nominees to fill
7 28 the vacancy. If the appointment is not made within thirty
7 29 days, the chief justice shall make the appointment from the
7 30 list of nominees.
7 31 Sec. 10. Section 602.7103B, Code 2009, is amended by
7 32 striking the section and inserting in lieu thereof the
7 33 following:
7 34 602.7103B APPOINTMENT OF AN ASSOCIATE JUVENILE JUDGE.
7 35 1. An associate juvenile judge shall be nominated, serve

Senate Study Bill 1078 continued

8 1 an initial term, and stand for retention in office as provided
8 2 in this section and as provided in chapter 46.
8 3 2. A person does not qualify for appointment to the office
8 4 of an associate juvenile judge unless the person is at the
8 5 time of appointment a resident of the judicial election
8 6 district in which the vacancy exists, licensed to practice law
8 7 in Iowa, and will be able, measured by the person's age at the
8 8 time of appointment, to complete the initial term of office
8 9 prior to reaching age seventy=two. An applicant for associate
8 10 juvenile judge shall file a certified application form, to be
8 11 provided by the supreme court, with the chairperson of the
8 12 district judicial nominating commission.
8 13 3. An associate juvenile judge shall be a resident of the
8 14 judicial election district in which appointed and retained.
8 15 An associate juvenile judge shall serve in the judicial
8 16 district of the residence of the judge while in office,
8 17 regardless of the number of judgeships authorized. An
8 18 associate juvenile judge is subject to reassignment under
8 19 section 602.6108.
8 20 4. An associate juvenile judge shall qualify for office as
8 21 provided in chapter 63 for a district judge.
8 22 5. For purposes of this section, "vacancy" means the
8 23 death, resignation, retirement, or removal of an associate
8 24 juvenile judge, or the failure of an associate juvenile judge
8 25 to be retained in office at the judicial election, or an
8 26 increase in associate juvenile judgeships allowable by law.
8 27 6. Applicants for the office of associate juvenile judge
8 28 shall apply to the district judicial nominating commission for
8 29 the judicial election district in which the vacancy is
8 30 located. The judicial district nominating commission and the
8 31 nominating process shall be governed by chapter 46 if not
8 32 inconsistent with the provisions of this section.
8 33 7. The district judicial nominating commission shall
8 34 nominate three persons to the district judges of the judicial
8 35 election district. The district judicial nominating

Senate Study Bill 1078 continued

9 1 commission shall certify the nominees in writing to the
9 2 district judge with the longest service in the judicial
9 3 election district in which the appointment is to occur.
9 4 Copies shall be sent to the chief judge of the judicial
9 5 district, the district court administrator of the judicial
9 6 district, and the state court administrator. The longest
9 7 serving district judge of the judicial election district shall
9 8 serve as the chairperson of the district judges for the
9 9 purpose of this section.
9 10 8. Within thirty days of the date the longest serving
9 11 district judge in the judicial election district receives the
9 12 list of nominees from the judicial district nominating
9 13 commission to a vacancy in the office of associate juvenile
9 14 judge, the district judges in the judicial election district
9 15 shall, by majority vote, appoint one of the nominees to fill
9 16 the vacancy. If the appointment is not made within thirty
9 17 days, the chief justice shall make the appointment from the
9 18 list of nominees.
9 19 Sec. 11. Section 602.9202, subsection 4, Code 2009, is
9 20 amended to read as follows:
9 21 4. "Senior judge retirement age" means seventy=eight years
9 22 of age or, if the senior judge is reappointed as a senior
9 23 judge for ~~an~~ two additional ~~two=year term~~ one=year terms upon
9 24 attaining seventy=eight years of age pursuant to section
9 25 602.9203, eighty years of age.
9 26 Sec. 12. Section 602.9203, subsection 1, Code 2009, is
9 27 amended to read as follows:
9 28 1. A supreme court judge, court of appeals judge, district
9 29 judge, district associate judge, full=time associate juvenile
9 30 judge, or full=time associate probate judge, who qualifies
9 31 under subsection 2 may become a senior judge by filing with
9 32 the clerk of the supreme court a written election in the form
9 33 specified by the ~~court administrator~~ supreme court. The
9 34 election shall be filed within six months of the date of
9 35 retirement.

Senate Study Bill 1078 continued

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

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

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

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

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

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

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

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

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

c. A senior judge or retired senior judge shall not

Senate Study Bill 1078 continued

11 1 receive benefits calculated using a basic senior judge salary
11 2 established after ~~the twelve=month period in which~~ the senior
11 3 judge or retired senior judge attains senior judge retirement
11 4 age.
11 5 Sec. 18. Section 602.9204, subsection 2, paragraphs d and
11 6 e, Code 2009, are amended to read as follows:
11 7 d. "Basic senior judge salary cap" means the basic senior
11 8 judge salary, at the ~~end of the twelve=month period during~~
~~11 9 which~~ time the senior judge or retired senior judge attained
11 10 senior judge retirement age, of the office in which the person
11 11 last served as a judge before retirement as a judge or senior
11 12 judge.
11 13 e. "Escalator" means the difference between the current
11 14 basic salary, as of the time each payment is made up to ~~and~~
~~11 15 including the twelve=month period during which~~ the time the
11 16 senior judge or retired senior judge attains senior judge
11 17 retirement age, of the office in which the senior judge last
11 18 served as a judge before retirement as a judge or senior
11 19 judge, and the basic annual salary which the judge is
11 20 receiving at the time the judge becomes separated from
11 21 full=time service as a judge of one or more of the courts
11 22 included in this article, as would be used in computing an
11 23 annuity pursuant to section 602.9107 without service as a
11 24 senior judge.
11 25 Sec. 19. Section 602.9207, subsection 1, Code 2009, is
11 26 amended to read as follows:
11 27 1. A senior judge shall cease to be a senior judge upon
11 28 ~~completion of the twelve=month period during which the judge~~
~~11 29 attains~~ attaining senior judge retirement age. The clerk of
11 30 the supreme court shall make a notation of the retirement of a
11 31 senior judge in the roster of senior judges, at which time the
11 32 senior judge shall become a retired senior judge.
11 33 Sec. 20. Section 602.9208, subsection 1, Code 2009, is
11 34 amended to read as follows:
11 35 1. A senior judge, at any time prior to ~~the end of the~~

~~Senate Study Bill 1078 continued~~

~~12 1 twelve=month period during which the judge attains~~ attaining
12 2 senior judge retirement age, may submit to the clerk of the
12 3 supreme court a written request that the judge's name be
12 4 stricken from the roster of senior judges. Upon the receipt
12 5 of the request the clerk shall strike the name of the person
12 6 from the roster of senior judges, at which time the person
12 7 shall cease to be a senior judge. A person who relinquishes a
12 8 senior judgeship as provided in this subsection may be
12 9 assigned to temporary judicial duties as provided in section
12 10 602.1612.
12 11 Sec. 21. Section 633.13, Code 2009, is amended to read as
12 12 follows:
12 13 633.13 EXTENT OF JURISDICTION.
12 14 1. The court of the county in which a will is probated, or
12 15 in which administration, conservatorship or guardianship is
12 16 granted, shall have jurisdiction coextensive with the state in
12 17 the settlement of the estate, and in the sale and distribution
12 18 thereof.
12 19 2. A district judge or a district associate judge has
12 20 statewide jurisdiction to enter orders in probate matters ~~not~~
12 21 except for orders approving fees, granting continuances, or
12 22 extensions and orders requiring notice and hearing, although
12 23 the judge is not a judge of or present in the district in
12 24 which the probate matter is pending. The orders shall be made
12 25 in conformity with the rules of the district in which the
12 26 probate matter is pending.
12 27 Sec. 22. Section 633.20B, Code 2009, is amended by
12 28 striking the section and inserting in lieu thereof the
12 29 following:
12 30 633.20B APPOINTMENT OF AN ASSOCIATE PROBATE JUDGE.
12 31 1. An associate probate judge shall be nominated, serve an
12 32 initial term, and stand for retention in office as provided in
12 33 this section and as provided in chapter 46.
12 34 2. A person does not qualify for appointment to the office
12 35 of associate probate judge unless the person is at the time of

Senate Study Bill 1078 continued

13 1 appointment a resident of the judicial election district in
13 2 which the vacancy exists, licensed to practice law in Iowa,
13 3 and will be able, measured by the person's age at the time of
13 4 appointment, to complete the initial term of office prior to
13 5 reaching age seventy=two. An applicant for associate probate
13 6 judge shall file a certified application form, to be provided
13 7 by the supreme court, with the chairperson of the district
13 8 judicial nominating commission.
13 9 3. An associate probate judge shall be a resident of the
13 10 judicial election district in which appointed and retained.
13 11 An associate probate judge shall serve in the judicial
13 12 district of the residence of the associate probate judge while
13 13 in office, regardless of the number of associate probate
13 14 judgeships authorized. An associate probate judge is subject
13 15 to reassignment under section 602.6108.
13 16 4. An associate probate judge shall qualify for office as
13 17 provided in chapter 63 for a district judge.
13 18 5. For purposes of this section, "vacancy" means the
13 19 death, resignation, retirement, or removal of an associate
13 20 probate judge, or the failure of an associate probate judge to
13 21 be retained in office at the judicial election, or an increase
13 22 in associate probate judgeships allowable by law.
13 23 6. Applicants for the office of associate probate judge
13 24 shall apply to the district judicial nominating commission for
13 25 the judicial election district in which the vacancy is
13 26 located. The judicial district nominating commission and the
13 27 nominating process shall be governed by chapter 46 if not
13 28 inconsistent with the provisions of this section.
13 29 7. The district judicial nominating commission shall
13 30 nominate three persons to the district judges of the judicial
13 31 election district. The district judicial nominating
13 32 commission shall certify the nominees in writing to the
13 33 district judge with the longest service in the judicial
13 34 election district in which the appointment is to occur.
13 35 Copies shall be sent to the chief judge of the judicial

Senate Study Bill 1078 continued

14 1 district, the district court administrator of the judicial
14 2 district, and the state court administrator. The longest
14 3 serving district judge of the judicial election district shall
14 4 serve as the chairperson of the district judges for the
14 5 purpose of this section.
14 6 8. Within thirty days of the date the longest serving
14 7 district judge in the judicial election district receives the
14 8 list of nominees from the judicial district nominating
14 9 commission to a vacancy in the office of associate probate
14 10 judge, the district judges in the judicial election district
14 11 shall, by majority vote, appoint one of the nominees to fill
14 12 the vacancy. If the appointment is not made within thirty
14 13 days, the chief justice shall make the appointment from the
14 14 list of nominees.
14 15 Sec. 23. Sections 602.6305, 602.7103C, and 633.20C, Code
14 16 2009, are repealed.
14 17 EXPLANATION
14 18 This bill relates to the appointment of judicial officers
14 19 and the clerk of the district court, the appointment and
14 20 retirement of senior judges, and the entry of orders in civil
14 21 proceedings.
14 22 The bill authorizes the chief justice to delay the
14 23 nomination process of any judicial officer for up to 180 days
14 24 for budgetary reasons.
14 25 The bill changes the nominating process for district
14 26 associate judges, associate juvenile judges, and associate
14 27 probate judges. The bill provides that the district judicial
14 28 nominating commission shall nominate persons for appointment
14 29 to the office of district associate judge, associate juvenile
14 30 judge, or associate probate judge, rather than the county
14 31 magistrate appointing commission.
14 32 The bill provides that a person at the time of appointment
14 33 to the office of district associate judge, associate juvenile
14 34 judge, or associate probate judge, shall be a resident of the
14 35 judicial election district where the vacancy occurs. Current

Senate Study Bill 1078 continued

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

Senate Study Bill 1078 continued

16 1 juvenile judge pursuant to Code section 602.6307 shall not be
16 2 apportioned by a substantial disparity finding under the bill.
16 3 Current law does not permit the chief justice and the judicial
16 4 council to apportion vacant judgeships across judicial
16 5 election district boundaries.
16 6 The bill provides that the court may enter temporary
16 7 custody and visitation orders prior to a hearing to determine
16 8 whether domestic abuse has occurred under Code chapter 236.
16 9 In awarding temporary custody and visitation under the bill,
16 10 the court shall give primary consideration to the safety of
16 11 the alleged victim and the children.
16 12 The bill changes the method by which the clerk of the
16 13 district court is appointed. The bill permits the chief judge
16 14 of each judicial district to appoint the clerk of the district
16 15 court and remove the clerk for cause after consultation with
16 16 the judicial officers of the judicial district. The clerk
16 17 under current law is appointed by a majority vote of all
16 18 district judges in the judicial election district, and removed
16 19 by majority vote.
16 20 The bill provides that a senior judge shall cease being a
16 21 senior judge upon attaining the age of 78 years of age, unless
16 22 the senior judge is reappointed by the supreme court for two
16 23 additional one=year terms until the age of 80 is attained.
16 24 Upon attaining the age of 80 a senior judge shall cease being
16 25 a senior judge. Current law provides that a senior judge
16 26 shall cease being a senior judge upon completion of the
16 27 12=month period during which the judge attains the age of 78.
16 28 In probate proceedings, the bill requires that a judge or a
16 29 district associate judge must be a judge of the district or
16 30 present in the district where a probate matter is pending for
16 31 the judge to have authority to enter orders approving fees,
16 32 granting continuances or extensions, and orders requiring a
16 33 hearing. Current law provides that a district judge or
16 34 district associate judge has statewide jurisdiction to enter
16 35 orders in probate matters on a statewide basis that do not

Senate Study Bill 1078 continued

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

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 22, 2009

Senate Study Bill 1079

SENATE/HOUSE FILE
BY (PROPOSED JUDICIAL
BRANCH BILL)

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

A BILL FOR

An Act relating to criminal acts, records, and proceedings, including interference with judicial acts, deferred judgments, donations and contributions in a criminal proceeding, and providing a penalty.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1405XD 83
jm/nh/5

Senate Study Bill 1079 continued

PAG LIN

1 1 Section 1. NEW SECTION. 720.7 INTERFERENCE WITH JUDICIAL
1 2 ACTS == PENALTY.
1 3 1. As used in this section:
1 4 a. "Court employee" means the same as defined in section
1 5 602.1101.
1 6 b. "Judicial officer" means the same as defined in section
1 7 602.1101.
1 8 c. "Family member" means a spouse, son, daughter, brother,
1 9 sister, uncle, aunt, first cousin, nephew, niece, grandfather,
1 10 grandmother, father=in=law, mother=in=law, son=in=law,
1 11 daughter=in=law, brother=in=law, sister=in=law, father,
1 12 mother, stepfather, stepmother, stepson, stepdaughter,
1 13 stepbrother, stepsister, half brother, or half sister.
1 14 2. A person who harasses a judicial officer, court
1 15 employee, or a family member of a judicial officer or a court
1 16 employee in violation of section 708.7, with the intent to
1 17 interfere with or improperly influence, or in retaliation for,
1 18 the official acts of a judicial officer or court employee,
1 19 commits an aggravated misdemeanor.
1 20 Sec. 2. NEW SECTION. 901.11 DONATIONS == PROHIBITED.
1 21 A monetary or property donation to any person or entity,
1 22 including a political subdivision, government agency, entity,
1 23 official, school, or charitable organization, is prohibited as
1 24 a part of any dismissal, plea, sentence, plan of restitution,
1 25 or other penalty.
1 26 Sec. 3. Section 907.9, subsection 4, Code 2009, is amended
1 27 to read as follows:
1 28 4. At the expiration of the period of probation if the
1 29 fees imposed under section 905.14 and court debt collected
1 30 pursuant to section 602.8107 have been paid, the court shall
1 31 order the discharge of the person from probation. If portions
1 32 of the court debt remain unpaid, the person shall establish a
1 33 payment plan with the clerk of the district court or the
1 34 county attorney prior to the discharge. The court shall
1 35 forward to the governor a recommendation for or against

Senate Study Bill 1079 continued

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

~~Senate Study Bill 1079 continued~~

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

Senate Study Bill 1079 continued

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

Senate Study Bill 1079 continued

5 1 ordered, the court shall set a specific number of hours of
5 2 service to be performed by the offender which, for payment of
5 3 court=appointed attorney fees ordered pursuant to section
5 4 815.9, including the expenses of a public defender, shall be
5 5 approximately equivalent in value to those costs. The
5 6 judicial district department of correctional services shall
5 7 provide for the assignment of the offender to a public agency
5 8 or private nonprofit agency to perform the required service.
5 9 EXPLANATION
5 10 This bill relates to interference with judicial acts,
5 11 deferred judgments, donations and contributions in a criminal
5 12 proceeding, and provides a penalty.
5 13 Under the bill, a person who harasses a judicial officer,
5 14 court employee, or a family member of a judicial officer or
5 15 court employee in violation of Code section 708.7, with the
5 16 intent to interfere with or improperly influence, or in
5 17 retaliation for, the official acts of a judicial officer or
5 18 court employee, commits an aggravated misdemeanor.
5 19 Under the bill, a person who receives a deferred judgment
5 20 shall not have the person's criminal record in the case sealed
5 21 until the person has paid any court debt as defined in Code
5 22 section 602.8107 in the deferred judgment case.
5 23 Under current law, a person who receives a deferred
5 24 judgment and who is discharged from probation shall have the
5 25 criminal record in the deferred judgment case expunged.
5 26 In addition, under current law, a permanent record of a
5 27 deferred judgment is maintained pursuant to Code section
5 28 907.4, even if the record is expunged, in order to determine
5 29 if a defendant has received a previous deferred judgment.
5 30 The bill also prohibits any donation to an agency, person,
5 31 charitable organization, political subdivision of the state,
5 32 or other entity as part of any dismissal, plea, sentence, plan
5 33 of restitution, or other criminal penalty. The bill
5 34 eliminates a provision allowing a criminal defendant to make a
5 35 donation in lieu of performing community service. The bill

Senate Study Bill 1079 continued

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

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 22, 2009

Senate Study Bill 1080

SENATE/HOUSE FILE
BY (PROPOSED ATTORNEY
GENERAL BILL)

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

A BILL FOR

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

Senate Study Bill 1080 continued

PAG LIN

1 1 Section 1. Section 915.36, subsections 1 and 2, Code 2009,
1 2 are amended to read as follows:
1 3 1. Prior to an arrest or the filing of an information ~~or~~,
1 4 indictment, or criminal complaint, whichever occurs first,
1 5 against a person ~~charged with a violation of chapter 709,~~
~~1 6 section 726.2, or section 728.12,~~ relating to or alleging the
1 7 commission of an offense committed with or on a ~~child, as~~
~~1 8 defined in section 702.5~~ minor, the identity of the ~~child~~
1 9 minor or any information reasonably likely to disclose the
1 10 identity of the ~~child~~ minor shall not be released to the
1 11 public by any public employee except as authorized by the
1 12 court of jurisdiction.
1 13 2. In order to protect the welfare of the ~~child~~ minor, the
1 14 name of the ~~child~~ minor and identifying biographical
1 15 information shall not appear on the information ~~or~~,
1 16 indictment, criminal complaint, or any other public record.
1 17 Instead, a nondescriptive designation shall appear on all
1 18 public records. The nonpublic records containing the ~~child's~~
1 19 minor's name and identifying biographical information shall be
1 20 kept by the court. This subsection does not apply to the
1 21 release of information to an accused or accused's counsel;
1 22 however, the use or release of this information by the accused
1 23 or accused's counsel for purposes other than the preparation
1 24 of defense constitutes contempt.
1 25 EXPLANATION
1 26 This bill relates to the protection of a minor victim's
1 27 identity in a criminal proceeding.
1 28 The bill provides that prior to an arrest or the filing of
1 29 an information, indictment, or criminal complaint, whichever
1 30 occurs first, against a person for a criminal offense against
1 31 a minor, the identity of the minor shall not be released to
1 32 the public by any public employee except as authorized by the
1 33 court.
1 34 Current law provides that the identity of a child under age
1 35 14 shall not be released prior to the arrest or the filing of

Senate Study Bill 1080 continued

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

Senate Study Bill 1081

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

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

SENATE JOINT RESOLUTION

A Joint Resolution proposing an amendment to the Constitution of the State of Iowa eliminating a requirement that a criminal offense, where the maximum permissible penalty does not exceed thirty days of imprisonment, be prosecuted on information under oath.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1356DP 83
jm/rj/5

Senate Study Bill 1081 continued

PAG LIN

1 1 Section 1. The following amendment to the Constitution of
1 2 the State of Iowa is proposed:
1 3 Section 11, unnumbered paragraph 1, of Article 1 of the
1 4 Constitution of the State of Iowa, is amended to read as
1 5 follows:
1 6 All offenses less than felony and in which the maximum
1 7 permissible imprisonment does not exceed thirty days shall be
1 8 tried summarily before an officer authorized by law, on
1 9 information certified under ~~oath~~ penalty of perjury, without
1 10 indictment, or the intervention of a grand jury, saving to the
1 11 defendant the right of appeal; and no person shall be held to
1 12 answer for any higher criminal offense, unless on presentment
1 13 or indictment by a grand jury, except in cases arising in the
1 14 army, or navy, or in the militia, when in actual service, in
1 15 time of war or public danger.
1 16 Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed
1 17 amendment to the Constitution of the State of Iowa is referred
1 18 to the General Assembly to be chosen at the next general
1 19 election for members of the General Assembly, and the
1 20 Secretary of State is directed to cause the proposed amendment
1 21 to be published for three consecutive months previous to the
1 22 date of that election as provided by law.
1 23 EXPLANATION
1 24 This joint resolution proposes an amendment to the
1 25 Constitution of the State of Iowa eliminating requirements
1 26 that a criminal offense where the maximum permissible penalty
1 27 is less than 30 days of imprisonment be prosecuted on
1 28 information under oath.
1 29 The resolution removes the word "oath" from the
1 30 constitutional provision and inserts the words "certified
1 31 under penalty of perjury". The resolution effectively permits
1 32 a simple misdemeanor to be prosecuted on information that is
1 33 certified under penalty of perjury rather than under oath.
1 34 The resolution is in response to an Iowa supreme court
1 35 case, City of Cedar Rapids v. Atsinger, 617 N.W.2d, 272.

Senate Study Bill 1081 continued

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

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 22, 2009

Senate Study Bill 1082

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

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

A BILL FOR

An Act providing for a private cause of action for certain consumer fraud violations.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1831SC 83
rh/rj/14

Senate Study Bill 1082 continued

PAG LIN

1 1 Section 1. NEW SECTION. 714H.1 TITLE.
1 2 This chapter shall be known and may be cited as the
1 3 "Private Remedy for Consumer Fraud Act".
1 4 Sec. 2. NEW SECTION. 714H.2 DEFINITIONS.
1 5 1. "Advertisement" means the same as defined in section
1 6 714.16.
1 7 2. "Consumer" means a natural person or the person's legal
1 8 representative.
1 9 3. "Consumer merchandise" means merchandise offered for
1 10 sale or lease, or sold or leased, primarily for personal,
1 11 family, or household purposes.
1 12 4. "Deception" means the same as defined in section
1 13 714.16.
1 14 5. "Merchandise" means the same as defined in section
1 15 714.16.
1 16 6. "Person" means the same as defined in section 714.16.
1 17 7. "Sale" means any sale or offer for sale of consumer
1 18 merchandise for cash or credit.
1 19 8. "Unfair practice" means the same as defined in section
1 20 714.16.
1 21 Sec. 3. NEW SECTION. 714H.3 PROHIBITED PRACTICES AND
1 22 ACTS.
1 23 1. A person shall not engage in an unfair practice,
1 24 deception, fraud, false pretense, false promise, or
1 25 misrepresentation, or the concealment, suppression, or
1 26 omission of a material fact with the intent that others rely
1 27 upon the concealment, suppression, or omission, in connection
1 28 with the advertisement, sale, or lease of consumer
1 29 merchandise, or the solicitation of contributions for
1 30 charitable purposes. Except in an action for the concealment,
1 31 suppression, or omission of a material fact with intent that
1 32 others rely on it, an action under this chapter shall not
1 33 require an allegation or proof of reliance, intent to deceive,
1 34 or that the person who engaged in an unlawful act had
1 35 knowledge of the falsity of the claim or ignorance of the

Senate Study Bill 1082 continued

2 1 truth.
2 2 2. A person shall not engage in any practice or act that
2 3 is in violation of any of the following:
2 4 a. Section 321.69.
2 5 b. Chapter 516D.
2 6 c. Section 516E.5, 516E.9, or 516E.10.
2 7 d. Chapter 555A.
2 8 e. Section 714.16, subsection 2, paragraphs "b" through
2 9 "n".
2 10 f. Chapter 714A.
2 11 Sec. 4. NEW SECTION. 714H.4 EXCLUSIONS.
2 12 1. This chapter shall not apply to any of the following:
2 13 a. Advertising by a retailer for a product, other than a
2 14 drug or other product claiming to have a health=related
2 15 benefit or use, if the advertising is prepared by a supplier,
2 16 unless the retailer participated in the preparation of the
2 17 advertisement or knew or should have known that the
2 18 advertisement was deceptive, false, or misleading.
2 19 b. In connection with an advertisement that violates this
2 20 chapter, the newspaper, magazine, publication, or other print
2 21 media in which the advertisement appears, or the radio
2 22 station, television station, or other electronic media which
2 23 disseminates the advertisement if the newspaper, magazine,
2 24 publication, radio station, television station, or other print
2 25 or electronic media has no knowledge of the fraudulent intent,
2 26 design, or purpose of the advertiser at the time the
2 27 advertisement is accepted.
2 28 c. Any advertisement that complies with the statutes and
2 29 regulations of the federal trade commission.
2 30 2. "Material fact" as used in this chapter does not
2 31 include repairs of damage to or adjustments on or replacements
2 32 of parts with new parts of otherwise new merchandise if the
2 33 repairs, adjustments, or replacements are made to achieve
2 34 compliance with factory specifications and are made before
2 35 sale of the merchandise at retail and the actual cost of any

Senate Study Bill 1082 continued

3 1 labor and parts charged to or performed by a retailer for any
3 2 such repairs, adjustments, and parts does not exceed three
3 3 hundred dollars or ten percent of the actual cost to a
3 4 retailer including freight of the merchandise, whichever is
3 5 less, providing that the seller posts in a conspicuous place
3 6 notice that repairs, adjustments, or replacements will be
3 7 disclosed upon request. The exclusion provided in this
3 8 subsection does not apply to the concealment, suppression, or
3 9 omission of a material fact if the purchaser requests
3 10 disclosure of any repair, adjustment, or replacement.
3 11 Sec. 5. NEW SECTION. 714H.5 PRIVATE CAUSE OF ACTION.
3 12 1. A consumer who suffers damage or injury as the result
3 13 of a prohibited practice or act in violation of this chapter
3 14 may bring an action at law to recover actual damages. The
3 15 court may order such equitable relief as it deems necessary to
3 16 protect the public from further violations, including
3 17 temporary and permanent injunctive relief.
3 18 2. If the court finds that a person has violated this
3 19 chapter, the court shall award to the consumer the costs of
3 20 the action and to the consumer's attorney reasonable fees.
3 21 Reasonable attorney fees shall be determined by the value of
3 22 the time reasonably expended by the attorney including but not
3 23 limited to consideration of the following factors:
3 24 a. The time and labor required.
3 25 b. The novelty and difficulty of the issues in the case.
3 26 c. The skills required to perform the legal services
3 27 properly.
3 28 d. The preclusion of other employment by the attorney due
3 29 to the attorney's acceptance of the case.
3 30 e. The customary fee.
3 31 f. Whether the fee is fixed or contingent.
3 32 g. The time limitations imposed by the client or the
3 33 circumstances of the case.
3 34 h. The amount of money involved in the case and the
3 35 results obtained.

Senate Study Bill 1082 continued

4 1 i. The experience, reputation, and ability of the
4 2 attorney.
4 3 j. The undesirability of the case.
4 4 k. The nature and length of the professional relationship
4 5 between the attorney and the client.
4 6 l. Damage awards in similar cases.
4 7 3. In order to recover damages, a claim under this section
4 8 shall be proved by a preponderance of the evidence.
4 9 4. If the finder of fact finds that a prohibited practice
4 10 or act in violation of this chapter constitutes willful
4 11 disregard for the rights or safety of another, in addition to
4 12 an award of actual damages, statutory damages up to three
4 13 times the amount of actual damages may be awarded to a
4 14 prevailing consumer.
4 15 5. This section shall not affect a consumer's right to
4 16 seek relief under any other theory of law.
4 17 Sec. 6. NEW SECTION. 714H.6 ATTORNEY GENERAL
4 18 NOTIFICATION.
4 19 1. A party filing a petition, counterclaim,
4 20 cross=petition, or pleading in intervention alleging a
4 21 violation under this chapter, within seven days following the
4 22 date of filing such pleading, shall provide a copy to the
4 23 attorney general and, within seven days following entry of any
4 24 final judgment in the action, shall provide a copy of the
4 25 judgment to the attorney general. This subsection shall not
4 26 apply to small claims actions, except as provided in
4 27 subsection 2.
4 28 2. A party appealing to district court a small claims
4 29 order or judgment involving an issue raised under this
4 30 chapter, within seven days of providing notice of the appeal,
4 31 shall notify the attorney general in writing and provide a
4 32 copy of the pleading raising the issue and a copy of the small
4 33 claims court order or judgment.
4 34 3. A party appealing an order or judgment involving an
4 35 issue raised under this chapter, within seven days following

Senate Study Bill 1082 continued

5 1 the date such notice of appeal is filed with the court, shall
5 2 notify the attorney general in writing and provide a copy of
5 3 the pleading raising the issue and a copy of the court order
5 4 or judgment being appealed.
5 5 4. Upon timely application to the court in which an action
5 6 involving an issue raised under this chapter is pending, the
5 7 attorney general may intervene as a party at any time or may
5 8 be heard at any time. The attorney general's failure to
5 9 intervene shall not preclude the attorney general from
5 10 bringing a separate enforcement action.
5 11 5. All copies of pleadings, orders, judgments, and notices
5 12 required by this section to be sent to the attorney general
5 13 shall be sent by certified mail unless the attorney general
5 14 has previously been provided such copies of pleadings, orders,
5 15 judgments, or notices in the same action by certified mail, in
5 16 which case subsequent mailings may be made by regular mail.
5 17 Failure to provide the required mailings to the attorney
5 18 general shall not be grounds for dismissal of an action under
5 19 this chapter, but shall be grounds for a subsequent action by
5 20 the attorney general to vacate or modify the judgment.
5 21 EXPLANATION
5 22 This bill creates a private remedy for certain consumer
5 23 fraud Act violations.
5 24 The bill creates a private cause of action for consumer
5 25 fraud violations. The bill provides that a consumer who
5 26 suffers damage or injury as a result of a prohibited practice
5 27 or act declared to violate the bill may bring an action at law
5 28 to recover actual damages, and may seek court protection from
5 29 further violations, including temporary and permanent
5 30 injunctive relief. In addition, a prevailing consumer in such
5 31 an action shall be awarded costs and reasonable attorney fees
5 32 to be determined by the value of time reasonably expended by
5 33 the attorney including but not limited to certain factors as
5 34 specified in the bill. In addition, if the finder of fact
5 35 finds that a prohibited practice or act in violation of the

Senate Study Bill 1082 continued

6 1 bill constitutes willful disregard for the rights or safety of
6 2 another, in addition to an award of actual damages, statutory
6 3 damages up to three times the amount of actual damages may be
6 4 awarded to a prevailing consumer.
6 5 The bill defines a prohibited practice or act to include an
6 6 unfair practice, deception, fraud, false pretense, false
6 7 promise, or misrepresentation, or the concealment,
6 8 suppression, or omission of a material fact with the intent
6 9 that others rely on the concealment, suppression, or omission,
6 10 in connection with the advertisement, sale, or lease of
6 11 consumer merchandise, or the solicitation of contributions for
6 12 charitable purposes.
6 13 The bill does not apply to certain advertising by a
6 14 retailer for a product unless the retailer participated in the
6 15 preparation of the advertisement or knew or should have known
6 16 that the advertisement was deceptive or misleading, print
6 17 media in which the advertisement appears or electronic media
6 18 which disseminates the advertisement if the print or
6 19 electronic media has no knowledge of the fraudulent intent,
6 20 design, or purpose of the advertiser at the time the
6 21 advertisement is accepted, and any advertisement that complies
6 22 with the statutes and regulations of the federal trade
6 23 commission.
6 24 The bill authorizes the attorney general to oversee private
6 25 consumer fraud actions, including small claims court actions,
6 26 by requiring a party filing a petition, counterclaim,
6 27 cross=petition, or pleading in intervention alleging a
6 28 violation under the bill to provide a copy of the relevant
6 29 documents, including judgments and notices of appeal, to the
6 30 attorney general. In addition, the attorney general may
6 31 intervene as a party in a private consumer fraud action at any
6 32 time, or may be heard in such an action at any time.
6 33 The bill provides that failure to provide all mailings of
6 34 petitions, orders, judgments, and notices of appeal to the
6 35 attorney general shall not be grounds for dismissal, but shall

Senate Study Bill 1082 continued

7 1 be grounds for a subsequent action by the attorney general to
7 2 vacate or modify the judgment.
7 3 LSB 1831SC 83
7 4 rh/rj/14

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 22, 2009

Senate Study Bill 1083

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

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

A BILL FOR

An Act relating to notice of claims and the statute of limitation period in an action involving a claim against a special charter city.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1094XC 83
rh/rj/8

Senate Study Bill 1083 continued

PAG LIN

1 1 Section 1. Section 420.44, Code 2009, is amended to read
1 2 as follows:
1 3 420.44 UNLIQUIDATED CLAIM == LIMITATION OF ACTION.
1 4 ~~No suit~~ An action shall be brought against any such city
1 5 for any unliquidated claim or demand ~~unless~~ within ~~three~~
~~1 6 months from the time the same became due or cause of action~~
~~1 7 accrued thereon, nor unless a written, verified statement of~~
~~1 8 the general nature, cause, and amount of same is filed with~~
~~1 9 the clerk or recorder thirty days before the commencement of~~
~~1 10 such suit~~ two years after the alleged injury or damage.
1 11 Sec. 2. Section 420.45, Code 2009, is amended to read as
1 12 follows:
1 13 420.45 CLAIMS FOR PERSONAL INJURY == LIMITATION.
1 14 In all cases of personal injury or damage to property
1 15 resulting from defective streets or sidewalks, or from any
1 16 cause originating in the neglect or failure of any municipal
1 17 corporation or its officers to perform their duties, ~~no suit~~
1 18 an action shall be brought against any such city ~~after three~~
~~1 19 months~~ within two years ~~from the time of~~ after the alleged
1 20 injury or damage~~, and not then unless a written verified~~
~~1 21 statement of the amount, nature, and cause of such injury or~~
~~1 22 damage, and the time when and the place where such injury~~
~~1 23 occurred, and the particular defect or negligence of the city~~
~~1 24 or its officers which it is claimed caused or contributed to~~
~~1 25 the injury or damage, shall be presented to the council or~~
~~1 26 filed with the clerk within thirty days after said alleged~~
~~1 27 injury or damage was sustained~~.
1 28 EXPLANATION
1 29 This bill eliminates the requirement that a notice of a
1 30 claim against a special charter city for personal injury or
1 31 damage to property resulting from defective streets or
1 32 sidewalks or from any cause originating in the neglect or
1 33 failure of any municipal corporation or its officers to
1 34 perform their duties be presented to the city council or filed
1 35 with the city clerk within 30 days after the injury or damage

Senate Study Bill 1083 continued

2 1 in order to sustain a tort action against the special charter
2 2 city. The bill also eliminates the requirement that a notice
2 3 of any unliquidated damage claim against a special charter
2 4 city be filed with the city clerk or recorder 30 days before a
2 5 lawsuit is filed against a special charter city. The
2 6 elimination of these notice of claim requirements are
2 7 consistent with the elimination of the notice of claim
2 8 requirement relating to tort claims against a municipality
2 9 enacted in 2007 Iowa Acts, chapter 110, section 5 (S.F. 384).
2 10 The bill specifies that all such actions against a special
2 11 charter city must be brought within two years after the
2 12 alleged injury or damage.
2 13 LSB 1094XC 83
2 14 rh/rj/8

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 22, 2009

Senate Study Bill 1084

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

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

A BILL FOR

An Act relating to a sales tax exemption for the operation of nonprofit private performing arts centers and allowing a sales tax refund for construction of such centers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1294XD 83
ak/sc/5

Senate Study Bill 1084 continued

PAG LIN

1 1 Section 1. Section 423.3, subsection 22, Code 2009, is
1 2 amended to read as follows:
1 3 22. The sales price from sales of goods, wares, or
1 4 merchandise, or from services furnished, to a nonprofit
1 5 private art center or performing arts center to be used in the
1 6 operation of the art center or performing arts center.
1 7 Sec. 2. Section 423.4, subsection 1, unnumbered paragraph
1 8 1, Code 2009, is amended to read as follows:
1 9 A private nonprofit educational institution in this state,
1 10 nonprofit Iowa affiliate of a nonprofit international
1 11 organization whose primary activity is the promotion of the
1 12 construction, remodeling, or rehabilitation of one=family or
1 13 two=family dwellings for low=income families, nonprofit
1 14 private museum in this state, nonprofit private performing
1 15 arts center, tax=certifying or tax=levying body or
1 16 governmental subdivision of the state, including the state
1 17 board of regents, state department of human services, state
1 18 department of transportation, a municipally owned solid waste
1 19 facility which sells all or part of its processed waste as
1 20 fuel to a municipally owned public utility, and all divisions,
1 21 boards, commissions, agencies, or instrumentalities of state,
1 22 federal, county, or municipal government which do not have
1 23 earnings going to the benefit of an equity investor or
1 24 stockholder, may make application to the department for the
1 25 refund of the sales or use tax upon the sales price of all
1 26 sales of goods, wares, or merchandise, or from services
1 27 furnished to a contractor, used in the fulfillment of a
1 28 written contract with the state of Iowa, any political
1 29 subdivision of the state, or a division, board, commission,
1 30 agency, or instrumentality of the state or a political
1 31 subdivision, a private nonprofit educational institution in
1 32 this state, a nonprofit Iowa affiliate described in this
1 33 subsection, or a nonprofit private museum in this state if the
1 34 property becomes an integral part of the project under
1 35 contract and at the completion of the project becomes public

Senate Study Bill 1084 continued

2 1 property, is devoted to educational uses, becomes part of a
2 2 low=income one=family or two=family dwelling in the state, or
2 3 becomes a nonprofit private museum, or becomes a nonprofit
2 4 private performing arts center; except goods, wares, or
2 5 merchandise, or services furnished which are used in the
2 6 performance of any contract in connection with the operation
2 7 of any municipal utility engaged in selling gas, electricity,
2 8 or heat to the general public or in connection with the
2 9 operation of a municipal pay television system; and except
2 10 goods, wares, and merchandise used in the performance of a
2 11 contract for a "project" under chapter 419 as defined in that
2 12 chapter other than goods, wares, or merchandise used in the
2 13 performance of a contract for a "project" under chapter 419
2 14 for which a bond issue was approved by a municipality prior to
2 15 July 1, 1968, or for which the goods, wares, or merchandise
2 16 becomes an integral part of the project under contract and at
2 17 the completion of the project becomes public property or is
2 18 devoted to educational uses.
2 19 EXPLANATION
2 20 This bill exempts from sales tax the sale of materials and
2 21 services provided that are used in the operation of a
2 22 nonprofit private performing arts center. The bill allows the
2 23 sales tax from construction materials and services used to
2 24 build a nonprofit private performing arts center to be
2 25 refunded upon application to the Iowa department of revenue.
2 26 LSB 1294XD 83
2 27 ak/sc/5

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 22, 2009

Senate Study Bill 1085

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

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

A BILL FOR

An Act relating to the number of historic preservation grants that may be awarded in a county and providing an effective date.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1306XD 83
tw/sc:mg/14

Senate Study Bill 1085 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

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 22, 2009

Senate Study Bill 1086

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

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

A BILL FOR

An Act increasing the aggregate amount of tax credits that may be approved for property rehabilitation.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1304XD 83
tw/sc:mg/5

Senate Study Bill 1086 continued

PAG LIN

1 1 Section 1. Section 404A.4, subsection 4, Code 2009, is
1 2 amended to read as follows:
1 3 4. a. The total amount of tax credits that may be
1 4 approved for a fiscal year under this chapter shall not exceed
1 5 ~~ten million dollars in the fiscal year beginning July 1, 2007,~~
~~1 6 fifteen million dollars in the fiscal year beginning July 1,~~
~~1 7 2008, and twenty million dollars in the fiscal year beginning~~
~~1 8 July 1, 2009, and each fiscal year thereafter~~ fifty million
1 9 dollars.
1 10 b. Of the tax credits approved for a fiscal year under
1 11 this chapter, ten percent of the dollar amount of tax credits
1 12 shall be allocated for purposes of new projects with qualified
1 13 costs of five hundred thousand dollars or less, and forty
1 14 percent of the dollar amount of tax credits shall be allocated
1 15 for purposes of new projects located in cultural and
1 16 entertainment districts certified pursuant to section 303.3B
1 17 or identified in Iowa great places agreements developed
1 18 pursuant to section 303.3C.
1 19 c. Any of the tax credits allocated for projects located
1 20 in certified cultural and entertainment districts or
1 21 identified in Iowa great places agreements and for projects
1 22 with a cost of five hundred thousand dollars or less that are
1 23 not reserved during a fiscal year shall be applied to reserved
1 24 tax credits issued in accordance with section 404A.3 in order
1 25 of original reservation.
1 26 d. The department of cultural affairs shall establish by
1 27 rule the procedures for the application, review, selection,
1 28 and awarding of certifications of completion. The departments
1 29 of cultural affairs and revenue shall each adopt rules to
1 30 jointly administer this subsection and shall provide by rule
1 31 for the method to be used to determine for which fiscal year
1 32 the tax credits are available.
1 33 e. With the exception of tax credits issued pursuant to
1 34 contracts entered into prior to July 1, 2007, tax credits
1 35 shall not be reserved for more than three years.

Senate Study Bill 1086 continued

EXPLANATION

This bill relates to the total amount of tax credits that may be approved for property rehabilitation. These credits are available for the preservation of historic properties. Current law limits the amount of tax credits available for a fiscal year to $20 million for the fiscal year beginning July 1, 2009, and subsequent fiscal years. The bill increases the limit to $50 million for the fiscal year beginning July 1, 2009, and subsequent fiscal years.

LSB 1304XD 83
tw/sc:mg/5

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 22, 2009

Senate Study Bill 1087

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

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

A BILL FOR

An Act changing the eligibility requirements of web search portal businesses and information technology facilities for certain sales, use, and property tax exemptions and refunds.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1435DP 83
tw/mg:sc/8

Senate Study Bill 1087 continued

PAG LIN

1 1 Section 1. Section 423.3, subsection 92, paragraph b, Code
1 2 2009, is amended to read as follows:
1 3 b. For the purpose of claiming this exemption, all of the
1 4 following requirements shall be met:
1 5 (1) The business of the purchaser or renter shall be as a
1 6 provider of a web search portal.
1 7 (2) The web search portal business shall have a physical
1 8 location in the state that is used for the operations and
1 9 maintenance of the web search portal site on the internet
1 10 including but not limited to research and development to
1 11 support capabilities to organize information and to provide
1 12 internet access, navigation, and search.
1 13 (3) The web search portal business shall make a minimum
1 14 investment in an Iowa physical location of ~~two~~ one hundred
1 15 million dollars within the first six years of operation in
1 16 Iowa beginning with the date the web search portal business
1 17 initiates site preparation activities. The minimum investment
1 18 includes the initial investment, including land and subsequent
1 19 acquisition of additional adjacent land and subsequent
1 20 investment at the Iowa location.
1 21 ~~(4) The web search portal business shall purchase, option,~~
~~1 22 or lease Iowa land not later than December 31, 2008, for any~~
~~1 23 initial investment. However, the December 31, 2008, date~~
~~1 24 shall not affect the future purchases of adjacent land and~~
~~1 25 additional investment in the initial or adjacent land to~~
~~1 26 qualify as part of the minimum investment for purposes of this~~
~~1 27 exemption.~~
1 28 Sec. 2. Section 423.3, subsection 93, paragraph b, Code
1 29 2009, is amended to read as follows:
1 30 b. For the purpose of claiming this exemption, all of the
1 31 following requirements shall be met:
1 32 (1) The purchaser or renter shall be a web search portal
1 33 business.
1 34 (2) The web search portal business shall have a physical
1 35 location in the state that is used for the operations and

Senate Study Bill 1087 continued

2 1 maintenance of the web search portal business.
2 2 (3) The web search portal business shall make a minimum
2 3 investment in an Iowa physical location of ~~two~~ one hundred
2 4 million dollars within the first six years of operation in
2 5 Iowa beginning with the date the web search portal business
2 6 initiates site preparation activities. The minimum investment
2 7 includes the initial investment, including land and subsequent
2 8 acquisition of additional adjacent land and subsequent
2 9 investment at the Iowa location.
2 10 ~~(4) The web search portal business shall purchase, option,~~
~~2 11 or lease Iowa land not later than December 31, 2008, for any~~
~~2 12 initial investment. However, the December 31, 2008, date~~
~~2 13 shall not affect the future purchases of adjacent land and~~
~~2 14 additional investment in the initial or adjacent land to~~
~~2 15 qualify as part of the minimum investment for purposes of this~~
~~2 16 exemption.~~
2 17 Sec. 3. Section 423.4, subsection 8, paragraph b,
2 18 subparagraph (3), Code 2009, is amended by striking the
2 19 subparagraph.
2 20 Sec. 4. IMPLEMENTATION. Section 25B.7 does not apply to
2 21 any property tax exemption resulting from the enactment of
2 22 this Act.
2 23 EXPLANATION
2 24 This bill relates to sales, use, and property tax
2 25 exemptions and refunds for web search portal businesses.
2 26 Current law provides two substantially similar exemptions
2 27 from the sales and use taxes for web search portal businesses.
2 28 Both of these exemptions have certain eligibility
2 29 requirements, one of which is that a web search portal
2 30 business make an initial minimum investment of $200 million
2 31 and one of which is that the web search portal business
2 32 purchase, option, or lease land in Iowa not later than
2 33 December 31, 2008. The bill reduces to $100 million the
2 34 minimum initial investment and eliminates the requirement that
2 35 a web search portal business purchase, option, or lease land

Senate Study Bill 1087 continued

3 1 in the state by December 31, 2008.
3 2 Current law allows a property tax exemption for certain
3 3 property of the web search portal business if the business
3 4 meets the requirements for that business to receive the sales
3 5 and use tax exemptions. Therefore, a change in the
3 6 requirements for the sales and use tax exemptions also may
3 7 affect businesses eligible for the property tax exemption.
3 8 The provision that property tax exemptions have to be fully
3 9 funded by the state is made inapplicable to any change in
3 10 property tax exemptions resulting from the enactment of the
3 11 bill.
3 12 Current law also provides for a five=year refund of the
3 13 sales and use taxes paid by certain information technology
3 14 companies. In order to qualify for the refund, information
3 15 technology companies must meet certain Leadership in Energy
3 16 and Environmental Design (LEED) standards. The bill
3 17 eliminates the LEED standards requirement.
3 18 LSB 1435DP 83
3 19 tw/mg:sc/8

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 22, 2009

Senate Study Bill 1088

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

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

A BILL FOR

An Act concerning fine arts projects in state buildings.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1282XD 83
ec/sc/8

Senate Study Bill 1088 continued

PAG LIN

1 1 Section 1. Section 304A.10, Code 2009, is amended to read
1 2 as follows:
1 3 304A.10 COST OF FINE ARTS == PERCENTAGE.
1 4 The total estimated cost of the fine arts elements included
1 5 in a plan and specifications for a state building or group of
1 6 state buildings in accordance with the purposes of this
1 7 division shall in no case be less than ~~one=half of~~ one percent
1 8 of the total estimated cost of such building or group of
1 9 buildings. This percentage allocation shall not be diminished
1 10 by professional fees. By September 1 annually, the
1 11 contracting officer or principal user shall submit to the
1 12 department of cultural affairs the total amount of state
1 13 financial assistance expended in accordance with this section
1 14 during the previous fiscal year. If deemed in the best
1 15 interests of the citizens, funds allocated for the acquisition
1 16 of fine arts may be accumulated over more than one
1 17 appropriation or fiscal period or combined to complete
1 18 significant projects~~, however, this sentence does not~~
~~1 19 authorize interproject transfers~~ with prior approval of the
1 20 Iowa arts council. ~~The total estimated cost of the fine arts~~
~~1 21 elements included in a plan and specifications for a state~~
~~1 22 building or group of state buildings in accordance with this~~
~~1 23 section shall be included by the department of cultural~~
~~1 24 affairs in calculating the amount of state financial~~
~~1 25 assistance for the arts for purposes of national ranking~~
~~1 26 surveys. By January 1 annually, the department of cultural~~
~~1 27 affairs shall submit a summary of the total amount of state~~
~~1 28 financial assistance expended in accordance with this section~~
~~1 29 and for which state buildings the assistance was expended.~~
1 30 Sec. 2. Section 304A.12, Code 2009, is amended to read as
1 31 follows:
1 32 304A.12 SEPARATE CONTRACT == MAINTENANCE ACCOUNT.
1 33 1. Contracts for the fine arts elements shall be executed
1 34 within the limits of the actual costs as determined by section
1 35 304A.10. Funds in the amount of one percent of the total

Senate Study Bill 1088 continued

2 1 estimated cost of the fine arts elements, as determined by
2 2 section 304A.10, shall be transferred to the arts division for
2 3 administration of the program. ~~All expenses related to the~~
~~2 4 acquisition of the fine arts elements shall be contracted for~~
~~2 5 separately by the arts division with the funds allocated for~~
~~2 6 these purposes.~~ In addition, an amount equal to ten percent
2 7 of the total estimated cost of the fine arts elements, as
2 8 determined by section 304A.10, for a project shall be
2 9 deposited in the maintenance and conservation fund created in
2 10 this section.
2 11 2. A maintenance and conservation fund is created in the
2 12 state treasury under the control of the arts division of the
2 13 department of cultural affairs. Moneys credited to the fund
2 14 as provided in this section, and interest and earnings on that
2 15 money, shall be accounted for and appropriated to the arts
2 16 division to be used for the maintenance and conservation of
2 17 fine arts elements acquired. Notwithstanding section 8.33,
2 18 moneys credited to the fund that remain unencumbered or
2 19 unobligated at the close of the fiscal year shall not revert
2 20 but shall remain available for expenditure for the purpose
2 21 designated.
2 22 EXPLANATION
2 23 This bill concerns fine arts projects in state buildings.
2 24 The bill provides that 1 percent of the total estimated
2 25 cost of projects for a state building or group of state
2 26 buildings shall be used for fine arts elements. Fine arts
2 27 elements is defined in current law to include sculptures,
2 28 fountains, etc. Current law provides that .5 percent shall be
2 29 used for fine arts elements.
2 30 The bill also allows funds allocated for fine arts to be
2 31 accumulated and used over more than one fiscal period and to
2 32 be combined to complete significant projects with the approval
2 33 of the Iowa arts council.
2 34 The bill also provides that 10 percent of the moneys for
2 35 fine arts elements in a particular state building project

Senate Study Bill 1088 continued

3 1 shall be transferred to a new maintenance and conservation
3 2 fund under the control of the arts division of the department
3 3 of cultural affairs. The bill provides that moneys credited
3 4 to the fund shall be used for the maintenance and conservation
3 5 of fine arts elements acquired.
3 6 LSB 1282XD 83
3 7 ec/sc/8

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 22, 2009

Senate Study Bill 1089

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

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

A BILL FOR

An Act providing that wage discrimination is an unfair employment practice under the Iowa civil rights Act and providing an enhanced remedy.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1394DP 83
ec/nh/24

Senate Study Bill 1089 continued

PAG LIN

1 1 Section 1. Section 216.6, subsection 1, Code 2009, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. e. (1) Employer or agent of the employer
1 4 to discriminate against any employee because of the age, race,
1 5 creed, color, sex, sexual orientation, gender identity,
1 6 national origin, religion, or disability of such employee by
1 7 paying wages to such employee at a rate less than the rate
1 8 paid to other employees who are employed within the same
1 9 establishment for equal work on jobs, the performance of which
1 10 requires equal skill, effort, and responsibility, and which
1 11 are performed under similar working conditions, except where
1 12 such payment is made pursuant to a seniority system, a merit
1 13 system, a system which measures earnings by quantity or
1 14 quality of production, or a differential based on any other
1 15 factor other than the age, race, creed, color, sex, sexual
1 16 orientation, gender identity, national origin, religion, or
1 17 disability of such employee. An employer or agent of the
1 18 employer who is paying wages to an employee at a rate less
1 19 than the rate paid to other employees in violation of this
1 20 paragraph "e" shall not remedy the violation by reducing the
1 21 wage rate of any employee.
1 22 (2) For purposes of this paragraph "e", an unfair or
1 23 discriminatory practice occurs when a discriminatory pay
1 24 decision or other practice is adopted, when an individual
1 25 becomes subject to a discriminatory pay decision or other
1 26 practice, or when an individual is affected by application of
1 27 a discriminatory pay decision or other practice, including
1 28 each time wages, benefits, or other compensation is paid,
1 29 resulting in whole or in part from such a decision or other
1 30 practice.
1 31 Sec. 2. Section 216.15, subsection 8, paragraph a, Code
1 32 2009, is amended by adding the following new subparagraph:
1 33 NEW SUBPARAGRAPH. (2A) For an unfair or discriminatory
1 34 practice relative to wage discrimination, payment to the
1 35 complainant of damages which shall include but are not limited

Senate Study Bill 1089 continued

2 1 to an amount triple the wage differential paid to the
2 2 complainant for the entirety of the time for which the
2 3 complainant has been discriminated against.
2 4 Sec. 3. Section 216.16, subsection 1, paragraph b, Code
2 5 2009, is amended to read as follows:
2 6 b. The complaint has been on file with the commission for
2 7 at least sixty days, or for a complaint alleging wage
2 8 discrimination pursuant to section 216.6, subsection 1,
2 9 paragraph "e", at least fourteen days, and the commission has
2 10 issued a release to the complainant pursuant to subsection 2
2 11 of this section.
2 12 Sec. 4. Section 216.16, subsection 2, unnumbered paragraph
2 13 1, Code 2009, is amended to read as follows:
2 14 Upon a request by the complainant, and after the expiration
2 15 of sixty days or fourteen days, as applicable, from the timely
2 16 filing of a complaint with the commission, the commission
2 17 shall issue to the complainant a release stating that the
2 18 complainant has a right to commence an action in the district
2 19 court. A release under this subsection shall not be issued if
2 20 a finding of no probable cause has been made on the complaint
2 21 by the administrative law judge charged with that duty under
2 22 section 216.15, subsection 3, a conciliation agreement has
2 23 been executed under section 216.15, the commission has served
2 24 notice of hearing upon the respondent pursuant to section
2 25 216.15, subsection 5, or the complaint is closed as an
2 26 administrative closure and two years have elapsed since the
2 27 issuance date of the closure.
2 28 EXPLANATION
2 29 This bill provides that discrimination against any employee
2 30 on the basis of pay because of the age, race, creed, color,
2 31 sex, sexual orientation, gender identity, national origin,
2 32 religion, or disability of such employee is an unfair
2 33 employment practice under the Iowa civil rights Act. The bill
2 34 also provides that reducing the wage rate of an employee does
2 35 not remedy any potential violation for wage discrimination.

Senate Study Bill 1089 continued

3 1 The bill provides that an unfair or discriminatory practice
3 2 occurs relative to wage discrimination when a discriminatory
3 3 pay decision is made, when an individual becomes subject to a
3 4 discriminatory pay decision, or when an individual is affected
3 5 by application of a discriminatory pay decision or other
3 6 practice, including each time wages, benefits, or other
3 7 compensation is paid, resulting in whole or in part from such
3 8 a decision.
3 9 The bill also authorizes the civil rights commission to
3 10 award damages to a person subject to wage discrimination in an
3 11 amount triple the wage differential paid to the complainant
3 12 for the entirety of the time for which the complainant has
3 13 been discriminated against.
3 14 The bill also reduces from 60 days to 14 days the period of
3 15 time a complaint alleging wage discrimination must be on file
3 16 with the civil rights commission before the complainant can
3 17 request an administrative release to pursue the case in
3 18 district court.
3 19 LSB 1394DP 83
3 20 ec/nh/24.1

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 22, 2009

Senate Study Bill 1090

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

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

A BILL FOR

An Act relating to electrician licensure by modifying existing classifications and specifying new classifications.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1310DP 83
rn/rj/5

Senate Study Bill 1090 continued

PAG LIN

1 1 Section 1. Section 103.1, Code 2009, is amended by adding
1 2 the following new subsections:
1 3 NEW SUBSECTION. 11A. "Residential electrician" means a
1 4 person having the necessary qualifications, training,
1 5 experience, and technical knowledge to perform a residential
1 6 installation.
1 7 NEW SUBSECTION. 11B. "Residential installation" means the
1 8 wiring for or installation of electrical wiring, apparatus,
1 9 and equipment in a residence consisting of no more than four
1 10 living units within the same building.
1 11 NEW SUBSECTION. 11C. "Residential master electrician"
1 12 means a person having the necessary qualifications, training,
1 13 experience, and technical knowledge to properly plan, lay out,
1 14 and supervise the performance of a residential installation.
1 15 Sec. 2. NEW SECTION. 103.12A RESIDENTIAL ELECTRICIAN AND
1 16 RESIDENTIAL MASTER ELECTRICIAN LICENSE == QUALIFICATIONS.
1 17 1. The board may by rule provide for the issuance of a
1 18 residential electrician license, and may by rule provide for
1 19 the issuance of a residential master electrician license.
1 20 a. A residential electrician license or residential master
1 21 electrician license, if established by the board, shall be
1 22 issued to applicants who meet qualifications determined by the
1 23 board, and shall be valid for the performance of residential
1 24 installations, subject to limitations or restrictions
1 25 established by the board.
1 26 b. A person who, on or after the effective date of this
1 27 Act, holds a special electrician license authorizing
1 28 residential electrical installation, granted pursuant to
1 29 section 103.13, shall be eligible for conversion of that
1 30 special license to either a residential electrician license or
1 31 a residential master electrician license, if established by
1 32 the board, in accordance with requirements and procedures
1 33 established by the board.
1 34 2. A person licensed by the board as a journeyman or
1 35 master electrician shall not be required to hold a residential

Senate Study Bill 1090 continued

2 1 electrician or residential master electrician license to
2 2 perform any type of residential installation authorized for a
2 3 person licensed pursuant to this section.
2 4 3. The board may reject an application for licensure under
2 5 this section from an applicant who would be subject to
2 6 suspension, revocation, or reprimand pursuant to section
2 7 103.35.
2 8 Sec. 3. Section 103.13, Code 2009, is amended to read as
2 9 follows:
2 10 103.13 SPECIAL ELECTRICIAN LICENSE == QUALIFICATIONS.
2 11 1. The board shall by rule provide for the issuance of
2 12 special electrician licenses authorizing the licensee to
2 13 engage in a limited class or classes of electrical work, which
2 14 class or classes shall be specified on the license. Each
2 15 licensee shall have experience, acceptable to the board, in
2 16 each such limited class of work for which the person is
2 17 licensed. ~~The board may reject an application for licensure~~
~~2 18 under this section from an applicant who would be subject to~~
~~2 19 suspension, revocation, or reprimand pursuant to section~~
~~2 20 103.35.~~
2 21 2. Notwithstanding section 103.8, a person who holds a
2 22 special electrician license is not required to obtain an
2 23 electrical contractor license to engage in the business of
2 24 providing new electrical installations or any other electrical
2 25 services if such installations or services fall within the
2 26 limited class of special electrical work for which the person
2 27 holds the special electrician license.
2 28 3. The board may reject an application for licensure under
2 29 this section from an applicant who would be subject to
2 30 suspension, revocation, or reprimand pursuant to section
2 31 103.35.
2 32 Sec. 4. Section 103.19, subsection 1, paragraph a, Code
2 33 2009, is amended to read as follows:
2 34 a. For each year of the three=year license period for
2 35 issuance and renewal:

Senate Study Bill 1090 continued

(1) Electrical contractor, one hundred twenty=five dollars.

(2) Class A master electrician, class B master electrician, residential master electrician, one hundred twenty=five dollars.

(3) Class A journeyman electrician, class B journeyman electrician, residential electrician, or special electrician, twenty=five dollars.

Sec. 5. Section 103.29, subsection 4, Code 2009, is amended to read as follows:

4. A political subdivision is authorized to determine what work may be performed by a class B licensee within the jurisdictional limits of the political subdivision, provided, however, that a political subdivision shall not prohibit a class B licensee from performing any type of work that the licensee was authorized to perform within the political subdivision under the authority of a license validly issued or recognized by the political subdivision on or after December 31, 2007.

Sec. 6. Section 103.33, subsection 3, Code 2009, is amended to read as follows:

3. Upon receipt of notice of appeal from a condemnation or disconnection order because the electrical installation is not in compliance with accepted standards of construction for safety to health and property, except as provided in subsection 2, the order appealed from shall be stayed until final decision of the board and the board shall notify the property owner and the electrical contractor, class A master electrician, class B master electrician, fire alarm installer, ~~or~~ special electrician, or if established by the board the residential master electrician, making the installation. The power supplier shall also be notified in those instances in which the order has been served on such supplier.

EXPLANATION

This bill modifies specified existing provisions relating

Senate Study Bill 1090 continued

4 1 to electrician licensure and authorizes two new licensure
4 2 classifications.
4 3 The bill provides that the electrical examining board may
4 4 establish by rule a residential electrician classification and
4 5 a residential master electrician licensure classification to
4 6 perform residential installations. A "residential
4 7 installation" is defined in the bill as wiring for or
4 8 installing electrical wiring, apparatus, and equipment in a
4 9 residence consisting of no more than four living units within
4 10 the same building. A "residential electrician" refers to a
4 11 person having the necessary qualifications, training,
4 12 experience, and technical knowledge to perform a residential
4 13 installation, and a "residential master electrician" refers to
4 14 a person having the necessary qualifications, training,
4 15 experience, and technical knowledge to properly plan, lay out,
4 16 and supervise the performance of a residential installation.
4 17 The bill authorizes the board to determine licensure
4 18 qualifications, limitations, and restrictions for the two new
4 19 classifications if the classifications are established,
4 20 provides for conversion of an existing special electrician
4 21 license authorizing residential installations to one of the
4 22 new classifications if established, and exempts specified
4 23 existing licensure classifications from requirements
4 24 applicable to the new classifications. The bill contains
4 25 corresponding changes regarding licensing fees and
4 26 notification procedures relating to an appeal from an order of
4 27 condemnation or disconnection by the board. License fee
4 28 amounts are $125 for a residential master electrician, and $25
4 29 for a residential electrician.
4 30 The bill additionally provides that a political subdivision
4 31 shall not prohibit a class B licensee from performing any type
4 32 of work that the licensee was authorized to perform within the
4 33 political subdivision under the authority of a license validly
4 34 issued or recognized by the political subdivision on or after
4 35 December 31, 2007.

Senate Study Bill 1090 continued

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  5  1 LSB 1310DP 83
  5  2 rn/rj/5
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