



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 04, 2009

House File 196 - Introduced

HOUSE FILE  
BY BAUDLER

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

**A BILL FOR**

- 1 An Act relating to a peace officer carrying a weapon in court.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2092HH 83
- 4 jm/nh/5



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1 1 Section 1. NEW SECTION. 724.6A OFFICIAL DUTIES == COURT  
1 2 APPEARANCES.

1 3 A peace officer shall be permitted to carry a weapon while  
1 4 making a court appearance if in the performance of official  
1 5 duties.

1 6 EXPLANATION

1 7 This bill provides that a peace officer shall be permitted  
1 8 to carry a weapon while making a court appearance if in the  
1 9 performance of official duties.

1 10 LSB 2092HH 83

1 11 jm/nh/5



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HOUSE FILE  
 BY COMMITTEE ON HUMAN  
 RESOURCES

(SUCCESSOR TO HSB 49)

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

A BILL FOR

1 An Act relating to child support enforcement including  
 2 withholding of an employee's compensation by an employer for  
 3 support of a child under a support order, the required  
 4 establishment of a personal account for self-employed child  
 5 support obligors, and protection of child support information,  
 6 providing a penalty, and providing an effective date.  
 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
 8 TL5B 1666HV 83  
 9 pf/nh/5



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



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



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

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

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

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

3 15 DIVISION III

3 16 CHILD SUPPORT ENFORCEMENT INFORMATION

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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



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

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

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

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

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

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



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

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

7 15 1. Until a decree of dissolution has been entered, the  
7 16 record and evidence shall be closed to all but the court, its  
7 17 officers, and the child support recovery unit of the  
7 18 department of human services pursuant to section 252B.9.

7 19 However, the payment records of a temporary support order,  
~~7 20 whether~~ maintained by the clerk of the district court ~~or the~~  
~~7 21 department of human services,~~ are public records and may be  
7 22 released upon request. Payment records shall not include  
7 23 address or location information. No other person shall permit  
7 24 a copy of any of the testimony, or pleading, or the substance  
7 25 ~~thereof~~ of any testimony or pleading, to be made available to  
7 26 any person other than a party to the action or a party's  
7 27 attorney. Nothing in this subsection shall be construed to  
7 28 prohibit publication of the original notice as provided by the  
7 29 rules of civil procedure.

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

7 32 DIVISION IV

7 33 CHILD SUPPORT RECOVERY UNIT DISBURSEMENT FEES

7 34 Sec. 17. Section 252B.5, subsection 13, paragraph a, Code  
7 35 2009, is amended to read as follows:



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8 1 a. Beginning October 1, 2007, implement the provision of  
8 2 the federal Deficit Reduction Act of 2005, Pub. L. No. 109=171  
8 3 } 7310, requiring an annual collections fee of twenty=five  
8 4 dollars in child support cases in which the family has never  
8 5 received assistance under Title IV=A of the federal Social  
8 6 Security Act for whom the unit has ~~collected~~ disbursed at  
8 7 least five hundred dollars. ~~After~~ When the first five hundred  
8 8 dollars in support is ~~collected~~ disbursed in each federal  
8 9 fiscal year for a family, the fee shall be collected from the  
8 10 ~~obligor~~ obligee by retaining twenty=five dollars from  
8 11 ~~subsequent collections~~ disbursements to the obligee. If five  
8 12 hundred dollars but less than five hundred twenty=five dollars  
8 13 is ~~collected~~ disbursed in any federal fiscal year, any unpaid  
8 14 portion of the annual fee shall not accumulate and is not due.  
8 15 ~~Any amount retained to pay the twenty=five dollar fee shall~~  
8 16 ~~not reduce the amount of support due under the support order.~~  
8 17 The unit shall send information regarding the requirements of  
8 18 this subsection by regular mail to the last known address of  
8 19 an affected ~~obligor~~ obligee, or may include the information  
8 20 for an obligee in an application for services signed by the  
8 21 obligee. In addition, the unit shall take steps necessary  
8 22 regarding the fee to qualify for federal funds in conformity  
8 23 with the provisions of Title IV=D of the federal Social  
8 24 Security Act, including receiving and accounting for fee  
8 25 payments, as appropriate, through the collection services  
8 26 center created in section 252B.13A.  
8 27 Sec. 18. Section 252B.5, subsection 13, paragraph c, Code  
8 28 2009, is amended by striking the paragraph.

8 29 EXPLANATION

8 30 Division I of this bill relates to withholding of an  
8 31 employee's compensation by an employer for the purposes of  
8 32 paying support payments and the premiums for a health benefit  
8 33 plan to provide coverage for a child of the employee under a  
8 34 support order. The division eliminates language currently  
8 35 only published in the 2007 Iowa Acts, that would have taken



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

9 11 Division II of the bill provides for the required use of an  
9 12 existing or establishment of a new single-owner personal  
9 13 account for the sole purpose of obtaining support payments  
9 14 owed by a child support obligor. If an obligor's support  
9 15 payments are delinquent in an amount equal to payment for one  
9 16 month, the child support recovery unit may file a motion with  
9 17 the district court to order the use or establishment of such  
9 18 an account. The provisions apply to income providers  
9 19 including a self-employed obligor; a partnership or  
9 20 corporation from which an obligor receives compensation if the  
9 21 obligor is a partner, owner, or officer of the partnership or  
9 22 corporation; or a partnership or corporation from which such a  
9 23 partnership or corporation receives compensation. The  
9 24 division specifies notice provisions, the provisions to be  
9 25 included in an order, and provisions relating to modification  
9 26 of the order. Failure to utilize or establish the account or  
9 27 to authorize automatic withdrawal of the required account, as  
9 28 specified, is punishable as contempt. The remedy provided in  
9 29 the division is in addition to but does not affect or impair  
9 30 any other remedy available or relieve an income provider of  
9 31 any other duty specified by law.

9 32 Division III of the bill amends provisions regarding the  
9 33 use and disclosure of confidential information relating to  
9 34 child support enforcement in accordance with new federal  
9 35 regulations. The division, in accordance with these federal



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10 1 regulations, restricts the use and disclosure of such  
10 2 information, including payment records, to only the  
10 3 administration of the child support program under Title IV=D  
10 4 of the federal Social Security Act, and to provide information  
10 5 to other government agencies for programs under Title IV  
10 6 [temporary assistance for needy families, family investment  
10 7 program, and child welfare], Title XIX (Medicaid), and Title  
10 8 XXI (state children's health insurance program) of the federal  
10 9 Social Security Act. The division also requires evidence that  
10 10 a person is authorized under federal law in order to access  
10 11 parent locator services, and limits the government agencies  
10 12 that may have access to the Iowa central employee registry.  
10 13 The division takes effect March 23, 2009, the date the new  
10 14 federal regulations are effective.  
10 15 Division IV of the bill relates to the annual collections  
10 16 fee imposed in child support cases as required under the  
10 17 federal Deficit Reduction Act of 2005. The imposition of the  
10 18 fee became effective October 1, 2007, and applies only to  
10 19 cases in which the family has never received assistance under  
10 20 Title IV=A of the federal Social Security Act and only if  
10 21 child support is collected or disbursed in the amount of \$500  
10 22 or more. Current law imposed the fee after the first \$500 of  
10 23 support was collected by the child support recovery unit and  
10 24 the fee was collected from the obligor. Under the bill, the  
10 25 fee is only imposed on a family for whom the child support  
10 26 recovery unit has disbursed at least \$500 in support in each  
10 27 federal fiscal year, and is to be collected from the obligee  
10 28 by retaining \$25 from disbursements to the obligee.  
10 29 LSB 1666HV 83  
10 30 pf/nh/5



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HOUSE FILE  
BY ROBERTS

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

**A BILL FOR**

- 1 An Act imposing a moratorium on the issuance or relocation of
- 2 licenses for gambling games and providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2065YH 83
- 5 ec/nh/8



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1 1 Section 1. NEW SECTION. 99F.4E MORATORIUM FOR ISSUANCE  
1 2 AND RELOCATION OF LICENSES FOR GAMBLING GAMES.  
1 3 1. Commencing on the effective date of this Act, the  
1 4 commission shall not issue a license to conduct gambling games  
1 5 on an excursion gambling boat, in a gambling structure, or at  
1 6 a pari-mutuel racetrack pursuant to this chapter.  
1 7 2. This section does not affect the validity of a license  
1 8 issued by the commission pursuant to this chapter before the  
1 9 effective date of this Act, or the authority of the commission  
1 10 to suspend, revoke, transfer, or renew a license issued before  
1 11 the effective date of this Act, pursuant to chapter 99D or  
1 12 this chapter. However, the commission shall not permit a  
1 13 licensee to change the location of an excursion gambling boat,  
1 14 gambling structure, or pari-mutuel racetrack authorized to  
1 15 conduct gambling games after the effective date of this Act.  
1 16 Sec. 2. EFFECTIVE DATE. This Act, being deemed of  
1 17 immediate importance, takes effect upon enactment.

1 18 EXPLANATION  
1 19 This bill imposes a moratorium on the issuance of a new  
1 20 license to conduct gambling games on an excursion gambling  
1 21 boat, in a gambling structure, or at a pari-mutuel racetrack  
1 22 commencing on the effective date of the bill. In addition,  
1 23 the bill prohibits a licensee from moving the location of a  
1 24 boat, gambling structure, or racetrack after the effective  
1 25 date of the bill. The bill takes effect upon enactment.  
1 26 LSB 2065YH 83  
1 27 ec/nh/8



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HOUSE FILE  
BY REICHERT and H. MILLER

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

**A BILL FOR**

- 1 An Act requiring public schools and specified nonpublic schools
- 2 to utilize environmentally sensitive cleaning and maintenance
- 3 products in school facilities.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1908HH 83
- 6 rn/nh/5



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1 1 Section 1. NEW SECTION. 280.29 SCHOOL CLEANING AND  
1 2 MAINTENANCE == GREEN CLEANING PRODUCTS.  
1 3 1. FINDINGS AND INTENT. The general assembly finds that  
1 4 children are vulnerable to and may be severely affected by  
1 5 exposure to chemicals, hazardous waste, and other  
1 6 environmental hazards. The federal environmental protection  
1 7 agency estimates that human exposure to indoor air pollutants  
1 8 can be two to five times, and up to one hundred times, higher  
1 9 than outdoor levels. Children, teachers, janitors, and other  
1 10 staff members spend a significant amount of time inside school  
1 11 buildings and are continuously exposed to chemicals from  
1 12 cleaners, waxes, deodorizers, and other maintenance products.  
1 13 2. USE OF GREEN CLEANING PRODUCTS. By July 1, 2010, all  
1 14 school districts in this state, and accredited nonpublic  
1 15 schools with an enrollment of at least fifty pupils, shall  
1 16 conform to a green cleaning policy requiring the exclusive  
1 17 purchase and use of green cleaning products for purposes of  
1 18 school building cleaning and maintenance. For purposes of  
1 19 this section, "green cleaning products" means environmentally  
1 20 sensitive and nontoxic cleaning and maintenance products and  
1 21 supplies. A school district or accredited nonpublic school  
1 22 may deplete its existing cleaning and maintenance supply  
1 23 stocks and implement the new requirements in the procurement  
1 24 cycle for the following school year. A school district or  
1 25 accredited nonpublic school shall be exempt from the  
1 26 requirements of this section if the district or school submits  
1 27 written documentation to the department on an annual basis  
1 28 that adoption of the policy would result in a significant  
1 29 increase in annual cleaning and maintenance product and supply  
1 30 costs.  
1 31 3. POLICY GUIDELINES AND SPECIFICATIONS. The department,  
1 32 in consultation with the department of public health, shall  
1 33 establish by rule and update on an annual basis thereafter  
1 34 guidelines and specifications for the use of green cleaning  
1 35 products in school buildings, and shall maintain a list of



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2 1 approved products, together with estimated costs and supply  
2 2 vendors. The department shall provide multiple avenues by  
2 3 which cleaning products may be determined to be  
2 4 environmentally sensitive and nontoxic, and the guidelines  
2 5 developed shall include implementation practices and  
2 6 inspection procedures. The completed guidelines shall be  
2 7 posted and updated on the department's web site, and shall  
2 8 additionally be distributed on an updated basis to each school  
2 9 district, and accredited nonpublic school with an enrollment  
2 10 of at least fifty pupils, in the state.

2 11 Sec. 2. STATE MANDATE FUNDING SPECIFIED. In accordance  
2 12 with section 25B.2, subsection 3, the state cost of requiring  
2 13 compliance with any state mandate included in this Act shall  
2 14 be paid by a public school district from state school  
2 15 foundation aid received by the school district under section  
2 16 257.16. This specification of the payment of the state cost  
2 17 shall be deemed to meet all of the state funding-related  
2 18 requirements of section 25B.2, subsection 3, and no additional  
2 19 state funding shall be necessary for the full implementation  
2 20 of this Act by and enforcement of this Act against all  
2 21 affected school districts.

2 22 EXPLANATION

2 23 This bill requires school districts, and accredited  
2 24 nonpublic schools with an enrollment of at least 50 pupils, to  
2 25 purchase and utilize green cleaning products for purposes of  
2 26 school building cleaning and maintenance beginning July 1,  
2 27 2010. The bill defines "green cleaning products" as  
2 28 environmentally sensitive and nontoxic cleaning and  
2 29 maintenance products and supplies. The bill provides that a  
2 30 school district or accredited nonpublic school may deplete its  
2 31 existing cleaning and maintenance supply stocks and implement  
2 32 the new requirements in the procurement cycle for the  
2 33 following school year, and shall be exempt from compliance if  
2 34 the district or school submits written documentation to the  
2 35 department of education on an annual basis that adoption of



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3 1 the policy would result in a significant increase in annual  
3 2 cleaning and maintenance product and supply costs.  
3 3 The bill provides that the department, in consultation with  
3 4 the department of public health, shall establish by rule and  
3 5 annually update a policy of guidelines and specifications for  
3 6 the use of green cleaning products in school buildings, and  
3 7 shall maintain a list of approved products, estimated costs,  
3 8 and supply vendors. The department is instructed to provide  
3 9 multiple avenues by which cleaning products may be determined  
3 10 to be environmentally sensitive and nontoxic, to include in  
3 11 the guidelines implementation practices and inspection  
3 12 procedures, and to post on the department's web site and  
3 13 distribute to each school updated copies of the policy.  
3 14 The bill may include a state mandate as defined in Code  
3 15 section 25B.3. The bill requires, with respect to public  
3 16 school districts, that the state cost of any state mandate  
3 17 included in the bill be paid by a school district from state  
3 18 school foundation aid received by the district under Code  
3 19 section 257.16. This specification is deemed to constitute  
3 20 state compliance with any state mandate funding-related  
3 21 requirements of Code section 25B.2. The inclusion of this  
3 22 specification is intended to reinstate the requirement of  
3 23 political subdivisions to comply with any state mandates  
3 24 included in the bill.  
3 25 LSB 1908HH 83  
3 26 rn/nh/5



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**House File 200 - Introduced**

HOUSE FILE  
BY KUHN

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

**A BILL FOR**

- 1 An Act relating to filling vacancies in the office of United
- 2 States senator.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1589HH 83
- 5 sc/rj/8



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1 1 Section 1. Section 39.10, Code 2009, is amended to read as  
1 2 follow:

1 3 39.10 UNITED STATES SENATORS.

1 4 Senators in the Congress of the United States shall be  
1 5 elected in the same manner in which state officers are  
1 6 elected, except that a vacancy in the office of senator of the  
1 7 Congress of the United States shall be filled as provided in  
1 8 section 69.14, subsection 2.

1 9 Sec. 2. Section 43.6, subsection 1, Code 2009, is amended  
1 10 to read as follows:

1 11 1. When a vacancy occurs in the office of ~~senator in the~~  
1 12 ~~Congress of the United States~~, secretary of state, auditor of  
1 13 state, treasurer of state, secretary of agriculture, or  
1 14 attorney general and section 69.13 requires that the vacancy  
1 15 be filled for the balance of the unexpired term at a general  
1 16 election, candidates for the office shall be nominated in the  
1 17 preceding primary election if the vacancy occurs eighty-nine  
1 18 or more days before the date of that primary election. If the  
1 19 vacancy occurs less than one hundred four days before the date  
1 20 of that primary election, the state commissioner shall accept  
1 21 nomination papers for that office only until ~~five o'clock~~ 5:00  
1 22 p.m. on the seventy-fourth day before the primary election,  
1 23 the provisions of section 43.11 notwithstanding. If the  
1 24 vacancy occurs later than eighty-nine days before the date of  
1 25 that primary election, but not less than eighty-nine days  
1 26 before the date of the general election, the nominations shall  
1 27 be made in the manner prescribed by this chapter for filling  
1 28 vacancies in nominations for offices to be voted for at the  
1 29 general election.

1 30 Sec. 3. Section 43.6, Code 2009, is amended by adding the  
1 31 following new subsection:

1 32 NEW SUBSECTION. 3. When a vacancy occurs in the office of  
1 33 senator in the Congress of the United States, the vacancy  
1 34 shall be filled as provided in section 69.14, subsection 2.

1 35 Sec. 4. Section 43.24, subsection 1, paragraph b,



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2 1 subparagraph (3), Code 2009, is amended to read as follows:  
2 2 (3) Objections to nominations to fill vacancies at a  
2 3 special election held under section 69.14, subsection 1 or 2,  
2 4 under which the forty-day notice of election provision  
2 5 applies, shall be filed with the state commissioner not less  
2 6 than fifteen days prior to the date set for the special  
2 7 election. If the forty-day notice provision does not apply,  
2 8 objections to nominations to fill vacancies at a special  
2 9 election held under section 69.14, subsection 1 or 2, may be  
2 10 filed any time prior to the date set for the special election.

2 11 Sec. 5. Section 43.24, subsection 2, paragraph b, Code  
2 12 2009, is amended to read as follows:

2 13 b. If an objection is filed to a nomination to fill a  
2 14 vacancy at a special election held under section 69.14,  
2 15 subsection 1 or 2, under which the forty-day notice of  
2 16 election provision of section 69.14 does not apply, notice of  
2 17 the objection shall be made to the candidate by the state  
2 18 commissioner as soon as practicable. Under this paragraph,  
2 19 failure to notify a candidate of an objection to the  
2 20 candidate's nomination prior to the date set for the special  
2 21 election does not invalidate the hearing conducted under  
2 22 subsection 3. The hearing to an objection shall proceed as  
2 23 quickly as possible to expedite the special election.

2 24 Sec. 6. Section 43.77, subsection 4, Code 2009, is amended  
2 25 to read as follows:

2 26 4. A vacancy has occurred in the office of ~~senator in the~~  
~~2 27 Congress of the United States,~~ lieutenant governor, secretary  
2 28 of state, auditor of state, treasurer of state, secretary of  
2 29 agriculture, or attorney general, under the circumstances  
2 30 described in section 69.13, less than eighty-nine days before  
2 31 the primary election and not less than eighty-nine days before  
2 32 the general election.

2 33 Sec. 7. Section 43.78, subsection 4, Code 2009, is amended  
2 34 to read as follows:

2 35 4. Political party candidates for a vacant seat in the



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3 1 United States house of representatives, the board of  
3 2 supervisors, the elected county offices, or the general  
3 3 assembly which is to be filled at a special election called  
3 4 pursuant to section 69.14, subsection 1, or 69.14A shall be  
3 5 nominated in the manner provided by subsection 1 of this  
3 6 section for filling a vacancy on the general election ballot  
3 7 for the same office. The name of a candidate so nominated  
3 8 shall be submitted in writing to the appropriate commissioner,  
3 9 as required by section 43.88, at the earliest practicable  
3 10 time.

3 11 Sec. 8. Section 44.4, subsection 1, Code 2009, is amended  
3 12 to read as follows:

3 13 1. Nominations made pursuant to this chapter and chapter  
3 14 45 which are required to be filed in the office of the state  
3 15 commissioner shall be filed in that office not more than  
3 16 ninety=nine days nor later than 5:00 p.m. on the eighty=first  
3 17 day before the date of the general election to be held in  
3 18 November. Nominations made for a special election called  
3 19 pursuant to section 69.14, subsection 1 or 2, shall be filed  
3 20 by 5:00 p.m. not less than twenty=five days before the date of  
3 21 an election called upon at least forty days' notice and not  
3 22 less than fourteen days before the date of an election called  
3 23 upon at least eighteen days' notice. Nominations made for a  
3 24 special election called pursuant to section 69.14A shall be  
3 25 filed by 5:00 p.m. not less than twenty=five days before the  
3 26 date of the election. Nominations made pursuant to this  
3 27 chapter and chapter 45 which are required to be filed in the  
3 28 office of the commissioner shall be filed in that office not  
3 29 more than ninety=two days nor later than 5:00 p.m. on the  
3 30 sixty=ninth day before the date of the general election.  
3 31 Nominations made pursuant to this chapter or chapter 45 for  
3 32 city office shall be filed not more than seventy=two days nor  
3 33 later than 5:00 p.m. on the forty=seventh day before the city  
3 34 election with the city clerk, who shall process them as  
3 35 provided by law.



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4 1 Sec. 9. Section 50.46, Code 2009, is amended to read as  
4 2 follows:  
4 3 50.46 SPECIAL ELECTIONS == CANVASS AND CERTIFICATE.  
4 4 When a special election has been held to fill a vacancy,  
4 5 pursuant to section 69.14, subsection 1, or when a special  
4 6 general election has been held to fill a vacancy, pursuant to  
4 7 section 69.14, subsection 2, the board of county canvassers  
4 8 shall meet at one o'clock in the afternoon of the second day  
4 9 after the election, and canvass the votes cast at the  
4 10 election. The commissioner, as soon as the canvass is  
4 11 completed, shall transmit to the state commissioner an  
4 12 abstract of the votes so canvassed, and the state board,  
4 13 within five days after receiving such abstracts, shall canvass  
4 14 the tally lists. A certificate of election shall be issued by  
4 15 the county or state board of canvassers, as in other cases.  
4 16 All the provisions regulating elections, obtaining tally  
4 17 lists, and canvass of votes at general elections, except as to  
4 18 time, shall apply to special elections.  
4 19 Sec. 10. Section 53.22, subsection 3, Code 2009, is  
4 20 amended to read as follows:  
4 21 3. For any election except a primary or general election  
4 22 or a special election to fill a vacancy under section 69.14,  
4 23 subsection 1 or 2, the commissioner may, as an alternative to  
4 24 subsection 1 of this section, mail an absentee ballot to an  
4 25 applicant under this section to be voted and returned to the  
4 26 commissioner in accordance with this chapter. This subsection  
4 27 only applies to applications for absentee ballots from a  
4 28 single health care facility or hospital if there are no more  
4 29 than two applications from that facility or hospital.  
4 30 Sec. 11. Section 53.53, subsection 3, Code 2009, is  
4 31 amended to read as follows:  
4 32 3. Federal write-in absentee ballots may be used in  
4 33 primary and general elections, and in special elections held  
4 34 pursuant to section 69.14, subsection 1 or 2. The federal  
4 35 write-in absentee ballot transmission envelope may also serve



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5 1 as an application for voter registration if the information  
5 2 submitted is sufficient to register the person to vote and the  
5 3 applicant is otherwise eligible to vote under the provisions  
5 4 of this division.

5 5 Sec. 12. Section 69.8, subsection 1, Code 2009, is amended  
5 6 by striking the subsection.

5 7 Sec. 13. Section 69.13, unnumbered paragraph 1, Code 2009,  
5 8 is amended to read as follows:

5 9 If a vacancy occurs in the office of ~~senator in the~~  
~~5 10 Congress of the United States,~~ secretary of state, auditor of  
5 11 state, treasurer of state, secretary of agriculture, or  
5 12 attorney general eighty-nine or more days before a general  
5 13 election, and the unexpired term in which the vacancy exists  
5 14 has more than seventy days to run after the date of that  
5 15 general election, the vacancy shall be filled for the balance  
5 16 of the unexpired term at that general election and the person  
5 17 elected to fill the vacancy shall assume office as soon as a  
5 18 certificate of election has been issued and the person has  
5 19 qualified.

5 20 Sec. 14. Section 69.14, Code 2009, is amended to read as  
5 21 follows:

5 22 69.14 SPECIAL ELECTION TO FILL VACANCIES.

5 23 1. A special election to fill a vacancy shall be held for  
5 24 a representative in Congress, or senator or representative in  
5 25 the general assembly, when the body in which such vacancy  
5 26 exists is in session, or will convene prior to the next  
5 27 general election, and the governor shall order, not later than  
5 28 five days from the date the vacancy exists, a special  
5 29 election, giving not less than forty days' notice of such  
5 30 election. In the event the special election is to fill a  
5 31 vacancy in the general assembly while it is in session or  
5 32 within forty-five days of the convening of any session, the  
5 33 time limit provided in this section shall not apply and the  
5 34 governor shall order such special election at the earliest  
5 35 practical time, giving at least eighteen days' notice of the



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6 1 special election. Any special election called under this  
6 2 ~~section~~ subsection must be held on a Tuesday and shall not be  
6 3 held on the same day as a school election within the district.

6 4 2. a. A vacancy in the office of United States senator  
6 5 shall be filled by special election according to this  
6 6 subsection.

6 7 b. (1) When a vacancy exists, the governor shall order,  
6 8 not later than five days from the date the vacancy exists, a  
6 9 special primary election, giving not less than forty days'  
6 10 notice of such election. In the event the Congress is in  
6 11 session or within forty=five days of the convening of any  
6 12 session, the time limit provided in this section shall not  
6 13 apply and the governor shall order a special primary election  
6 14 at the earliest practical time, giving at least eighteen days'  
6 15 notice of the primary special election.

6 16 (2) Nominations for a special primary election shall be in  
6 17 the manner provided in chapter 45. The special primary  
6 18 election shall be conducted as nearly as practicable under the  
6 19 provisions of chapter 43. The state commissioner of elections  
6 20 shall adopt rules to implement this subparagraph (2),  
6 21 including rules pertaining to candidate filing deadlines,  
6 22 publication requirements, and certification of nominees.

6 23 (3) The governor shall call a special general election to  
6 24 be held no later than thirty=two days after the date of the  
6 25 special primary election.

6 26 c. Any special election called under this subsection must  
6 27 be held on a Tuesday and shall not be held on the same day as  
6 28 a school election.

6 29 d. A vacancy filled under this subsection shall be for the  
6 30 balance of the unexpired term, and the person elected to fill  
6 31 the vacancy shall assume office as soon as a certificate of  
6 32 election has been issued and the person has qualified.

6 33 EXPLANATION

6 34 This bill provides that a vacancy in the office of United  
6 35 States senator shall be filled by a special general election.



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7 1 The bill also provides for a special primary election, if  
7 2 necessary, to nominate candidates for the special general  
7 3 election. A person elected to fill a vacancy in the office of  
7 4 United States senator shall serve for the balance of the  
7 5 unexpired term.  
7 6 Under current law, a vacancy in the office of United States  
7 7 senator is filled by appointment by the governor or at the  
7 8 next general election, depending on when the vacancy occurs.  
7 9 LSB 1589HH 83  
7 10 sc/rj/8



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HOUSE FILE  
BY REICHERT

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

**A BILL FOR**

1 An Act providing for a property tax credit for certain apartment  
2 buildings and rental units meeting certification requirements  
3 for designation as a green building, making an appropriation,  
4 and including an effective and applicability date provision.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TL5B 1894HH 83  
7 rn/sc/5



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1 1 Section 1. NEW SECTION. 425B.1 GREEN APARTMENT OR RENTAL  
1 2 UNIT BUILDING PROPERTY TAX CREDIT FUND.

1 3 There is created as a permanent fund in the office of the  
1 4 treasurer of state a fund to be known as the green apartment  
1 5 or rental unit building property tax credit fund. For the  
1 6 purposes of establishing and maintaining this fund, for each  
1 7 fiscal year there is appropriated from the general fund of the  
1 8 state and deposited into the green apartment or rental unit  
1 9 building property tax credit fund an amount sufficient to  
1 10 implement this chapter.

1 11 Sec. 2. NEW SECTION. 425B.2 DEFINITIONS.

1 12 As used in this chapter, unless the context otherwise  
1 13 requires:

1 14 1. "Apartment building" means the land and building used  
1 15 primarily for human habitation and containing three or more  
1 16 separate living quarters, as well as structures and  
1 17 improvements used primarily as a part of or in conjunction  
1 18 with such land and building. "Apartment building" does not  
1 19 include a hotel, motel, inn, or other building where rooms are  
1 20 usually rented for less than one month, a nursing home, or a  
1 21 rest home.

1 22 2. "Department" means the department of public safety.

1 23 3. "Duplex" means the land and building used primarily for  
1 24 human habitation and containing two separate living quarters,  
1 25 as well as structures and improvements used primarily as a  
1 26 part of or in conjunction with such land and building.

1 27 4. "Energy star designation" means qualification pursuant  
1 28 to a joint program of the United States environmental  
1 29 protection agency and the United States department of energy  
1 30 certifying appliances and homes which meet specified energy  
1 31 efficiency guidelines.

1 32 5. "Green apartment or rental unit building" means one of  
1 33 the following building classifications which, either through  
1 34 renovation or new construction, meets the LEED silver rating  
1 35 standard of the United States green building council, the



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2 1 energy star designation, a high energy efficiency score based  
2 2 upon the HERS index, or one or more other standards or  
2 3 designations as established by the department by rule:  
2 4     a. A nonowner=occupied single=family residence or duplex.  
2 5     b. A duplex in which one of the two units is  
2 6 owner=occupied.  
2 7     c. An apartment building.  
2 8     6. "HERS index" means a home energy rating system score  
2 9 established by the residential energy services network in  
2 10 which a home is compared to the energy specifications of a  
2 11 reference home and assigned an energy efficiency score.  
2 12     7. "LEED silver rating standard" means the United States  
2 13 green building council leadership in energy and environmental  
2 14 design rating standard for green buildings, referred to as the  
2 15 silver standard.  
2 16     8. "Property owner" or "owner" means the owner or owners  
2 17 of property, as shown by the transfer books in the office of  
2 18 the county auditor of the county in which the property is  
2 19 located.  
2 20     9. "Rental unit" means a duplex or nonowner=occupied  
2 21 single=family residence.  
2 22     Sec. 3. NEW SECTION. 425B.3 WHERE CREDIT GIVEN ==  
2 23 APPORTIONMENT == PAYMENT.  
2 24     1. The green apartment or rental unit building property  
2 25 tax credit fund shall be apportioned each year so as to give a  
2 26 credit against the tax levied on fifteen percent of the  
2 27 assessed valuation of a single=family residence or  
2 28 nonowner=occupied duplex, twenty percent of the assessed  
2 29 valuation of a duplex in which one of the two units is  
2 30 owner=occupied and which qualifies for the homestead tax  
2 31 credit pursuant to sections 425.1 through 425.15, and thirty  
2 32 percent of the assessed valuation of an apartment.  
2 33     2. The director of the department of administrative  
2 34 services shall issue warrants on the green apartment or rental  
2 35 unit building property tax credit fund payable under this



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3 1 chapter to the county treasurer of the several counties of the  
3 2 state. The amount due each county shall be paid in two  
3 3 payments on November 15 and March 15 of each fiscal year,  
3 4 drawn upon warrants payable to the respective county  
3 5 treasurers. The two payments shall be as nearly equal as  
3 6 possible.

3 7 3. The amount of credits shall be apportioned by each  
3 8 county treasurer to the several taxing districts as provided  
3 9 by law, in the same manner as though the amount of the credit  
3 10 had been paid by the owner. However, the several taxing  
3 11 districts shall not draw the funds so credited until after the  
3 12 semiannual allocations have been received by the county  
3 13 treasurer, as provided in this chapter. Each county treasurer  
3 14 shall show on each tax receipt the amount received from the  
3 15 green apartment or rental unit building property tax credit  
3 16 fund.

3 17 4. The green apartment or rental unit building property  
3 18 tax credit allowed in this chapter shall not exceed the actual  
3 19 amount of taxes payable on a green apartment or rental unit  
3 20 building, exclusive of any special assessments levied against  
3 21 the building.

3 22 Sec. 4. NEW SECTION. 425B.4 CLAIM FOR CREDIT.

3 23 1. A claim for credit shall be made on claim forms  
3 24 prescribed by the department of revenue and made available by  
3 25 the appropriate assessor. In addition to the completed claim  
3 26 form, the owner shall supply a legible copy of a green  
3 27 building property tax credit eligibility certificate obtained  
3 28 from the department of public safety. The claim shall be  
3 29 filed not later than July 1 of the year for which the owner is  
3 30 claiming the credit. A claim filed after July 1 of the year  
3 31 for which the person is claiming the credit shall be  
3 32 considered as a claim filed for the following year.

3 33 2. Upon the filing and allowance of the claim, the claim  
3 34 shall be allowed on the green apartment or rental unit  
3 35 building each year that the building receives certification



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4 1 pursuant to section 425B.5 as long as the building continues  
4 2 to be legally or equitably owned by the owner and the owner  
4 3 files the certification with the assessor by July 1 of each  
4 4 year. If the building is sold, the credit for the period  
4 5 after the sale which would have been allowable under this  
4 6 chapter to the prior owner had the building not been sold  
4 7 shall be allowable to the new owner. A tax credit for the  
4 8 year of sale shall be allocated between the parties on the  
4 9 basis of the number of days during such year that the building  
4 10 was owned by each.

4 11 Sec. 5. NEW SECTION. 425B.5 GREEN APARTMENT OR RENTAL  
4 12 UNIT BUILDING ELIGIBILITY CERTIFICATE.

4 13 1. Prior to submitting a claim for a green apartment or  
4 14 rental unit building property tax credit, an owner shall  
4 15 obtain from an architect or professional engineer licensed to  
4 16 practice in this state, a local building department inspector,  
4 17 or a local contractor, certified in green building  
4 18 construction methodologies identified by the department  
4 19 pursuant to section 425B.2, subsection 5, a completed green  
4 20 apartment or rental unit building eligibility certificate.

4 21 2. The eligibility certificate shall consist of a  
4 22 certificate, under seal, that the building with respect to  
4 23 which the credit is claimed is a green apartment or rental  
4 24 unit building. The initial eligibility certification shall be  
4 25 made in accordance with the standards and guidelines in effect  
4 26 at the time the property which is the basis for the credit was  
4 27 renovated or newly constructed in a form and in a manner as  
4 28 prescribed by the department by rule, and shall set forth the  
4 29 specific findings upon which the certification was based.  
4 30 Eligibility certification obtained annually thereafter shall  
4 31 be made in accordance with the standards and guidelines in  
4 32 effect at the time the property which is the basis for the  
4 33 credit is subsequently certified.

4 34 3. The eligibility certificate shall include sufficient  
4 35 information to identify the building subject to the



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5 1 certificate, and such other information as the department  
5 2 shall require. An eligibility certificate must be renewed on  
5 3 an annual basis pursuant to the same certification procedure  
5 4 as applicable to initial certification. The owner shall file  
5 5 with the department, on an annual basis, a copy of each  
5 6 eligibility certificate obtained. An owner obtaining an  
5 7 eligibility certificate shall be entitled to advertise an  
5 8 apartment or rental unit as being a certified green apartment  
5 9 or rental unit building.

5 10 Sec. 6. NEW SECTION. 425B.6 COMPUTATION BY AUDITOR.

5 11 1. The credit, if allowed, shall be computed by the county  
5 12 auditor on or before August 1 of each year for which a green  
5 13 apartment or rental unit building shall be eligible in an  
5 14 amount equal to the tax levied on the applicable percentage of  
5 15 the property's assessed valuation. On or before August 1, the  
5 16 auditor shall certify the total amount of the credits to the  
5 17 department of revenue.

5 18 2. A person whose claim for a green apartment or rental  
5 19 unit building property tax credit is denied may file an appeal  
5 20 with the department within sixty days from the date of denial  
5 21 pursuant to the provisions of chapter 17A.

5 22 Sec. 7. NEW SECTION. 425B.7 RULES.

5 23 The department of public safety, with assistance from the  
5 24 department of natural resources, shall adopt rules adopting  
5 25 standards for a building to qualify as a green apartment or  
5 26 rental unit building. The department of public safety and the  
5 27 department of revenue shall adopt additional rules necessary  
5 28 to administer this chapter.

5 29 Sec. 8. EFFECTIVE AND APPLICABILITY DATES. This Act,  
5 30 being deemed of immediate importance, takes effect upon  
5 31 enactment and applies to property taxes due and payable in  
5 32 fiscal years beginning on or after July 1, 2009.

5 33 EXPLANATION

5 34 This bill provides a property tax credit for green  
5 35 apartment or rental unit buildings. The bill creates a green



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6 1 apartment or rental unit building property tax credit fund,  
6 2 and provides for a standing unlimited annual appropriation  
6 3 from the general fund of the state to the green apartment or  
6 4 rental unit building property tax credit fund in an amount  
6 5 sufficient to pay the green apartment or rental unit building  
6 6 property tax credits.

6 7     The credit shall consist of an amount computed against the  
6 8 assessed valuation of a single-family residence or  
6 9 nonowner-occupied duplex, a duplex in which one of the units  
6 10 is owner-occupied, or an apartment, as defined in the bill,  
6 11 equal to 15, 20, and 30 percent of the assessed value  
6 12 respectively, and shall continue on an ongoing basis provided  
6 13 that annual certification is obtained. The bill specifies  
6 14 procedures regarding transferring the credit to a successor  
6 15 owner, claiming the credit, obtaining a green apartment or  
6 16 rental unit building eligibility certificate from the  
6 17 department of public safety on an annual basis, submitting a  
6 18 certificate completed by a professional certified in green  
6 19 building construction with the claim to the department of  
6 20 revenue, and filing a copy with the department of public  
6 21 safety.

6 22     The bill provides that the department of public safety,  
6 23 with assistance from the department of natural resources,  
6 24 shall adopt rules adopting standards for a building to qualify  
6 25 as a green apartment or rental unit building. The bill  
6 26 further provides that the department of revenue shall adopt  
6 27 additional rules necessary to administer the bill's  
6 28 provisions.

6 29     The bill takes effect upon enactment and applies to  
6 30 property taxes due and payable in fiscal years beginning on or  
6 31 after July 1, 2009.

6 32 LSB 1894HH 83

6 33 rn/sc/5



Iowa General Assembly  
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February 04, 2009

House File 202 - Introduced

HOUSE FILE  
BY T. OLSON

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

**A BILL FOR**

- 1 An Act relating to the assignment of health care coverage and
- 2 dental care coverage benefits.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1495HH 83
- 5 av/nh/5



Iowa General Assembly  
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House File 202 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 514C.24 ASSIGNMENT OF HEALTH  
1 2 CARE AND DENTAL CARE COVERAGE BENEFITS.  
1 3 1. A carrier as defined in section 513B.2; an organized  
1 4 delivery system authorized under 1993 Iowa Acts, ch. 158, and  
1 5 licensed by the director of public health; or a plan  
1 6 established pursuant to chapter 509A for public employees,  
1 7 shall not do either of the following:  
1 8 a. Prohibit the assignment of health care coverage or  
1 9 dental care coverage benefits to a health care provider or  
1 10 dental care provider by a covered individual.  
1 11 b. Refuse to directly reimburse a health care provider or  
1 12 dental care provider pursuant to a valid assignment of health  
1 13 care coverage or dental care coverage benefits after receipt  
1 14 of written notice of the assignment.  
1 15 2. An assignment of benefits as described in this section  
1 16 shall not affect or limit the payment of benefits otherwise  
1 17 payable under a health care benefit or dental care benefit  
1 18 contract, policy, or plan and a covered individual shall not  
1 19 be otherwise penalized for making such an assignment of  
1 20 benefits.  
1 21 3. A payment of benefits made under a health care benefit  
1 22 or dental care benefit contract, policy, or plan prior to  
1 23 receipt of written notice of assignment of the benefits shall  
1 24 be without prejudice to the payor. This section shall not be  
1 25 construed to prevent the reconciliation of erroneous or  
1 26 duplicate payments made.  
1 27 4. For the purposes of this section, unless the context  
1 28 otherwise requires:  
1 29 a. "Assignment of benefits" means the transfer of health  
1 30 care coverage or dental care coverage reimbursement benefits  
1 31 or other rights under an insurance contract, policy, or plan  
1 32 by a covered individual to a health care provider or dental  
1 33 care provider.  
1 34 b. "Dental care provider" means a dentist, dental  
1 35 hygienist, or dental assistant registered or licensed to



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2 1 practice under chapter 153.  
2 2 c. "Health care provider" means a hospital licensed  
2 3 pursuant to chapter 135B, a person licensed under chapter 148,  
2 4 148A, 148C, 149, 151, or 154, or a person licensed as an  
2 5 advanced registered nurse practitioner under chapter 152.

2 6 EXPLANATION

2 7 This bill prohibits a carrier, organized delivery system,  
2 8 or plan for public employees from refusing to allow a covered  
2 9 individual to assign payment of health care coverage or dental  
2 10 care coverage benefits to a health care provider or dental  
2 11 care provider, or from refusing to directly reimburse a health  
2 12 care provider or dental care provider, pursuant to a valid  
2 13 assignment of such benefits upon receipt of written notice of  
2 14 the assignment.

2 15 LSB 1495HH 83

2 16 av/nh/5



Iowa General Assembly  
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House File 203 - Introduced

HOUSE FILE  
BY PETTENGILL

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

**A BILL FOR**

- 1 An Act providing for the allocation of moneys appropriated to the
- 2 Iowa resources enhancement and protection fund.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2069HH 83
- 5 da/nh/24



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House File 203 - Introduced continued

PAG LIN

1 1 Section 1. Section 455A.19, subsection 1, paragraph a,  
1 2 unnumbered paragraph 1, Code 2009, is amended to read as  
1 3 follows:  
1 4 ~~Twenty-eight~~ Twenty percent shall be allocated to the open  
1 5 spaces account. At least ten percent of the allocations to  
1 6 the account shall be made available to match private funds for  
1 7 open space projects on the cost=share basis of not less than  
1 8 twenty=five percent private funds pursuant to the rules  
1 9 adopted by the natural resource commission. Five percent of  
1 10 the funds allocated to the open spaces account shall be used  
1 11 to fund the protected waters program. This account shall be  
1 12 used by the department to implement the statewide open space  
1 13 acquisition, protection, and development programs.

1 14 Sec. 2. Section 455A.19, subsection 1, paragraph e, Code  
1 15 2009, is amended to read as follows:

1 16 e. ~~Nine~~ Seventeen percent shall be allocated to the state  
1 17 land management account. The department shall use the moneys  
1 18 allocated to this account for maintenance and expansion of  
1 19 state lands and related facilities under its jurisdiction.  
1 20 The authority to expand state lands and facilities under this  
1 21 paragraph is limited to expansion of the state lands and  
1 22 facilities already owned by the state. There is appropriated  
1 23 from the state land management account to the department the  
1 24 moneys in that account, or so much thereof as is necessary, to  
1 25 implement a maintenance and expansion program for state lands  
1 26 and related facilities under the jurisdiction of the  
1 27 department.

1 28 EXPLANATION

1 29 This bill changes the annual allocation of moneys  
1 30 appropriated from the Iowa resources enhancement and  
1 31 protection fund to various accounts and other funds. The fund  
1 32 is appropriated \$20 million per year from the general fund  
1 33 until the fiscal year ending June 30, 2021. The bill  
1 34 decreases the amount allocated to the open spaces account from  
1 35 28 to 20 percent and increases the amount allocated to the



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House File 203 - Introduced continued

2 1 state land management account from 9 to 17 percent. The open  
2 2 spaces account is used by the department of natural resources  
2 3 to implement statewide open space acquisition, protection, and  
2 4 development programs. The state land management account is  
2 5 used by the department for the maintenance and expansion of  
2 6 state lands and related facilities.  
2 7 Currently the Iowa resources enhancement and protection  
2 8 fund allocates 28 percent to the open spaces account, 20  
2 9 percent to the county conservation account, 20 percent to the  
2 10 soil and water enhancement account, 15 percent to the cities'  
2 11 parks and open space account, 9 percent to the state land  
2 12 management account, 5 percent to the historical resource grant  
2 13 and loan fund, and 3 percent to the living roadway account for  
2 14 distribution to the living roadway trust fund.  
2 15 LSB 2069HH 83  
2 16 da/nh/24



**Iowa General Assembly  
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**House File 204 - Introduced**

HOUSE FILE

BY PETTENGILL, SCHULTE, KAUFMANN,  
MAY, DRAKE, WINDSCHITL, SORENSON,  
LUKAN, HUSEMAN, KOESTER, UPMEYER,  
DEYOE, SCHULTZ, SODERBERG,  
STRUYK, and DE BOEF

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

**A BILL FOR**

- 1 An Act relating to a property assessment adjustment for certain
- 2 elderly persons, providing a penalty, and including
- 3 retroactive applicability date provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1164YH 83
- 6 md/mg:sc/5



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House File 204 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 425B.1 HOMESTEAD ASSESSED VALUE  
1 2 ADJUSTMENT == PURPOSE.  
1 3 Persons who own their homesteads and who meet the  
1 4 qualifications provided in this chapter are eligible for an  
1 5 adjustment in the assessed value of their homesteads, as  
1 6 provided in this chapter, to prevent an increase in such  
1 7 values.  
1 8 Sec. 2. NEW SECTION. 425B.2 DEFINITIONS.  
1 9 As used in this chapter, unless the context otherwise  
1 10 requires:  
1 11 1. "Assessed value" means the actual value prior to any  
1 12 adjustment pursuant to section 441.21, subsection 4.  
1 13 2. "Base assessment year" means the assessment year  
1 14 beginning in the base year.  
1 15 3. "Base year" means the calendar year last ending before  
1 16 the claim is filed.  
1 17 4. "Claimant" means a person filing a claim for adjustment  
1 18 under this chapter who has attained the age of sixty-five  
1 19 years on or before December 31 of the base year and is  
1 20 domiciled in this state at the time the claim is filed or at  
1 21 the time of the person's death in the case of a claim filed by  
1 22 the executor or administrator of the claimant's estate.  
1 23 5. "Homestead" means the dwelling owned and actually used  
1 24 as a home by the claimant during any part of the fiscal year  
1 25 beginning July 1 of the base year, and so much of the land  
1 26 surrounding it including one or more contiguous lots or tracts  
1 27 of land, as is reasonably necessary for use of the dwelling as  
1 28 a home, and may consist of a part of a multidwelling or  
1 29 multipurpose building and a part of the land upon which it is  
1 30 built. It does not include personal property except that a  
1 31 manufactured or mobile home may be a homestead. Any dwelling  
1 32 or a part of a multidwelling or multipurpose building which is  
1 33 exempt from taxation does not qualify as a homestead under  
1 34 this chapter. A homestead must be located in this state.  
1 35 When a person is confined in a nursing home, extended-care



Iowa General Assembly  
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House File 204 - Introduced continued

2 1 facility, or hospital, the person shall be considered as  
2 2 occupying or living in the person's homestead if the person is  
2 3 the owner of the homestead and the person maintains the  
2 4 homestead and does not lease, rent, or otherwise receive  
2 5 profits from other persons for the use of the homestead.

2 6 6. "Household", "household income", and "income" mean the  
2 7 same as those terms are defined in section 425.17.

2 8 7. "Owned" means owned by an owner as defined in section  
2 9 425.11.

2 10 Sec. 3. NEW SECTION. 425B.3 RIGHT TO FILE A CLAIM.

2 11 The right to file a claim for an assessed value adjustment  
2 12 under this chapter may be exercised by the claimant or on  
2 13 behalf of a claimant by the claimant's legal guardian, spouse,  
2 14 or attorney, or by the executor or administrator of the  
2 15 claimant's estate. If a claimant dies after having filed a  
2 16 claim for adjustment, the amount of any adjustment shall be  
2 17 made as if the claimant had not died.

2 18 Sec. 4. NEW SECTION. 425B.4 CLAIM FOR ADJUSTMENT.

2 19 1. Subject to the limitations provided in this chapter, a  
2 20 claimant may annually claim an adjustment of the assessed  
2 21 value of the claimant's homestead for the base assessment  
2 22 year. The adjustment claim shall be filed with the county  
2 23 assessor between January 1 and February 15 immediately  
2 24 following the close of the base assessment year. However, in  
2 25 case of sickness, absence, or other disability of the  
2 26 claimant, or if in the judgment of the county assessor good  
2 27 cause exists, the county assessor may extend the time for  
2 28 filing a claim for adjustment through June 30 of the same  
2 29 calendar year.

2 30 2. The county assessor shall notify the department of  
2 31 revenue by March 1 of the number of claimants receiving  
2 32 adjustments under this chapter and the total amount of the  
2 33 reduced assessed values for the base assessment year.

2 34 Sec. 5. NEW SECTION. 425B.5 QUALIFICATION AND ADJUSTMENT

2 35 == MAXIMUM TAX DOLLARS LEVIED.



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3 1 1. If the household income qualification specified in  
3 2 subsection 2 is met, the assessed value of the claimant's  
3 3 homestead in the base assessment year shall be adjusted, but  
3 4 not increased, to equal the assessed value, as such assessed  
3 5 value may have been adjusted pursuant to this chapter, in the  
3 6 assessment year preceding the base assessment year. If the  
3 7 amount of property taxes levied against the adjusted  
3 8 assessment exceed the amount of property taxes levied against  
3 9 the property in the fiscal year for which taxes were first  
3 10 levied against an adjusted assessment under this chapter, the  
3 11 treasurer shall subtract the difference from the amount due.

3 12 2. A claimant is eligible for an adjustment to the  
3 13 assessed value of the claimant's homestead if the claimant's  
3 14 household income is twenty-five thousand dollars or less in  
3 15 the base year.

3 16 Sec. 6. NEW SECTION. 425B.6 ADMINISTRATION.

3 17 The director of revenue shall make available suitable forms  
3 18 for claiming an assessed value adjustment with instructions  
3 19 for claimants. Each assessor and county treasurer shall make  
3 20 available the forms and instructions. The claim shall be in a  
3 21 form as the director may prescribe.

3 22 Sec. 7. NEW SECTION. 425B.7 PROOF OF CLAIM.

3 23 1. Every claimant shall give the department of revenue, in  
3 24 support of the claim, reasonable proof of:

- 3 25 a. Age.
- 3 26 b. Changes of homestead.
- 3 27 c. Household membership.
- 3 28 d. Household income.
- 3 29 e. Size and nature of the property claimed as the  
3 30 homestead.

3 31 2. The director of revenue may require any additional  
3 32 proof necessary to support a claim.

3 33 Sec. 8. NEW SECTION. 425B.8 AUDIT == DENIAL.

3 34 If on the audit of a claim for adjustment under this  
3 35 chapter, the director of revenue determines the claim is not



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4 1 allowable, the director shall notify the claimant of the  
4 2 denial and the reasons for it. The director shall not deny a  
4 3 claim after three years from October 31 of the year in which  
4 4 the claim was filed. The director shall give notification to  
4 5 the county assessor of the denial of the claim and the county  
4 6 assessor shall instruct the county treasurer to proceed to  
4 7 collect the tax that would have been levied on the applicable  
4 8 adjusted assessed value in the same manner as other property  
4 9 taxes due and payable are collected, if the property on which  
4 10 the adjustment was granted is still owned by the claimant.

4 11 Sec. 9. NEW SECTION. 425B.9 WAIVER OF CONFIDENTIALITY.

4 12 1. A claimant shall expressly waive any right to  
4 13 confidentiality relating to all income tax information  
4 14 obtainable through the department of revenue, including all  
4 15 information covered by sections 422.20 and 422.72. This  
4 16 waiver shall apply to information available to the county  
4 17 assessor who shall hold the information confidential except  
4 18 that it may be used as evidence to disallow the assessed value  
4 19 adjustment.

4 20 2. The department of revenue may release information  
4 21 pertaining to a person's eligibility or claim for or receipt  
4 22 of the assessed value adjustment to an employee of the  
4 23 department of inspections and appeals in the employee's  
4 24 official conduct of an audit or investigation.

4 25 Sec. 10. NEW SECTION. 425B.10 FALSE CLAIM == PENALTY.

4 26 A person who makes a false affidavit for the purpose of  
4 27 obtaining an adjustment in assessed value provided for in this  
4 28 chapter or who knowingly receives the adjustment without being  
4 29 legally entitled to it or makes claim for the adjustment in  
4 30 more than one county in the state without being legally  
4 31 entitled to it is guilty of a fraudulent practice. The claim  
4 32 for adjustment shall be disallowed in full and property tax  
4 33 shall be levied on the disallowed adjustment at the rate that  
4 34 would have been levied but for the adjustment. The director  
4 35 of revenue shall send a notice of disallowance of the claim.



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House File 204 - Introduced continued

5 1 Sec. 11. NEW SECTION. 425B.11 STATUTES APPLICABLE.  
5 2 To the extent not otherwise contrary, the provisions of  
5 3 sections 425.30, 425.31, 425.32, and 425.37 apply to this  
5 4 chapter.  
5 5 Sec. 12. STATE FUNDING OF TAX CREDITS AND EXEMPTIONS ==  
5 6 INAPPLICABILITY. The provisions in section 25B.7, relating to  
5 7 the obligation of the state to reimburse local jurisdictions  
5 8 for property tax credits and exemptions, do not apply to  
5 9 chapter 425B, as enacted in this Act.  
5 10 Sec. 13. APPLICABILITY DATES. This Act applies  
5 11 retroactively to January 1, 2009, for assessment years  
5 12 beginning on or after that date and to the filing of claims on  
5 13 or after January 1, 2010, for adjustments of assessed values.  
5 14 EXPLANATION  
5 15 This bill provides for an adjustment (freeze) in the  
5 16 assessed value of a homestead if the owner is a person who is  
5 17 65 or older and whose household income is \$25,000 or less. If  
5 18 those qualifications are met, the assessed value of the  
5 19 homestead upon which property taxes are levied in a fiscal  
5 20 year is the same assessed value as for the previous fiscal  
5 21 year. Assessed value is that value prior to any rollback  
5 22 being applied.  
5 23 The bill provides that a person who makes a false affidavit  
5 24 for the purpose of obtaining an adjustment, knowingly receives  
5 25 the adjustment without being legally entitled to it, or makes  
5 26 claim for the adjustment in more than one county without being  
5 27 legally entitled to it is guilty of a fraudulent practice and  
5 28 is subject to a criminal penalty.  
5 29 The bill provides that the provision in Code section 25B.7  
5 30 that requires the state to fund reimbursement for property tax  
5 31 credits and exemptions does not apply to the adjustment in  
5 32 value provided for in the bill.  
5 33 The bill applies retroactively to January 1, 2009, for  
5 34 assessment years beginning on or after that date and applies  
5 35 to claims filed on or after January 1, 2010, for the



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6 1 adjustments.  
6 2 LSB 1164YH 83  
6 3 md/mg:sc/5



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House File 205 - Introduced

HOUSE FILE  
BY PAULSEN, WAGNER, and  
SCHULTE

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

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

A BILL FOR

- 1 An Act providing for the recall of elected officials of political
- 2 subdivisions and providing a penalty.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1651YH 83
- 5 sc/rj/24



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House File 205 - Introduced continued

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1 1 Section 1. NEW SECTION. 66A.1 OFFICERS SUBJECT TO  
1 2 RECALL.  
1 3 1. Any elective public officer of a political subdivision  
1 4 in this state is subject to recall from office by the electors  
1 5 of the political subdivision from which the officer was  
1 6 elected. The eligible electors of a political subdivision may  
1 7 petition for the recall of the elective officer by filing a  
1 8 petition with the county commissioner of elections demanding  
1 9 the recall of the officer.  
1 10 2. A public officer who is appointed to an elective office  
1 11 is subject to recall in the same manner as provided for an  
1 12 officer who is elected to that office.  
1 13 3. An officer shall not be recalled for performing a duty  
1 14 or obligation of the office to which the officer was elected,  
1 15 which duty or obligation is imposed by law, nor for failure to  
1 16 perform any act that if performed would subject the officer to  
1 17 prosecution.  
1 18 4. For purposes of this chapter, "political subdivision"  
1 19 means a county, township, school corporation, city, or any  
1 20 local board or commission whose officers are elected by the  
1 21 people.  
1 22 Sec. 2. NEW SECTION. 66A.2 PETITION FOR RECALL ==  
1 23 PERSONS QUALIFIED TO PETITION == PENALTY.  
1 24 Any eligible elector of a political subdivision of this  
1 25 state may sign a petition for recall of an officer elected  
1 26 from that political subdivision. However, if the political  
1 27 subdivision from which the officer is elected is divided into  
1 28 election districts, the eligible elector signing the petition  
1 29 must be an eligible elector of that election district from  
1 30 which the officer was elected.  
1 31 A person signing a name other than that person's own to a  
1 32 petition for recall or who knowingly signs the same petition  
1 33 for recall more than once or who is not an eligible elector at  
1 34 the time of signing a petition for recall is guilty of a  
1 35 serious misdemeanor.



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House File 205 - Introduced continued

2 1 Sec. 3. NEW SECTION. 66A.3 PETITION FOR RECALL ==  
2 2 CONTENTS, REQUIREMENTS, LIMITATIONS.  
2 3 1. A petition for recall must contain the following:  
2 4 a. The signatures of eligible electors of the political  
2 5 subdivision or election district affected by the recall equal  
2 6 to at least twenty percent of the total votes cast in the last  
2 7 preceding election for the office affected by the recall, but  
2 8 in no case shall a petition for recall contain fewer than  
2 9 fifty signatures. The county commissioner shall determine and  
2 10 certify to any interested person the number of signatures  
2 11 required on a petition for recall for that office.  
2 12 b. The residence address of each person signing the  
2 13 petition, and the date the petition was signed by that person.  
2 14 c. A statement, in two hundred words or less, detailing  
2 15 the reason for recall of the officer.  
2 16 2. a. A petition for recall shall be eight and one-half  
2 17 by eleven inches in size and shall be in substantially the  
2 18 following form:

2 19 WARNING

2 20 A person signing a name other than the person's own name to  
2 21 a petition or who knowingly signs the person's name to this  
2 22 petition more than once or who is not an eligible elector at  
2 23 the time the signature is affixed to this petition is guilty  
2 24 of a serious misdemeanor.

2 25 RECALL PETITION

2 26 We, the undersigned eligible electors of (name of  
2 27 applicable political subdivision or election district)  
2 28 respectfully petition that an election be held as provided by  
2 29 law on the question of whether (officer's name), holding the  
2 30 office of \_\_\_\_\_, should be recalled for the following  
2 31 reasons: (Setting out the statement of the reason for recall  
2 32 in not more than two hundred words). By affixing the  
2 33 signature, each signer certifies the following: I have  
2 34 personally signed this petition; I am an eligible elector of  
2 35 the state of Iowa and (appropriate political subdivision or



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3 1 election district); and my residence address is correctly  
3 2 written after my name to the best of my knowledge and belief.  
3 3     b. Numbered lines shall follow the heading. Each numbered  
3 4 line shall contain spaces for the signature, signer's  
3 5 residence address, and the date of the signature.  
3 6     c. Each separate page of a petition for recall shall  
3 7 contain the warning in paragraph "a".  
3 8     d. When a petition contains more than one page, the pages  
3 9 shall be neatly arranged and securely fastened together before  
3 10 filing.  
3 11     3. a. A petition for recall shall not name more than one  
3 12 officer to be recalled.  
3 13     b. A person shall not be recalled within the first one  
3 14 hundred eighty days after the person takes the oath of office  
3 15 or within one hundred eighty days from the date of the  
3 16 general, regular city, or school district election, whichever  
3 17 is applicable, at which the office is to be filled by the  
3 18 registered voters.  
3 19     c. A petition for recall shall not be filed against an  
3 20 officer for whom a recall election has been held within a  
3 21 period of two years during a term of office.  
3 22     Sec. 4. NEW SECTION. 66A.4 FILING OF PETITION FOR  
3 23 RECALL.  
3 24     1. a. The petition for recall shall be filed with the  
3 25 county commissioner.  
3 26     b. When filing a petition for recall, an affidavit in  
3 27 substantially the following form shall be attached to the  
3 28 petition:  
3 29     I, (name of person filing petition), being duly sworn, say  
3 30 that I circulated or assisted in circulating the petition to  
3 31 which this affidavit is attached, and I believe the signatures  
3 32 affixed to the petition are genuine, and are the signatures of  
3 33 the persons whose names they purport to be, and that the  
3 34 signers were aware of the contents of the petition before  
3 35 signing the petition.



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House File 205 - Introduced continued

4 1 \_\_\_\_\_  
4 2 (Signed)  
4 3 Subscribed and sworn to before me by \_\_\_\_\_, on the \_\_\_\_\_day  
4 4 of \_\_\_\_\_, 20\_\_  
4 5 \_\_\_\_\_  
4 6 (Name)  
4 7 \_\_\_\_\_  
4 8 (Official title)  
4 9 2. After a petition for recall has been filed, it shall  
4 10 not be returned to the person who filed the petition, nor  
4 11 shall any signature or other information be added to the  
4 12 petition for recall. If a signature on a petition sheet is  
4 13 crossed out by the petitioner before the sheet is offered for  
4 14 filing, the elimination of the signature does not affect the  
4 15 validity of other signatures on the petition sheet.  
4 16 Sec. 5. NEW SECTION. 66A.5 VERIFICATION OF PETITION.  
4 17 Upon the filing of a petition for recall, the county  
4 18 commissioner shall verify whether the petition has been signed  
4 19 by the required number of eligible electors as specified in  
4 20 section 66A.3. If the petition for recall does not contain  
4 21 the required number of signatures, the county commissioner  
4 22 shall notify the person filing the petition that the petition  
4 23 is not valid.  
4 24 Sec. 6. NEW SECTION. 66A.6 NOTIFICATION TO OFFICER ==  
4 25 STATEMENT OF JUSTIFICATION.  
4 26 Upon the filing of the petition for recall meeting the  
4 27 requirements of this chapter, the county commissioner shall  
4 28 immediately send written notice to the officer named in the  
4 29 petition. The notice shall state that a petition for recall  
4 30 of the officer has been filed, shall include a copy of the  
4 31 statement of the reason for recall as printed on the petition,  
4 32 and shall inform the officer that the officer may have printed  
4 33 on the special election ballot a statement of justification in  
4 34 not more than two hundred words stating why the officer should  
4 35 not be recalled. To be printed on the ballot, the statement



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5 1 of justification must be submitted to the county commissioner  
5 2 within ten days of the date the notice is sent to the officer  
5 3 named in the petition for recall.

5 4 Sec. 7. NEW SECTION. 66A.7 OBJECTION TO THE PETITION ==  
5 5 NOTICE AND HEARING.

5 6 1. Objections to the legal sufficiency of a petition for  
5 7 recall may be filed in writing by any person who would have  
5 8 the right to vote for a candidate for the office in question.  
5 9 The objections must be filed with the county commissioner not  
5 10 later than fourteen days after the petition for recall is  
5 11 filed.

5 12 2. If objections are filed, notice shall be mailed within  
5 13 seventy-two hours by certified mail to the person who filed  
5 14 the petition. A hearing on the objections shall be held in  
5 15 the manner provided for objections to nomination petitions or  
5 16 certificates of nomination filed pursuant to chapter 43, 44,  
5 17 45, or 277, whichever is applicable.

5 18 Sec. 8. NEW SECTION. 66A.8 PRESUMPTION OF VALIDITY.

5 19 A petition for recall filed under this chapter, and being  
5 20 apparently in conformity with law, shall be regarded as valid,  
5 21 unless objection is made in writing, and the petition shall be  
5 22 open to public inspection and preserved by the county  
5 23 commissioner for not less than six months after the special  
5 24 recall election is held.

5 25 Sec. 9. NEW SECTION. 66A.9 RECALL ELECTION.

5 26 If the officer named in the petition for recall submits a  
5 27 resignation in writing, it shall be accepted and become  
5 28 effective the day it is offered. The vacancy created by the  
5 29 resignation shall be filled as provided by law, except that  
5 30 the officer named in the petition for recall shall not be  
5 31 appointed to fill the vacancy. If the officer named in the  
5 32 petition does not resign within five days after the petition  
5 33 for recall is filed, a special election on the recall of the  
5 34 officer shall be called. Notwithstanding section 39.2,  
5 35 subsection 4, the recall election shall be held the first



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6 1 Tuesday following sixty days after the date the petition is  
6 2 filed. However, the special election shall not be held on the  
6 3 same day as a regularly scheduled election. If the first  
6 4 Tuesday following sixty days after the date the petition is  
6 5 filed is the same day as a regularly scheduled election, the  
6 6 special election shall be held the first Tuesday following the  
6 7 regularly scheduled election.

6 8 Sec. 10. NEW SECTION. 66A.10 CONDUCT OF RECALL ELECTION.

6 9 A special election for recall of an officer shall be  
6 10 conducted, and the results canvassed and certified, in the  
6 11 same manner that a regularly scheduled election to fill that  
6 12 office is conducted.

6 13 The ballot submitted at a recall election shall set forth  
6 14 the statement contained in the petition for recall stating the  
6 15 reason for demanding the recall of the officer and the  
6 16 statement of justification submitted by the officer, if  
6 17 submitted in a timely manner. The question of whether the  
6 18 officer should be recalled shall be placed on the ballot in  
6 19 substantially the following form:

6 20 \_\_\_\_\_. FOR recalling \_\_\_\_ who holds the office of \_\_\_\_\_.

6 21 \_\_\_\_\_. AGAINST recalling \_\_\_\_ who holds the office of

6 22 \_\_\_\_\_.

6 23 Expenses of a recall election shall be paid in the same  
6 24 manner as the expenses of a regularly scheduled election to  
6 25 fill that office.

6 26 Sec. 11. NEW SECTION. 66A.11 ELECTION RESULTS == FILLING  
6 27 OF VACANCY.

6 28 1. The officer named in the petition for recall shall  
6 29 continue in office until the officer resigns or the results of  
6 30 the recall election are officially declared.

6 31 2. If a majority of those voting on the question vote to  
6 32 recall the officer, the office becomes vacant and the vacancy  
6 33 shall be filled as provided by chapter 69. However, in no  
6 34 event shall the officer recalled be appointed to fill the  
6 35 vacancy.





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House File 206 - Introduced

HOUSE FILE  
BY RANTS

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

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

**A BILL FOR**

1 An Act limiting the liability of an alcoholic beverage licensee  
2 or permittee for certain alcohol-related accidents resulting  
3 in death or injury to a third person.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TL5B 1541YH 83  
6 rh/rj/8



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House File 206 - Introduced continued

PAG LIN

1 1 Section 1. Section 123.92, Code 2009, is amended to read  
1 2 as follows:

1 3 123.92 CIVIL LIABILITY FOR DISPENSING OR SALE AND SERVICE  
1 4 OF BEER, WINE, OR INTOXICATING LIQUOR (DRAMSHOP ACT) ==  
1 5 LIABILITY INSURANCE == UNDERAGE PERSONS.

1 6 1. Any person who is injured in person or property or  
1 7 means of support by an intoxicated person or resulting from  
1 8 the intoxication of a person, has a right of action for ~~all~~  
1 9 damages not to exceed two hundred fifty thousand dollars for  
1 10 each person incurring damages actually sustained, severally or  
1 11 jointly, against any licensee or permittee, whether or not the  
1 12 license or permit was issued by the division or by the  
1 13 licensing authority of any other state, who sold and served  
1 14 any beer, wine, or intoxicating liquor to the intoxicated  
1 15 person when the licensee or permittee knew or should have  
1 16 known the person was intoxicated, or who sold to and served  
1 17 the person to a point where the licensee or permittee knew or  
1 18 should have known the person would become intoxicated.

1 19 2. If the injury was caused by an intoxicated person, a  
1 20 permittee or licensee may establish as an affirmative defense  
1 21 that the intoxication did not contribute to the injurious  
1 22 action of the person. ~~The remedy provided by this section~~  
~~1 23 shall apply both prospectively, to actions filed on or after~~  
~~1 24 July 1, 1992, and retrospectively, to actions pending in trial~~  
~~1 25 or appellate courts prior to July 1, 1992.~~

1 26 3. Every liquor control licensee and class "B" beer  
1 27 permittee, except a class "E" liquor control licensee, shall  
1 28 furnish proof of financial responsibility by the existence of  
1 29 a liability insurance policy in an amount determined by the  
1 30 division.

1 31 4. Notwithstanding section 123.49, subsection 1, any  
1 32 person who is injured in person or property or means of  
1 33 support by an intoxicated person who is under legal age or  
1 34 resulting from the intoxication of a person who is under legal  
1 35 age, has a right of action for all damages actually sustained,



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2 1 severally or jointly, against a person who is not a licensee  
2 2 or permittee and who dispensed or gave any beer, wine, or  
2 3 intoxicating liquor to the intoxicated underage person when  
2 4 the nonlicensee or nonpermittee who dispensed or gave the  
2 5 beer, wine, or intoxicating liquor to the underage person knew  
2 6 or should have known the underage person was intoxicated, or  
2 7 who dispensed or gave beer, wine, or intoxicating liquor to  
2 8 the underage person to a point where the nonlicensee or  
2 9 nonpermittee knew or should have known that the underage  
2 10 person would become intoxicated. If the injury was caused by  
2 11 an intoxicated person who is under legal age, a person who is  
2 12 not a licensee or permittee and who dispensed or gave beer,  
2 13 wine, or intoxicating liquor to the underage person may  
2 14 establish as an affirmative defense that the intoxication did  
2 15 not contribute to the injurious action of the underage person.  
2 16 For purposes of this ~~paragraph~~ subsection, "dispensed" or  
2 17 "gave" means the act of physically presenting a receptacle  
2 18 containing beer, wine, or intoxicating liquor to the underage  
2 19 person whose actions or intoxication results in the sustaining  
2 20 of damages by another person. However, a person who dispenses  
2 21 or gives beer, wine, or intoxicating liquor to an underage  
2 22 person shall only be liable for any damages if the person knew  
2 23 or should have known that the underage person was under legal  
2 24 age.

2 25 EXPLANATION

2 26 This bill limits the liability of an alcoholic beverage  
2 27 licensee or permittee who sold and served intoxicating  
2 28 beverages to a person who is subsequently involved in an  
2 29 alcohol-related accident resulting in death or injury to a  
2 30 third person, commonly referred to as the dram shop Act. The  
2 31 bill provides a damage limitation for personal injury,  
2 32 property damage, or loss of support of \$250,000 per person  
2 33 incurring damages.  
2 34 LSB 1541YH 83  
2 35 rh/rj/8



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House File 207 - Introduced

HOUSE FILE  
BY LUKAN

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

**A BILL FOR**

- 1 An Act providing for the issuance of any sex deer hunting
- 2 licenses to certain older Iowans that may be used during both
- 3 shotgun seasons.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1544HH 83
- 6 av/nh/8



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House File 207 - Introduced continued

PAG LIN

1 1 Section 1. Section 483A.8, subsection 2, Code 2009, is  
1 2 amended to read as follows:  
1 3 2. The deer hunting license shall be accompanied by a tag  
1 4 designed to be used only once. When a deer is taken, the deer  
1 5 shall be tagged and the tag shall be dated. For each antlered  
1 6 deer taken, the tag shall be affixed to the deer's antlers.  
1 7 If the commission establishes first shotgun and second shotgun  
1 8 deer hunting seasons, a resident who is sixty-five years of  
1 9 age or older shall be issued an any sex deer hunting license  
1 10 that is valid and may be used during both seasons.

1 11 EXPLANATION

1 12 This bill provides that if the natural resource commission  
1 13 establishes first and second shotgun deer hunting seasons, a  
1 14 resident who is 65 years of age or older shall be issued an  
1 15 any sex deer hunting license that is valid and may be used  
1 16 during both seasons.

1 17 LSB 1544HH 83

1 18 av/nh/8



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House File 208 - Introduced

HOUSE FILE  
BY RANTS

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

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

**A BILL FOR**

- 1 An Act eliminating civil liability provisions for alcoholic
- 2 beverage licensees or permittees.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1542YH 83
- 5 rh/rj/5



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House File 208 - Introduced continued

PAG LIN

1 1 Section 1. Section 123.92, Code 2009, is amended to read  
1 2 as follows:  
1 3 123.92 CIVIL LIABILITY FOR DISPENSING OR SALE AND SERVICE  
~~1 4 OF OR GIVING BEER, WINE, OR INTOXICATING LIQUOR (DRAMSHOP ACT)~~  
~~1 5 -- LIABILITY INSURANCE -- TO UNDERAGE PERSONS.~~  
1 6 Any person who is injured in person or property or means of  
~~1 7 support by an intoxicated person or resulting from the~~  
~~1 8 intoxication of a person, has a right of action for all~~  
~~1 9 damages actually sustained, severally or jointly, against any~~  
~~1 10 licensee or permittee, whether or not the license or permit~~  
~~1 11 was issued by the division or by the licensing authority of~~  
~~1 12 any other state, who sold and served any beer, wine, or~~  
~~1 13 intoxicating liquor to the intoxicated person when the~~  
~~1 14 licensee or permittee knew or should have known the person was~~  
~~1 15 intoxicated, or who sold to and served the person to a point~~  
~~1 16 where the licensee or permittee knew or should have known the~~  
~~1 17 person would become intoxicated. If the injury was caused by~~  
~~1 18 an intoxicated person, a permittee or licensee may establish~~  
~~1 19 as an affirmative defense that the intoxication did not~~  
~~1 20 contribute to the injurious action of the person. The remedy~~  
~~1 21 provided by this section shall apply both prospectively, to~~  
~~1 22 actions filed on or after July 1, 1992, and retrospectively,~~  
~~1 23 to actions pending in trial or appellate courts prior to July~~  
~~1 24 1, 1992.~~  
1 25 Every liquor control licensee and class "B" beer permittee,  
~~1 26 except a class "E" liquor control licensee, shall furnish~~  
~~1 27 proof of financial responsibility by the existence of a~~  
~~1 28 liability insurance policy in an amount determined by the~~  
~~1 29 division.~~  
1 30 Notwithstanding section 123.49, subsection 1, any person  
1 31 who is injured in person or property or means of support by an  
1 32 intoxicated person who is under legal age or resulting from  
1 33 the intoxication of a person who is under legal age, has a  
1 34 right of action for all damages actually sustained, severally  
1 35 or jointly, against a person who is not a licensee or



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2 1 permittee and who dispensed or gave any beer, wine, or  
2 2 intoxicating liquor to the intoxicated underage person when  
2 3 the nonlicensee or nonpermittee who dispensed or gave the  
2 4 beer, wine, or intoxicating liquor to the underage person knew  
2 5 or should have known the underage person was intoxicated, or  
2 6 who dispensed or gave beer, wine, or intoxicating liquor to  
2 7 the underage person to a point where the nonlicensee or  
2 8 nonpermittee knew or should have known that the underage  
2 9 person would become intoxicated. If the injury was caused by  
2 10 an intoxicated person who is under legal age, a person who is  
2 11 not a licensee or permittee and who dispensed or gave beer,  
2 12 wine, or intoxicating liquor to the underage person may  
2 13 establish as an affirmative defense that the intoxication did  
2 14 not contribute to the injurious action of the underage person.  
2 15 For purposes of this paragraph, "dispensed" or "gave" means  
2 16 the act of physically presenting a receptacle containing beer,  
2 17 wine, or intoxicating liquor to the underage person whose  
2 18 actions or intoxication results in the sustaining of damages  
2 19 by another person. However, a person who dispenses or gives  
2 20 beer, wine, or intoxicating liquor to an underage person shall  
2 21 only be liable for any damages if the person knew or should  
2 22 have known that the underage person was under legal age.

2 23 Sec. 2. Section 123.95, subsection 1, Code 2009, is  
2 24 amended to read as follows:

2 25 1. A person shall not allow the dispensing or consumption  
2 26 of alcoholic liquor, except wines and beer, in any  
2 27 establishment unless the establishment is licensed under this  
2 28 chapter or except as otherwise provided in this section. The  
2 29 holder of an annual class "B" liquor control license or an  
2 30 annual class "C" liquor control license may act as the agent  
2 31 of a private social host for the purpose of providing and  
2 32 serving alcoholic liquor, wine, and beer as part of a food  
2 33 catering service for a private social gathering in a private  
2 34 place. The holder of an annual special class "C" liquor  
2 35 control license shall not act as the agent of a private social



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3 1 host for the purpose of providing and serving wine and beer as  
3 2 part of a food catering service for a private social gathering  
3 3 in a private place. The private social host or the licensee  
3 4 shall not solicit donations in payment for the food or  
3 5 alcoholic beverages from the guests, and the alcoholic  
3 6 beverages and food shall be served without cost to the guests.  
3 7 ~~Section 123.92 does not apply to a liquor control licensee who~~  
~~3 8 acts in accordance with this section when the liquor control~~  
~~3 9 licensee is providing and serving food and alcoholic beverages~~  
~~3 10 as an agent of a private social host at a private social~~  
~~3 11 gathering in a private place which is not on the licensed~~  
~~3 12 premises.~~

3 13 Sec. 3. Section 123.93, Code 2009, is repealed.

3 14 EXPLANATION

3 15 This bill eliminates civil liability provisions for  
3 16 alcoholic beverage licensees or permittees, commonly referred  
3 17 to as the dramshop Act. Current law provides that a person  
3 18 who suffers personal injury, property damage, or loss of  
3 19 support as a result of the actions of an intoxicated person  
3 20 may, upon proper notice, seek damages from an alcoholic  
3 21 beverage licensee or permittee who sold to and served  
3 22 intoxicating beverages to a person when the licensee or  
3 23 permittee knew or should have known the person was intoxicated  
3 24 or should have known the person would become intoxicated and  
3 25 the person is subsequently involved in an alcohol-related  
3 26 accident resulting in injury to a third person.

3 27 LSB 1542YH 83

3 28 rh/rj/5



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**House File 209 - Introduced**

HOUSE FILE  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 28)

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

**A BILL FOR**

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



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House File 209 - Introduced continued

PAG LIN

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

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

1 11 EXPLANATION

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

1 18 LSB 1072HV 83

1 19 ec/rj/8



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# House Resolution 7 - Introduced

PAG LIN

H.R. \_\_\_\_\_ S.R. \_\_\_\_\_

1 1                                   HOUSE RESOLUTION NO.  
 1 2                                   BY COMMITTEE ON ETHICS  
 1 3                                   (SUCCESSOR TO HSB 2)  
 1 4 A Resolution relating to the House code of ethics.  
 1 5       BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,  
 1 6 That the House Code of Ethics shall be as follows:  
 1 7                                   HOUSE CODE OF ETHICS  
 1 8       PREAMBLE. Every legislator and legislative  
 1 9 employee has a duty to uphold the integrity and honor  
 1 10 of the general assembly, to encourage respect for the  
 1 11 law and for the general assembly, and to observe the  
 1 12 house code of ethics. The members and employees of  
 1 13 the house have a responsibility to conduct themselves  
 1 14 so as to reflect credit on the general assembly, and  
 1 15 to inspire the confidence, respect, and trust of the  
 1 16 public. The following rules are adopted pursuant to  
 1 17 chapter 68B of the Code, to assist the members and  
 1 18 employees in the conduct of their activities:  
 1 19       1. DEFINITIONS. The definitions of terms provided  
 1 20 in chapter 68B of the Code apply to the use of those  
 1 21 terms in these rules.  
 1 22       2. ECONOMIC INTEREST OF MEMBER OR EMPLOYEE OF  
 1 23 HOUSE.  
 1 24       a. Economic or investment opportunity. A member  
 1 25 or employee of the house shall not solicit or accept  
 1 26 economic or investment opportunity under circumstances  
 1 27 where the member or employee knows, or should know,  
 1 28 that the opportunity is being afforded with the intent  
 1 29 to influence the member's or employee's conduct in the  
 1 30 performance of official duties. If a member or



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2 1 employee of the house learns that an economic or  
2 2 investment opportunity previously accepted was offered  
2 3 with the intent of influencing the member's or  
2 4 employee's conduct in the performance of the official  
2 5 duties, the member or employee shall take steps to  
2 6 divest that member or employee of that investment or  
2 7 economic opportunity, and shall report the matter in  
2 8 writing to the chairperson of the house ethics  
2 9 committee.

2 10 b. Excessive charges for services, goods, or  
2 11 property interests. A member or employee of the house  
2 12 shall not charge to or accept from a person known to  
2 13 have a legislative interest, a price, fee,  
2 14 compensation, or other consideration for the sale or  
2 15 lease of any property or the furnishing of services  
2 16 which is in excess of that which the member or  
2 17 employee would ordinarily charge another person.

2 18 c. Use of confidential information. A member or  
2 19 employee of the house, in order to further the  
2 20 member's or employee's own economic interests, or  
2 21 those of any other person, shall not disclose or use  
2 22 confidential information acquired in the course of the  
2 23 member's or employee's official duties. For the  
2 24 purpose of this rule, information disclosed in open  
2 25 session at a public meeting ~~under chapter 21 of the~~  
~~2 26 Code and information that is a public record under~~  
~~2 27 chapter 22 of the Code is not confidential~~  
2 28 information.

2 29 d. Employment. A member or employee of the house  
2 30 shall not accept employment, either directly or



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3 1 indirectly, from a political action committee. A  
3 2 member of the house shall not act as a paid lobbyist  
3 3 for any organization. However, this paragraph shall  
3 4 not prohibit a member or employee of the house from  
3 5 working for a candidate's committee, a political  
3 6 party's action committee, or a political action  
3 7 committee which does not expressly advocate the  
3 8 nomination, election, or defeat of a candidate for  
3 9 public office in this state or expressly advocate the  
3 10 passage or defeat of a ballot issue in this state and  
3 11 which is not interested in issues before the general  
3 12 assembly.

3 13 For the purpose of this rule, a political action  
3 14 committee means a committee, but not a candidate's  
3 15 committee, which accepts contributions, makes  
3 16 expenditures, or incurs indebtedness in the aggregate  
3 17 of more than seven hundred fifty dollars in any one  
3 18 calendar year to expressly advocate the nomination,  
3 19 election, or defeat of a candidate for public office  
3 20 or to expressly advocate the passage or defeat of a  
3 21 ballot issue or for the purpose of influencing  
3 22 legislative action.

3 23 e. A member or employee of the house shall not  
3 24 solicit employment on behalf of the member or  
3 25 employee, or on behalf of another legislator or  
3 26 employee, as a lobbyist while the general assembly is  
3 27 in session.

3 28 f. Certain goods or services. A member or  
3 29 employee of the house shall not solicit or obtain  
3 30 goods or services from another person under



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4 1 circumstances where the member or employee knows or  
4 2 should know that the goods or services are being  
4 3 offered or sold with the intent to influence the  
4 4 member's or employee's conduct in the performance of  
4 5 official duties. If a member or employee of the house  
4 6 is afforded goods or services by another person at a  
4 7 price that is not available to other members or  
4 8 classes of members of the general public or is  
4 9 afforded goods or services that are not available to  
4 10 other members or classes of members of the general  
4 11 public by another person where the member or employee  
4 12 knows or should know that the other person intends to  
4 13 influence the member's or employee's official conduct,  
4 14 the member or employee shall not take or purchase the  
4 15 goods or services.

4 16 3. APPEARANCE BEFORE STATE AGENCY. A member or  
4 17 employee of the house may appear before a state agency  
4 18 in any representation case but shall not act as a  
4 19 lobbyist with respect to the passage, defeat,  
4 20 approval, veto, or modification of any legislation,  
4 21 rule, or executive order. Whenever a member or  
4 22 employee of the house appears before a state agency,  
4 23 the member or employee shall carefully avoid all  
4 24 conduct which might in any way lead members of the  
4 25 general public to conclude that the member or employee  
4 26 is using the member's or employee's official position  
4 27 to further the member's or employee's professional  
4 28 success or personal financial interest.

4 29 4. CONFLICTS OF INTEREST. In order for the  
4 30 general assembly to function effectively, members of



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5 1 the house may be required to vote on bills and  
5 2 participate in committee work which will affect their  
5 3 employment and other areas in which they may have a  
5 4 monetary interest. Action on bills and committee work  
5 5 which furthers a member's specific employment,  
5 6 specific investment, or other specific interest, as  
5 7 opposed to the interests of the public in general or  
5 8 the interests of a profession, trade, business, or  
5 9 other class of persons, shall be avoided. In making a  
5 10 decision relative to a member's activity on particular  
5 11 bills or in committee work, the following factors  
5 12 should be considered:

5 13     a. Whether a substantial threat to the member's  
5 14 independence of judgment has been created by the  
5 15 conflict situation.

5 16     b. The effect of the member's participation on  
5 17 public confidence in the integrity of the general  
5 18 assembly.

5 19     c. Whether the member's participation is likely to  
5 20 have any significant effect on the disposition of the  
5 21 matter.

5 22     d. The need for the member's particular  
5 23 contribution, such as special knowledge of the subject  
5 24 matter, to the effective functioning of the general  
5 25 assembly.

5 26     If a member decides not to participate in committee  
5 27 work or to abstain from voting because of a possible  
5 28 conflict of interest, the member should disclose this  
5 29 fact to the legislative body. The member shall not  
5 30 vote on any question in which the member has an



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6 1 economic interest that is distinguishable from the  
6 2 interests of the general public or a substantial class  
6 3 of persons.

6 4 5. STATUTORY REQUIREMENTS. Members and employees  
6 5 of the house shall comply with the requirements  
6 6 contained in chapters 68B (Conflicts of Interest of  
6 7 Public Officers and Employees), 721 (Official  
6 8 Misconduct), and 722 (Bribery and Corruption), and  
6 9 sections 2.18 (Contempt) and 711.4 (Extortion) of the  
6 10 Code.

6 11 6. CHARGE ACCOUNTS. Members and employees of the  
6 12 house shall not charge any amount or item to a charge  
6 13 account to be paid for by a lobbyist or any client of  
6 14 a lobbyist.

6 15 7. TRAVEL EXPENSES. A member or employee of the  
6 16 house shall not charge to the state of Iowa amounts  
6 17 for travel and expenses unless the member or employee  
6 18 actually has incurred those mileage and expense costs.  
6 19 Members or employees shall not file the vouchers for  
6 20 weekly mileage reimbursement required by section 2.10,  
6 21 subsection 1 of the Code, unless the travel expense  
6 22 was actually incurred.

6 23 A member or employee of the house shall not file a  
6 24 claim for per diem compensation for a meeting of an  
6 25 interim study committee or a visitation committee  
6 26 unless the member or employee attended the meeting.  
6 27 However, the speaker may waive this provision and  
6 28 allow a claim to be filed if the member or employee  
6 29 attempted to attend the meeting but was unable to do  
6 30 so because of circumstances beyond the member's or



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7 1 employee's control.  
7 2 8. GIFTS ACCEPTED OR RECEIVED. Members and  
7 3 employees of the house shall comply with the  
7 4 restrictions relating to the receipt or acceptance of  
7 5 gifts contained in section 68B.22 of the Code.  
7 6 9. HONORARIA RESTRICTIONS. Members and employees  
7 7 of the house shall comply with the restrictions  
7 8 relating to the receipt of honoraria contained in  
7 9 section 68B.23 of the Code.  
7 10 10. DISCLOSURE REQUIRED. Each member of the house  
7 11 and the chief clerk of the house shall file the  
7 12 personal financial disclosure statements required  
7 13 under section 68B.35 of the Code by February 15 of  
7 14 each year for the prior calendar year.  
7 15 11. SEXUAL HARASSMENT. Members and employees of  
7 16 the house shall not engage in conduct which  
7 17 constitutes sexual harassment as defined in section  
7 18 19B.12 of the Code or pursuant to the sexual  
7 19 harassment policy adopted by the house committee on  
7 20 administration and rules.  
7 21 12. COMPLAINTS.  
7 22 a. Filing of complaint. Complaints may be filed  
7 23 by any person believing that a member or employee of  
7 24 the house, a lobbyist, or a client of a lobbyist is  
7 25 guilty of a violation of the house code of ethics, the  
7 26 house rules governing lobbyists, or chapter 68B of the  
7 27 Code.  
7 28 b. Complaints by committee. The ethics committee  
7 29 may initiate a complaint on its own motion. Committee  
7 30 complaints may be initiated by the committee as a



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8 1 result of a committee investigation or as a result of  
8 2 receipt of any complaint or other information that  
8 3 does not meet the requirements of these rules  
8 4 regarding the form of a complaint but that contains  
8 5 allegations that would form the basis for a valid  
8 6 complaint.

8 7 c. Form and contents of complaint. A complaint  
8 8 shall be in writing.

8 9 Complaint forms shall be available from the chief  
8 10 clerk of the house, but a complaint shall not be  
8 11 rejected for failure to use the approved form if it  
8 12 complies with the requirements of these rules. The  
8 13 complaint shall contain a certification made by the  
8 14 complainant, under penalty of perjury, that the facts  
8 15 stated in the complaint are true to the best of the  
8 16 complainant's knowledge.

8 17 To be valid, a complaint shall allege all of the  
8 18 following:

8 19 (1) Facts, that if true, establish a violation of  
8 20 a provision of chapter 68B of the Code, the house code  
8 21 of ethics, or house rules governing lobbyists for  
8 22 which penalties or other remedies are provided.

8 23 (2) That the conduct providing the basis for the  
8 24 complaint occurred within three years of the filing of  
8 25 the complaint.

8 26 (3) That the party charged with a violation is a  
8 27 party subject to the jurisdiction of the ethics  
8 28 committee.

8 29 d. Confidentiality of complaint. The filing of  
8 30 the complaint and the contents of the complaint shall



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9 1 be confidential until the time that the committee  
9 2 meets to determine whether the complaint is valid,  
9 3 unless either the complainant or the party charged in  
9 4 the complaint makes the existence of, or the  
9 5 information contained in, the complaint public.  
9 6 However, if either the complainant or party alleged to  
9 7 have committed the violation requests that the meeting  
9 8 to determine whether the complaint is valid be a  
9 9 closed meeting and the filing of the complaint or the  
9 10 contents of the complaint have not been disclosed, the  
9 11 meeting shall be closed.

9 12 e. Notice of complaint. Upon receipt of the  
9 13 complaint, the chief clerk of the house shall promptly  
9 14 notify the chairperson and ranking member of the  
9 15 ethics committee that a complaint has been filed and  
9 16 provide both the chairperson and the ranking member  
9 17 with copies of the complaint and any supporting  
9 18 information. Within two working days, the chief clerk  
9 19 shall send notice, either by personal delivery or by  
9 20 certified mail, return receipt requested, to the  
9 21 person or persons alleged to have committed the  
9 22 violation, along with a copy of the complaint and any  
9 23 supporting information. The notice to the accused  
9 24 person shall contain a request that the person submit  
9 25 a written response to the complaint within ten working  
9 26 days of the date that the notice was sent by the chief  
9 27 clerk. At the request of the accused person, the  
9 28 committee may extend the time for the response, not to  
9 29 exceed ten additional calendar days.

9 30 f. Hearing regarding validity of complaint. The



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10 1 committee chairperson and the ranking member shall  
10 2 review the complaint and supporting information to  
10 3 determine whether the complaint meets the requirements  
10 4 as to form. If the complaint is deficient as to form,  
10 5 the complaint shall be returned to the complainant  
10 6 with instructions indicating the deficiency unless the  
10 7 committee decides to proceed on its own motion. If  
10 8 the complaint is in writing and contains the  
10 9 appropriate certification, as soon as practicable, the  
10 10 chairperson shall call a meeting of the committee to  
10 11 review the complaint to determine whether the  
10 12 complaint meets the requirements for validity and  
10 13 whether the committee should request that the chief  
10 14 justice of the supreme court appoint an independent  
10 15 special counsel to conduct an investigation to  
10 16 determine whether probable cause exists to believe  
10 17 that a violation of the house code of ethics, house  
10 18 rules governing lobbyists, or chapter 68B of the Code,  
10 19 has occurred.

10 20 If the committee finds that a complaint does not  
10 21 meet the content requirements for a valid complaint,  
10 22 the committee shall dismiss the complaint and notify  
10 23 both the complainant and the party alleged to have  
10 24 committed the violation of the dismissal and the  
10 25 reasons for dismissal. A dismissal for failure to  
10 26 meet the formal requirements for the filing of a  
10 27 complaint shall be without prejudice and the  
10 28 complainant may refile the complaint at any time  
10 29 within three years of the date that the alleged  
10 30 violation took place. If the dismissal is based upon



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11 1 a failure to allege facts and circumstances necessary  
11 2 for a valid complaint, the dismissal shall be with  
11 3 prejudice and the party shall not be permitted to file  
11 4 a complaint based upon the same facts and  
11 5 circumstances.  
11 6 g. Request for appointment of independent special  
11 7 counsel. If, after review of the complaint and any  
11 8 response made by the party alleged to have committed  
11 9 the violation, the committee determines that the  
11 10 complaint meets the requirements for form and content,  
11 11 the committee shall request that the chief justice of  
11 12 the supreme court appoint independent special counsel  
11 13 to investigate the matter and determine whether  
11 14 probable cause exists to believe that a violation of  
11 15 chapter 68B of the Code, the house code of ethics, or  
11 16 the house rules governing lobbyists has occurred.  
11 17 h. Receipt of report of independent special  
11 18 counsel. The report from the independent special  
11 19 counsel regarding probable cause to proceed on a  
11 20 complaint shall be filed with the chief clerk of the  
11 21 house. Upon receipt of the report of the independent  
11 22 special counsel, the chief clerk shall notify the  
11 23 chairperson of the filing of the report and shall send  
11 24 copies of the report to the members of the ethics  
11 25 committee. As soon as practicable after the filing of  
11 26 the report, the chairperson shall schedule a public  
11 27 meeting for review of the report. The purpose of the  
11 28 public meeting shall be to determine whether the  
11 29 complaint should be dismissed, whether a formal  
11 30 hearing should be held on the complaint, or whether



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12 1 other committee action is appropriate. The  
12 2 complainant and the person alleged to have committed  
12 3 the violation shall be given notice of the public  
12 4 meeting, shall have the right to be present at the  
12 5 public meeting, and may, at the discretion of the  
12 6 committee, present testimony in support of or against  
12 7 the recommendations contained in the report.  
12 8     If the committee determines that the matter should  
12 9 be dismissed, the committee shall cause an order to be  
12 10 entered dismissing the matter and notice of the  
12 11 dismissal shall be given to the complainant and the  
12 12 party alleged to have committed the violation. If the  
12 13 committee determines that the complaint should be  
12 14 scheduled for formal hearing, the committee shall  
12 15 issue a charging statement which contains the charges  
12 16 and supporting facts that are to be set for formal  
12 17 hearing and notice shall be sent to the complainant  
12 18 and the accused person.  
12 19     The notice shall include a statement of the nature  
12 20 of the charge or charges, a statement of the time and  
12 21 place of hearing, a short and plain statement of the  
12 22 facts asserted, and a statement of the rights of the  
12 23 accused person at the hearing.  
12 24     i. Formal hearing. Formal hearings shall be  
12 25 public and conducted in the manner provided in section  
12 26 68B.31, subsection 8 of the Code. At a formal hearing  
12 27 the accused shall have the right to be present and to  
12 28 be heard in person and by counsel, to cross-examine  
12 29 witnesses, and to present evidence. Members of the  
12 30 committee shall also have the right to question



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13 1 witnesses.

13 2 Evidence at the formal hearing shall be received in  
13 3 accordance with rules and procedures applicable to  
13 4 contested cases under chapter 17A of the Code.

13 5 The committee chairperson, or the vice chairperson  
13 6 or ranking member in the absence of the chairperson,  
13 7 shall preside at the formal hearing and shall rule on  
13 8 the admissibility of any evidence received. The  
13 9 ruling of the chairperson may be overturned by a  
13 10 majority vote of the committee. Independent special  
13 11 counsel shall present the evidence in support of the  
13 12 charge or charges. The burden shall be on the  
13 13 independent special counsel to prove the charge or  
13 14 charges by a preponderance of clear and convincing  
13 15 evidence. Upon completion of the formal hearing, the  
13 16 committee shall adopt written findings of fact and  
13 17 conclusions concerning the merits of the charges and  
13 18 make its report and recommendation to the house.

13 19 j. Recommendations by the committee. The  
13 20 committee shall recommend to the house that the  
13 21 complaint be dismissed, or that one or more of the  
13 22 following be imposed:

13 23 (1) That the member or employee of the house or  
13 24 lobbyist or client of a lobbyist be censured or  
13 25 reprimanded, and the recommended appropriate form of  
13 26 censure or reprimand be used.

13 27 (2) That the member of the house be suspended or  
13 28 expelled from membership in the house and required to  
13 29 forfeit the member's salary for that period, the  
13 30 employee of the house be suspended or dismissed from



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14 1 employment, or that the lobbyist's or lobbyist's  
14 2 client's lobbying privileges be suspended.  
14 3 13. COMMUNICATIONS WITH ETHICS COMMITTEE. After a  
14 4 complaint has been filed or an investigation has been  
14 5 initiated, a party to the complaint or investigation  
14 6 shall not communicate, or cause another to  
14 7 communicate, as to the merits of the complaint or  
14 8 investigation with a member of the committee, except  
14 9 under the following circumstances:  
14 10 a. During the course of any meetings or other  
14 11 official proceedings of the committee regarding the  
14 12 complaint or investigation.  
14 13 b. In writing, if a copy of the writing is  
14 14 delivered to the adverse party or the designated  
14 15 representative for the adverse party.  
14 16 c. Orally, if adequate prior notice of the  
14 17 communication is given to the adverse party or the  
14 18 designated representative for the adverse party.  
14 19 d. As otherwise authorized by statute, the house  
14 20 code of ethics, house rules governing lobbyists, or  
14 21 vote of the committee.  
14 22 14. PERMANENT RECORD. The chief clerk of the  
14 23 house shall maintain a permanent record of all  
14 24 complaints filed and any corresponding committee  
14 25 action. The permanent record shall be prepared by the  
14 26 ethics committee and shall contain the date the  
14 27 complaint was filed, name and address of the  
14 28 complainant, name and address of the accused person, a  
14 29 brief statement of the charges made, any evidence  
14 30 received by the committee, any transcripts or



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15 1 recordings of committee action, and ultimate  
15 2 disposition of the complaint. The chief clerk shall  
15 3 keep each complaint confidential until public  
15 4 disclosure is made by the ethics committee.  
15 5 15. MEETING AUTHORIZATION. The house ethics  
15 6 committee is authorized to meet at the discretion of  
15 7 the committee chairperson in order to conduct hearings  
15 8 and other business that properly may come before it.  
15 9 If the committee submits a report seeking house action  
15 10 against a member or employee of the house or lobbyist  
15 11 after the second regular session of a general assembly  
15 12 has adjourned sine die, the report shall be submitted  
15 13 to and considered by the subsequent general assembly.  
15 14 16. ADVISORY OPINIONS.  
15 15 a. Requests for formal opinions. A request for a  
15 16 formal advisory opinion may be filed by any person who  
15 17 is subject to the authority of the ethics committee.  
15 18 The ethics committee may also issue a formal advisory  
15 19 opinion on its own motion, without having previously  
15 20 received a formal request for an opinion, on any issue  
15 21 that is within the jurisdiction of the committee.  
15 22 Requests shall be filed with either the chief clerk of  
15 23 the house or the chairperson of the ethics committee.  
15 24 b. Form and contents of requests. A request for a  
15 25 formal advisory opinion shall be in writing and may  
15 26 pertain to any subject matter that is related to  
15 27 application of the house code of ethics, the house  
15 28 rules governing lobbyists, or chapter 68B of the Code  
15 29 to any person who is subject to the authority of the  
15 30 ethics committee. Requests shall contain one or more



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16 1 specific questions and shall relate either to future  
16 2 conduct or be stated in the hypothetical. A request  
16 3 for an advisory opinion shall not specifically name  
16 4 any individual or contain any other specific  
16 5 identifying information, unless the request relates to  
16 6 the requester's own conduct. However, any request may  
16 7 contain information which identifies the kind of  
16 8 individual who may be affected by the subject matter  
16 9 of the request. Examples of this latter kind of  
16 10 identifying information may include references to  
16 11 conduct of a category of individuals, such as but not  
16 12 limited to conduct of legislators, legislative staff,  
16 13 or lobbyists.

16 14 c. Confidentiality of formal requests and  
16 15 opinions. Requests for formal opinions are not  
16 16 confidential and any deliberations of the committee  
16 17 regarding a request for a formal opinion shall be  
16 18 public. Opinions issued in response to requests for  
16 19 formal opinions are not confidential, shall be in  
16 20 writing, and shall be placed on file in the office of  
16 21 the chief clerk of the house. Persons requesting  
16 22 formal opinions shall personally receive a copy of the  
16 23 written formal opinion that is issued in response to  
16 24 the request.

16 25 17. PERSONAL FINANCIAL DISCLOSURE FORM. The  
16 26 following form shall be used for disclosure of  
16 27 economic interests under these rules and section  
16 28 68B.35 of the Code:

16 29 STATEMENT OF ECONOMIC INTERESTS

16 30 Name: \_\_\_\_\_



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17 1            (Last)                            (First)                            (Middle Initial)  
 17 2 Address: \_\_\_\_\_  
 17 3            (Street Address, Apt.#/P.O. Box)  
 17 4 \_\_\_\_\_  
 17 5            (City)                            (State)                            (Zip)  
 17 6 Phone: (Home) \_\_\_\_\_/\_\_\_\_=\_\_\_\_ (Business) \_\_\_\_\_/\_\_\_\_=\_\_\_\_  
 17 7 \*\*\*\*\*  
 17 8            This form is due each year on or before February  
 17 9 15. The reporting period is the most recently  
 17 10 completed calendar year.  
 17 11            In completing Division III of this form, if your  
 17 12 percentage of ownership of an asset is less than 100  
 17 13 percent, multiply your percentage of ownership by the  
 17 14 total revenue produced to determine if you have  
 17 15 reached the \$1,000 threshold.  
 17 16            Do not report income received by your spouse or  
 17 17 other family members.  
 17 18            In completing this form, if insufficient space is  
 17 19 provided for your answer, you may attach additional  
 17 20 information/answers on full-size sheets of paper.  
 17 21 Division I. Business, Occupation, Profession.  
 17 22            List each business, occupation, or profession in  
 17 23 which you are engaged, the nature of the business if  
 17 24 not evident, and your position or job title. No  
 17 25 income threshold or time requirement applies.  
 17 26            Examples:  
 17 27            If you are employed by an individual, state the  
 17 28 name of the individual employer, the nature of the  
 17 29 business, and your position.  
 17 30            If you are self-employed and are not incorporated



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18 1 or are not doing business under a particular business  
18 2 name, state that you are self-employed, the nature of  
18 3 the business, and your position.

18 4 If you own your own corporation, are employed by a  
18 5 corporation, or are doing business under a particular  
18 6 business name, state the name and nature of the  
18 7 business or corporation and your position.

18 8 1 \_\_\_\_\_

18 9 2 \_\_\_\_\_

18 10 3 \_\_\_\_\_

18 11 4 \_\_\_\_\_

18 12 5 \_\_\_\_\_

18 13 6 \_\_\_\_\_

18 14 Division II. Commissions from Sales of Goods or  
18 15 Services to Political Subdivisions.

18 16 This part is to be completed only by Legislators.

18 17 If you received income in the form of a commission  
18 18 from the sale of goods or services to a political  
18 19 subdivision, state the name of the purchasing  
18 20 political subdivision. The amount of commission  
18 21 earned is not required to be listed.

18 22 1 \_\_\_\_\_

18 23 2 \_\_\_\_\_

18 24 3 \_\_\_\_\_

18 25 4 \_\_\_\_\_

18 26 5 \_\_\_\_\_

18 27 6 \_\_\_\_\_

18 28 Division III. Sources of Gross Income.

18 29 In each one of the following categories list each  
18 30 source which produces more than \$1,000 in annual gross



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19 1 income, if the revenue produced by the source was  
 19 2 subject to federal or state income taxes last year.  
 19 3 List the nature or type of each company, business,  
 19 4 financial institution, corporation, partnership, or  
 19 5 other entity which produces more than \$1,000 of annual  
 19 6 gross income. Neither the amount of income produced  
 19 7 nor value of the holding is required to be listed in  
 19 8 any of the items.  
 19 9 A. Securities: State the nature of the business of  
 19 10 any company in which you hold stock, bonds, or other  
 19 11 pecuniary interests that generate more than \$1,000 in  
 19 12 annual gross income. Income generated by multiple  
 19 13 holdings in a single company are deemed received from  
 19 14 a single source.  
 19 15 \_\_\_\_\_  
 19 16 \_\_\_\_\_  
 19 17 \_\_\_\_\_  
 19 18 \_\_\_\_\_  
 19 19 \_\_\_\_\_  
 19 20 \_\_\_\_\_  
 19 21 B. Instruments of Financial Institutions: State the  
 19 22 types of institutions in which you hold financial  
 19 23 instruments, such as certificates of deposit, savings  
 19 24 accounts, etc., that produce annual gross income in  
 19 25 excess of \$1,000, e.g., banks, savings and loans, or  
 19 26 credit unions.  
 19 27 \_\_\_\_\_  
 19 28 \_\_\_\_\_  
 19 29 \_\_\_\_\_  
 19 30 \_\_\_\_\_



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20 1 \_\_\_\_\_  
20 2 \_\_\_\_\_  
20 3 C. Trusts: State the nature or type of any trust  
20 4 from which you receive more than \$1,000 of gross  
20 5 income annually.  
20 6 \_\_\_\_\_  
20 7 \_\_\_\_\_  
20 8 \_\_\_\_\_  
20 9 \_\_\_\_\_  
20 10 \_\_\_\_\_  
20 11 \_\_\_\_\_  
20 12 D. Real Estate: State the general nature of real  
20 13 estate interests that generate more than \$1,000 of  
20 14 gross income annually, e.g., residential leasehold  
20 15 interest or farm leasehold interest. The size or  
20 16 location of the property interest is not required to  
20 17 be listed.  
20 18 \_\_\_\_\_  
20 19 \_\_\_\_\_  
20 20 \_\_\_\_\_  
20 21 \_\_\_\_\_  
20 22 \_\_\_\_\_  
20 23 \_\_\_\_\_  
20 24 E. Retirement Systems: State the name of each  
20 25 pension plan or other corporation or company that pays  
20 26 you more than \$1,000 annually in retirement benefits.  
20 27 \_\_\_\_\_  
20 28 \_\_\_\_\_  
20 29 \_\_\_\_\_  
20 30 \_\_\_\_\_



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21 1 \_\_\_\_\_  
21 2 \_\_\_\_\_  
21 3 F. Other Income Categories Specified in State and  
21 4 Federal Income Tax Regulations.  
21 5 \_\_\_\_\_  
21 6 \_\_\_\_\_  
21 7 \_\_\_\_\_  
21 8 \_\_\_\_\_  
21 9 \_\_\_\_\_  
21 10 \_\_\_\_\_  
21 11 \_\_\_\_\_  
21 12 (Signature of Filer) \_\_\_\_\_ (Date)  
21 13 LSB 1534HV 83  
21 14 tm/rj/14



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House Study Bill 144

PAG LIN

1 1 HOUSE CONCURRENT RESOLUTION NO. \_\_\_\_  
1 2 BY (PROPOSED COMMITTEE ON ADMINISTRATION AND RULES  
1 3 RESOLUTION BY CHAIRPERSON WESSEL-KROESCHELL)  
1 4 A Concurrent Resolution relating to joint rules of  
1 5 the Senate and House of Representatives for the  
1 6 Eighty-third General Assembly.  
1 7 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE  
1 8 SENATE CONCURRING, That the joint rules of the Senate  
1 9 and House of Representatives for the ~~Eighty-second~~  
1 10 Eighty-third General Assembly shall be:  
1 11 JOINT RULES OF THE  
1 12 SENATE AND HOUSE  
1 13 Rule 1  
1 14 Suspension of Joint Rules  
1 15 The joint rules of the general assembly may be  
1 16 suspended by concurrent resolution, duly adopted by a  
1 17 constitutional majority of the senate and the house.  
1 18 Rule 2  
1 19 Designation of Sessions  
1 20 Each regular session of a general assembly shall be  
1 21 designated by the year in which such regular session  
1 22 commences.  
1 23 Rule 3  
1 24 Sessions of a General Assembly  
1 25 The election of officers, organization, hiring and  
1 26 compensation of employees, and standing committees in  
1 27 each house of the general assembly and action taken by  
1 28 each house shall carry over from the first to the  
1 29 second regular session and to any extraordinary  
1 30 session of the same general assembly. The status of



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2 1 each bill and resolution shall be the same at the  
2 2 beginning of each second session as it was immediately  
2 3 before adjournment of the previous regular or  
2 4 extraordinary session; however the rules of either  
2 5 house may provide for re-referral of some or all bills  
2 6 and resolutions to standing committees upon  
2 7 adjournment of each session or at the beginning of a  
2 8 subsequent regular or extraordinary session, except  
2 9 those which have been adopted by both houses in  
2 10 different forms.

2 11       Upon final adoption of a concurrent resolution at  
2 12 any extraordinary session affecting that session, or  
2 13 at a regular session affecting any extraordinary  
2 14 session which may be held before the next regular  
2 15 session, the creation of any calendar by either house  
2 16 shall be suspended and the business of the session  
2 17 shall consist solely of those bills or subject matters  
2 18 stated in the resolution adopted. Bills named in the  
2 19 resolution, or bills containing the subject matter  
2 20 provided for in the resolution, may, at any time, be  
2 21 called up for debate in either house by the majority  
2 22 leader of that house.

2 23

Rule 3A

2 24

International Relations Protocol

2 25

2 26       The senate and the house of representatives shall  
2 27 comply with the international relations protocol  
2 28 policy adopted by the international relations  
2 29 committee of the legislative council.

2 29

Rule 4

2 30

Presentation of Messages



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3 1 All messages between the two houses shall be sent  
3 2 by the secretary of the senate or the chief clerk of  
3 3 the house of representatives, and shall be  
3 4 communicated to the presiding officer.

3 5 Rule 5

3 6 Printing and Form of Bills

3 7 and Other Documents

3 8 Bills and joint resolutions shall be introduced,  
3 9 numbered, prepared, and printed as provided by law, or  
3 10 in the absence of such law, in a manner determined by  
3 11 the secretary of the senate and the chief clerk of the  
3 12 house of representatives. Proposed bills and  
3 13 resolutions which are not introduced but are referred  
3 14 to committee shall be tracked in the legislative  
3 15 computer system as are introduced bills and  
3 16 resolutions. The referral of proposed bills and  
3 17 resolutions to committee shall be entered in the  
3 18 journal.

3 19 All bills and joint resolutions introduced shall be  
3 20 in a form and number approved by the secretary of the  
3 21 senate and chief clerk of the house.

3 22 The legal counsel's office of each house shall  
3 23 approve all bills before introduction.

3 24 Rule 6

3 25 Companion Bills

3 26 Identical bills introduced in one or both houses  
3 27 shall be called companion bills. Each house shall  
3 28 designate the sponsor in the usual way followed in  
3 29 parentheses by the sponsor of any companion bill or  
3 30 bills in the other house. The house where a companion







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House Study Bill 144 continued

6 1 be incorporated into the bill in the originating house  
6 2 but shall be filed separately. Such a bill shall be  
6 3 limited to corrections which: Adjust language to  
6 4 reflect current practices, insert earlier omissions,  
6 5 delete redundancies and inaccuracies, delete temporary  
6 6 language, resolve inconsistencies and conflicts,  
6 7 update ongoing provisions, and remove ambiguities.  
6 8 Amendments filed from the floor to strike sections of  
6 9 the bill or the committee amendments shall be in  
6 10 order. Following amendment and passage by the second  
6 11 house, only amendments filed from the floor which  
6 12 strike sections of the amendment of the second house  
6 13 shall be in order.

6 14 It is the intent of the house and the senate that  
6 15 such bills be passed out of committee to the floor for  
6 16 debate within the first four weeks of convening of a  
6 17 legislative session.

6 18 Rule 12

6 19 Amendments by Other House

6 20 1. When a bill which originated in one house is  
6 21 amended in the other house, the house originating the  
6 22 bill may amend the amendment, concur in full in the  
6 23 amendment, or refuse to concur in full in the  
6 24 amendment. Precedence of motions shall be in that  
6 25 order. The amendment of the other house shall not be  
6 26 ruled out of order based on a question of germaneness.

6 27 a. If the house originating the bill concurs in  
6 28 the amendment, the bill shall then be immediately  
6 29 placed upon its final passage.

6 30 b. If the house originating the bill refuses to



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7 1 concur in the amendment, the bill shall be returned to  
7 2 the amending house which shall either:  
7 3     (1) Recede, after which the bill shall be read for  
7 4 the last time and immediately placed upon its final  
7 5 passage; or  
7 6     (2) Insist, which will send the bill to a  
7 7 conference committee.  
7 8     c. If the house originating the bill amends the  
7 9 amendment, that house shall concur in the amendment as  
7 10 amended and the bill shall be immediately placed on  
7 11 final passage, and shall be returned to the other  
7 12 house. The other house cannot further amend the bill.  
7 13     (1) If the amending house which gave second  
7 14 consideration to the bill concurs in the amendment to  
7 15 the amendment, the bill shall then be immediately  
7 16 placed upon its final passage.  
7 17     (2) If the amending house refuses to concur in the  
7 18 amendment to the amendment, the bill shall be returned  
7 19 to the house originating the bill which shall either:  
7 20     (a) Recede, after which the bill shall be read for  
7 21 the last time as amended and immediately placed upon  
7 22 its final passage; or  
7 23     (b) Insist, which will send the bill to a  
7 24 conference committee.  
7 25     2. A motion to recede has precedence over a motion  
7 26 to insist. Failure to recede means to insist; and  
7 27 failure to insist means to recede.  
7 28     3. A motion to lay on the table or to indefinitely  
7 29 postpone shall be out of order with respect to motions  
7 30 to recede from or insist upon and to amendments to



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8 1 bills which have passed both houses.

8 2 4. A motion to concur, refuse to concur, recede,  
8 3 insist, or adopt a conference committee report is in  
8 4 order even though the subject matter has previously  
8 5 been acted upon.

8 6

Rule 13

8 7

Conference Committee

8 8 1. Within one legislative day after either house  
8 9 insists upon an amendment to a bill, the presiding  
8 10 officer of the house, after consultation with the  
8 11 majority leader, shall appoint three majority party  
8 12 members and, after consultation with the minority  
8 13 leader, shall appoint two minority party members to a  
8 14 conference committee. The majority leader of the  
8 15 senate, after consultation with the president, shall  
8 16 appoint three majority party members and, after  
8 17 consultation with and approval by the minority leader,  
8 18 shall appoint two minority party members to a  
8 19 conference committee. The papers shall remain with  
8 20 the house that originated the bill.

8 21 2. The conference committee shall meet before the  
8 22 end of the next legislative day after their  
8 23 appointment, shall select a chair and shall discuss  
8 24 the controversy.

8 25 3. The authority of the first conference committee  
8 26 shall cover only issues related to provisions of the  
8 27 bill and amendments to the bill which were adopted by  
8 28 either the senate or the house of representatives and  
8 29 on which the senate and house of representatives  
8 30 differed. If a conference committee report is not



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9 1 acted upon because such action would violate this  
9 2 subsection of this rule, the inaction on the report  
9 3 shall constitute refusal to adopt the conference  
9 4 committee report and shall have the same effect as if  
9 5 the conference committee had disagreed.

9 6 4. An agreement on recommendations must be  
9 7 approved by a majority of the committee members from  
9 8 each house. The committee shall submit two originals  
9 9 of the report signed by a majority of the committee  
9 10 members of each house with one signed original and  
9 11 three copies to be submitted to each house. The  
9 12 report shall first be acted upon in the house  
9 13 originating the bill. Such action, including all  
9 14 papers, shall be immediately referred by the secretary  
9 15 of the senate or the chief clerk of the house of  
9 16 representatives to the other house.

9 17 5. The report of agreement is debatable, but  
9 18 cannot be amended. If the report contains recommended  
9 19 amendments to the bill, adoption of the report shall  
9 20 automatically adopt all amendments contained therein.  
9 21 After the report is adopted, there shall be no more  
9 22 debate, and the bill shall immediately be placed upon  
9 23 its final passage.

9 24 6. Refusal of either house to adopt the conference  
9 25 committee report has the same effect as if the  
9 26 committee had disagreed.

9 27 7. If the conference committee fails to reach  
9 28 agreement, a report of such failure signed by a  
9 29 majority of the committee members of each house shall  
9 30 be given promptly to each house. The bill shall be



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10 1 returned to the house that originated the bill, the  
10 2 members of the committee shall be immediately  
10 3 discharged, and a new conference committee appointed  
10 4 in the same manner as the first conference committee.  
10 5 8. The authority of a second or subsequent  
10 6 conference committee shall cover free conference  
10 7 during which the committee has authority to propose  
10 8 amendments to any portion of a bill provided the  
10 9 amendment is within the subject matter content of the  
10 10 bill as passed by the house of origin or as amended by  
10 11 the second house.

Rule 14

Enrollment and Authentication of Bills

10 13 A bill or resolution which has passed both houses  
10 14 shall be enrolled in the house of origin under the  
10 15 direction of either the secretary of the senate or the  
10 16 chief clerk of the house and its house of origin shall  
10 17 be certified by the endorsement of the secretary of  
10 18 the senate or the chief clerk of the house.

10 19 After enrollment, each bill shall be signed by the  
10 20 president of the senate and by the speaker of the  
10 21 house.  
10 22

Rule 15

Concerning Other Enrollments

10 24 All resolutions and other matters which are to be  
10 25 presented to the governor for approval shall be  
10 26 enrolled, signed, and presented in the same manner as  
10 27 bills.  
10 28

10 29 All resolutions and other matters which are not to  
10 30 be presented to the governor or the secretary of state



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11 1 shall be enrolled, signed, and retained permanently by  
11 2 the secretary of the senate or chief clerk of the  
11 3 house.

11 4 Rule 16

11 5 Transmission of Bills to the Governor

11 6 After a bill has been signed in each house, it  
11 7 shall be presented by the house of origin to the  
11 8 governor by either the secretary of the senate or the  
11 9 chief clerk of the house. The secretary or the chief  
11 10 clerk shall report the date of the presentation, which  
11 11 shall be entered upon the journal of the house of  
11 12 origin.

11 13 Rule 17

11 14 Fiscal Notes

11 15 A fiscal note shall be attached to any bill or  
11 16 joint resolution which reasonably could have an annual  
11 17 effect of at least one hundred thousand dollars or a  
11 18 combined total effect within five years after  
11 19 enactment of five hundred thousand dollars or more on  
11 20 the aggregate revenues, expenditures, or fiscal  
11 21 liability of the state or its subdivisions. This rule  
11 22 does not apply to appropriation and ways and means  
11 23 measures where the total effect is stated in dollar  
11 24 amounts.

11 25 Each fiscal note shall state in dollars the  
11 26 estimated effect of the bill on the revenues,  
11 27 expenditures, and fiscal liability of the state or its  
11 28 subdivisions during the first five years after  
11 29 enactment. The information shall specifically note  
11 30 the fiscal impact for the first two years following



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12 1 enactment and the anticipated impact for the  
12 2 succeeding three years. The fiscal note shall specify  
12 3 the source of the information. Sources of funds for  
12 4 expenditures under the bill shall be stated, including  
12 5 federal funds. If an accurate estimate cannot be  
12 6 made, the fiscal note shall state the best available  
12 7 estimate or shall state that no dollar estimate can be  
12 8 made and state concisely the reason.

12 9 The preliminary determination of whether the bill  
12 10 appears to require a fiscal note shall be made by the  
12 11 legal services staff of the legislative services  
12 12 agency. Unless the requestor specifies the request is  
12 13 to be confidential, upon completion of the bill draft,  
12 14 the legal services staff shall immediately send a copy  
12 15 to the fiscal services director for review.

12 16 When a committee reports a bill to the floor, the  
12 17 committee shall state in the report whether a fiscal  
12 18 note is or is not required.

12 19 The fiscal services director or the director's  
12 20 designee shall review all bills placed on the senate  
12 21 or house calendars to determine whether the bills are  
12 22 subject to this rule.

12 23 Additionally, a legislator may request the  
12 24 preparation of a fiscal note by the fiscal services  
12 25 staff for any bill or joint resolution introduced  
12 26 which reasonably could be subject to this rule.

12 27 The fiscal services director or the director's  
12 28 designee shall cause to be prepared and shall approve  
12 29 a fiscal note within a reasonable time after receiving  
12 30 a request or determining that a bill is subject to



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13 1 this rule. All fiscal notes approved by the fiscal  
13 2 services director shall be transmitted immediately to  
13 3 the secretary of the senate or the chief clerk of the  
13 4 house, after notifying the sponsor of the bill that a  
13 5 fiscal note has been prepared, for publication in the  
13 6 daily clip sheet. The secretary of the senate or  
13 7 chief clerk of the house shall attach the fiscal note  
13 8 to the bill as soon as it is available.

13 9 The fiscal services director may request the  
13 10 cooperation of any state department or agency in  
13 11 preparing a fiscal note.

13 12 A revised fiscal note may be requested by a  
13 13 legislator if the fiscal effect of the bill has been  
13 14 changed by adoption of an amendment. However, a  
13 15 request for a revised fiscal note shall not delay  
13 16 action on a bill unless so ordered by the presiding  
13 17 officer of the house in which the bill is under  
13 18 consideration.

13 19 If a date for adjournment has been set, then a  
13 20 constitutional majority of the house in which the bill  
13 21 is under consideration may waive the fiscal note  
13 22 requirement during the three days prior to the date  
13 23 set for adjournment.

13 24 Rule 18

13 25 Legislative Interns

13 26 Legislators may arrange student internships during  
13 27 the legislative session with Iowa college, university,  
13 28 or law school students, for which the students may  
13 29 receive college credit at the discretion of their  
13 30 schools. Each legislator is allowed only one intern







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16 1 2 of this rule does not apply to appropriations bills,  
16 2 ways and means bills, government oversight bills,  
16 3 legalizing acts, administrative rules review committee  
16 4 bills, bills sponsored by standing committees in  
16 5 response to a referral from the president of the  
16 6 senate or the speaker of the house of representatives  
16 7 relating to an administrative rule whose effective  
16 8 date has been delayed until the adjournment of the  
16 9 next regular session of the general assembly by the  
16 10 administrative rules review committee, bills  
16 11 cosponsored by majority and minority floor leaders of  
16 12 one house, bills in conference committee, and  
16 13 companion bills sponsored by the majority floor  
16 14 leaders of both houses after consultation with the  
16 15 respective minority floor leaders. For the purposes  
16 16 of this rule, a joint resolution is considered as a  
16 17 bill. To be considered an appropriations, ways and  
16 18 means, or government oversight bill for the purposes  
16 19 of this rule, the appropriations committee, the ways  
16 20 and means committee, or the government oversight  
16 21 committee must either be the sponsor of the bill or  
16 22 the committee of first referral in the originating  
16 23 house.

16 24 2. To be placed on the calendar in the house of  
16 25 origin, a bill must be first reported out of a  
16 26 standing committee by Friday of the 9th week of the  
16 27 first session and the 8th week of the second session.  
16 28 To be placed on the calendar in the other house, a  
16 29 bill must be first reported out of a standing  
16 30 committee by Friday of the 13th week of the first



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17 1 session and the 11th week of the second session.  
17 2 3. During the 11th week of the first session and  
17 3 the 9th week of the second session, each house shall  
17 4 consider only bills originating in that house and  
17 5 unfinished business. During the 14th week of the  
17 6 first session and the 12th week of the second session,  
17 7 each house shall consider only bills originating in  
17 8 the other house and unfinished business. Beginning  
17 9 with the 15th week of the first session and the 13th  
17 10 week of the second session, each house shall consider  
17 11 only bills passed by both houses, bills exempt from  
17 12 subsection 2, and unfinished business.  
17 13 4. A motion to reconsider filed and not disposed  
17 14 of on an action taken on a bill or resolution which is  
17 15 subject to a deadline under this rule may be called up  
17 16 at any time before or after the day of the deadline by  
17 17 the person filing the motion or after the deadline by  
17 18 the majority floor leader, notwithstanding any other  
17 19 rule to the contrary.  
17 20 Rule 21  
17 21 Resolutions  
17 22 1. A "concurrent resolution" is a resolution to be  
17 23 adopted by both houses of the general assembly which  
17 24 expresses the sentiment of the general assembly or  
17 25 deals with temporary legislative matters. It may  
17 26 authorize the expenditure, for any legislative  
17 27 purpose, of funds appropriated to the general  
17 28 assembly. A concurrent resolution is not limited to,  
17 29 but may provide for a joint convention of the general  
17 30 assembly, adjournment or recess of the general



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18 1 assembly, or requests to a state agency or to the  
18 2 general assembly or a committee. A concurrent  
18 3 resolution requires the affirmative vote of a majority  
18 4 of the senators or representatives present and voting  
18 5 unless otherwise specified by statute. A concurrent  
18 6 resolution does not require the governor's approval  
18 7 unless otherwise specified by statute. A concurrent  
18 8 resolution shall be filed with the secretary of the  
18 9 senate or the chief clerk of the house. A concurrent  
18 10 resolution shall be printed in the bound journal after  
18 11 its adoption.

18 12 2. A "joint resolution" is a resolution which  
18 13 requires for approval the affirmative vote of a  
18 14 constitutional majority of each house of the general  
18 15 assembly. A joint resolution which appropriates funds  
18 16 or enacts temporary laws must contain the clause "Be  
18 17 It Enacted by the General Assembly of the State of  
18 18 Iowa:", is equivalent to a bill, and must be  
18 19 transmitted to the governor for ~~his~~ approval. A joint  
18 20 resolution which proposes amendments to the  
18 21 Constitution of the State of Iowa, ratifies amendments  
18 22 to the Constitution of the United States, proposes a  
18 23 request to Congress or an agency of the government of  
18 24 the United States of America, proposes to Congress an  
18 25 amendment to the Constitution of the United States of  
18 26 America, nullifies an administrative rule, or creates  
18 27 a special commission or committee must contain the  
18 28 clause "Be It Resolved by the General Assembly of the  
18 29 State of Iowa:" and shall not be transmitted to the  
18 30 governor. A joint resolution shall not amend a





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20 1 a veto of them by the governor.  
20 2 2. Vetoed bills and appropriations items shall  
20 3 automatically be placed on the veto calendar upon  
20 4 receipt. Vetoed bills and appropriations items shall  
20 5 not be referred to committee.  
20 6 3. Upon first publication in the veto calendar,  
20 7 the senate majority leader or the house majority  
20 8 leader may call up a vetoed bill or appropriations  
20 9 item at any time.  
20 10 4. The affirmative vote of two-thirds of the  
20 11 members of the body by record roll call is required on  
20 12 a motion to override an executive veto or item veto.  
20 13 5. A motion to override an executive veto or item  
20 14 veto is debatable. A vetoed bill or appropriation  
20 15 item cannot be amended in this case.  
20 16 6. The vote by which a motion to override an  
20 17 executive veto or item veto passes or fails to pass  
20 18 either house is not subject to reconsideration under  
20 19 senate rule 24 or house rule 73.  
20 20 7. The secretary of the senate or the chief clerk  
20 21 of the house shall immediately notify the other house  
20 22 of the adoption or rejection of a motion to override  
20 23 an executive veto or item veto.  
20 24 8. All bills and appropriations items on the veto  
20 25 calendar shall be disposed of before adjournment sine  
20 26 die, unless the house having a bill or appropriation  
20 27 item before it declines to do so by unanimous consent.  
20 28 9. Bills and appropriations items on the veto  
20 29 calendar are exempt from deadlines imposed by joint  
20 30 rule 20.



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21 1 LSB 1944YC 83  
21 2 rj/rj/14.1



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# House Study Bill 145

PAG LIN

1 1 HOUSE RESOLUTION NO. \_\_\_\_\_  
1 2 BY (PROPOSED COMMITTEE ON ADMINISTRATION AND RULES  
1 3 RESOLUTION BY CHAIRPERSON WESSEL-KROESCHELL)  
1 4 A Resolution relating to permanent rules of the House  
1 5 for the eighty-third general assembly.  
1 6 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,  
1 7 That the permanent rules of the House for the  
1 8 ~~eighty-second~~ eighty-third general assembly be as  
1 9 follows:  
1 10 DIVISION I == GENERAL RULES  
1 11 Rule 1  
1 12 Call to Order and Order of Business  
1 13 The speaker shall take the chair at the hour to  
1 14 which the house has adjourned, and shall immediately  
1 15 call the ~~members~~ house to order, correct the journal  
1 16 of the previous day's proceedings, and proceed to  
1 17 other business, including, but not limited to,  
1 18 introduction of bills, reports, messages,  
1 19 communications, business pending at adjournment,  
1 20 announcements, resolutions and bills on their passage,  
1 21 and points of personal privilege.  
1 22 Rule 2  
1 23 Quorum Call and Time of Convening  
1 24 The house shall convene each Monday at 1:00 p.m.  
1 25 and at 9:00 a.m. on all other legislative days, unless  
1 26 otherwise ordered. The time of convening shall be  
1 27 recorded in the journal. The house shall not convene  
1 28 on Sunday during a regular or special session.  
1 29 The speaker or a member may request a roll call to  
1 30 determine if a quorum is present.



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2 1 Rule 3  
2 2 Absences from the House  
2 3 No member shall be absent without leave while the  
2 4 house is in session unless ~~the member is sick or~~  
~~2 5 unable to attend~~ excused for good cause.

2 6 Rule 4  
2 7 Preservation of Order  
2 8 The speaker shall preserve order and decorum and  
2 9 speak to points of order ~~in preference to other~~  
~~2 10 members.~~ Subject to an appeal to the house by any  
2 11 member, the speaker shall decide questions of order  
2 12 which shall not be debated.

2 13 The speaker may have the chamber of the house  
2 14 cleared in case of any disturbance or disorderly  
2 15 conduct.

2 16 Only past legislators, state officials, persons  
2 17 whose presence is deemed by the speaker to be of  
2 18 special significance to the house, and school classes  
2 19 accompanied by teachers and seated in the galleries  
2 20 shall be introduced in the house.

2 21 No person other than a member of the house shall be  
2 22 allowed to speak from the floor of the house without  
2 23 prior permission of the speaker.

2 24 The public may take photographs from the galleries  
2 25 at any time. However, the use of flash bulbs or any  
2 26 other artificial lighting is prohibited. ~~The~~

2 27 Members of the press may photograph from the press  
2 28 section box, but may shall not use artificial lighting  
2 29 except for live television crews who receive without  
2 30 prior permission in advance from the chief clerk of



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3 1 the house ~~or the sergeant-at-arms.~~ Photographic  
~~3 2 instruments shall not be used~~ Photographs shall not be  
~~3 3 taken~~ on the house floor at any time when the members  
 3 4 are voting on a question put before the house.  
 3 5 ~~Photographic instruments may be used~~ Photographs of  
~~3 6 the voting boards shall not be taken while a nonrecord~~  
~~3 7 roll call vote is displayed.~~ Photographs may be taken  
 3 8 on the house floor at other times with the consent of  
 3 9 the subject or subjects of the photography.

Rule 4A

Use of Telephonic or Electronic Devices  
 in Chamber Restricted

3 10  
 3 11  
 3 12  
 3 13 1. ~~In order to prevent the disruption of house~~  
~~3 14 deliberations, a~~ A person present in the house chamber  
~~3 15 while the house is in order shall not do any of the~~  
~~3 16 following in the chamber while the house is in~~  
~~3 17 session:~~

3 18 ~~a. Allow any audible signal to be continued to be~~  
~~3 19 transmitted to or from a telephonic or electronic~~  
~~3 20 device under the person's control.~~

3 21 ~~b. Disrupt house deliberations by using a~~  
~~3 22 telephonic or electronic device to audibly transmit or~~  
~~3 23 receive communications~~ mute any cell phone, computer,  
~~3 24 or other electronic device under the person's control.~~  
~~3 25 The speaker may remove from the chamber any person~~  
~~3 26 acting in violation of this rule.~~

3 27 2. ~~A member shall not use a telephonic cell phone~~  
~~3 28 or other~~ electronic device to audibly transmit or  
 3 29 receive communications while recognized by the  
 3 30 presiding officer to speak in debate.



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~~4 1 3. The speaker or other presiding officer may have  
4 2 the chamber cleared of any person acting in violation  
4 3 of this rule.~~

4 4

Rule 5

4 5

Rules of Parliamentary Practice

4 6

4 7 The rules of parliamentary practice in Mason's  
4 8 Manual of Legislative Procedure shall govern the house  
4 9 in all cases where they are not inconsistent with the  
4 10 standing rules of the house, ~~or the joint rules of the~~  
4 11 house and senate and house, or customary practice of  
4 12 the house.

4 12

Rule 5A

4 13

House Budget

4 14 The speaker of the house shall annually prepare a  
4 15 proposed budget for the house of representatives for  
4 16 the payment of expenses, salaries, per diems, and  
4 17 other items. The proposed budget shall be submitted  
4 18 on the fourteenth day of each legislative session to  
4 19 the house administration and rules committee in charge  
~~4 20 of administration~~, which shall approve a proposed  
4 21 budget in house resolution form ~~within thirty days of~~  
~~4 22 receiving the proposed budget from the speaker.~~ The  
4 23 house shall adopt a budget ~~within thirty days of the~~  
~~4 24 introduction of the house resolution~~ prior to  
4 25 adjournment.

4 26

Rule 6

4 27

The Speaker Pro Tempore

4 28

4 29 The house shall, at its pleasure, elect a speaker  
4 30 pro tempore. When the speaker shall for any cause be  
absent, the speaker pro tempore shall preside, except



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5 1 when the chair is filled by appointment by either the  
5 2 speaker or the speaker pro tempore. If a vacancy  
5 3 occurs in the office of speaker, the speaker pro  
5 4 tempore shall assume the duties and responsibilities  
5 5 of the speaker until such time as the house shall  
5 6 elect a new speaker. The speaker or the speaker pro  
5 7 tempore shall have the right to name any member to  
5 8 perform the duties of speaker, but such substitution  
5 9 shall not extend beyond the adjournment. The acts of  
5 10 the speaker pro tempore shall have the same validity  
5 11 as those of the speaker. In the absence of both the  
5 12 speaker and the speaker pro tempore, the house shall  
5 13 name a speaker who shall preside over it and perform  
5 14 all the duties of the speaker with the exception of  
5 15 signing bills, until such time as the speaker or  
5 16 speaker pro tempore shall be present, and the person's  
5 17 acts shall have the same force and validity as those  
5 18 of the regularly elected speaker.

5 19 Rule 7

5 20 Amendment ~~and Suspension~~ of Rules

5 21 A motion to change or rescind a standing rule or  
5 22 order of the house requires one day's notice. A  
~~5 23 motion to suspend a rule, or to table or take from the~~  
~~5 24 table a matter, requires an affirmative vote of a~~  
~~5 25 constitutional majority. Postponing or changing the~~  
~~5 26 order of business requires an affirmative vote of a~~  
~~5 27 constitutional majority.~~

5 28 Rule 8

5 29 Violation of House Rules

5 30 The speaker shall, or any member may, call to order



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6 1 a member who ~~transgresses~~ violates the rules of the  
6 2 house. With leave of the house, the member called to  
6 3 order may be permitted to explain. If the case  
6 4 requires it, the member shall be subject to censure of  
6 5 the house.

6 6 Rule 9

6 7 Referral of Rule Violations

6 8 The speaker shall, upon complaint of a member, or  
6 9 upon the speaker's own motion, refer any alleged  
6 10 violation of house or joint rules by house members,  
6 11 employees or staff to the house ethics committee upon  
6 12 an initial finding that an investigation is warranted.

6 13 The ethics committee shall investigate such  
6 14 allegations and report them back to the house with a  
6 15 recommendation.

6 16 Rule 10

6 17 Recognition and Decorum in Debate

6 18 A member who wishes to speak in debate ~~or deliver~~  
~~6 19 any matter to the house~~ shall be appropriately  
6 20 attired, with male members wearing coat or tie, ~~and,~~  
~~6 21 after.~~ After recognition by the chair, a member shall  
6 22 respectfully address the presiding officer by saying  
6 23 "Mr. or Madam Speaker"7. A member shall confine all  
6 24 remarks to the question under debate, shall be  
6 25 respectful of other members, and shall avoid  
6 26 personalities referencing or questioning the motives  
6 27 of another member.

6 28 Rule 11

6 29 Limit on Debate

6 30 No member shall speak more than once on the same



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7 1 question, without leave of the speaker, nor more than  
7 2 twice until every member choosing to speak has spoken,  
7 3 except as provided in Rule 81. A member shall be  
7 4 limited to ten minutes debate on a ~~bill being~~  
~~7 5 considered prior to its last reading bills,~~  
7 6 resolutions, and amendments, but may be granted an  
7 7 extension of time by consent of the house. However,  
7 8 the floor manager of a bill or resolution and the lead  
7 9 sponsor of an amendment may exceed the ten-minute  
7 10 limit on opening and closing remarks.

7 11 Rule 12

7 12 Decorum During Debate

7 13 No member shall leave the house while the speaker  
7 14 is putting a question. No one shall pass between the  
7 15 speaker and a member who is speaking or two members  
7 16 who have been recognized by the speaker.

7 17 Rule 13

7 18 Stating the Question

7 19 When a motion is made, it shall be stated by the  
7 20 speaker. A motion made in writing shall be passed to  
7 21 ~~the desk~~ speaker's station before it is debated.

7 22 Rule 14

7 23 Putting the Question

7 24 Questions shall be distinctly put in this form:  
7 25 "All those in favor of (the question) shall say  
7 26 'aye';" and after the affirmative voice is expressed,  
7 27 "All those opposed to (the question) shall say 'no'."  
7 28 If the speaker is in doubt or a member of the house  
7 29 requests, a nonrecord roll call vote shall be taken.

7 30 DIVISION II == EMPLOYEES OF THE HOUSE



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8 1 Rule 15  
8 2 Chief Clerk of the House  
8 3 The chief clerk of the house shall serve as  
8 4 parliamentarian and chief administrative officer of  
8 5 the house under the direction of the speaker of the  
8 6 house. The chief clerk shall supervise the chief  
8 7 clerk's office; be responsible for the custody and  
8 8 safekeeping of all bills, resolutions, and amendments  
8 9 filed, except when they are in the custody of a  
8 10 committee; have charge of the daily journal; have  
8 11 control of all rooms assigned for the use of the  
8 12 house; attest to the accuracy and correctness of text  
8 13 and action on bills and resolutions; process the  
8 14 handling of amendments when filed and during the floor  
8 15 consideration of bills; insert adopted amendments into  
8 16 bills before transmittal to the senate and prior to  
8 17 final enrollment; supervise legislative printing and  
8 18 the distribution of printed material; and perform all  
8 19 other duties pertaining to the office of the chief  
8 20 clerk.

8 21 Rule 16

8 22 ~~Reserved~~

8 23 Legislative and Session Days

8 24 For purposes of these rules, a legislative day is a  
8 25 day when the house is called to order. A legislative  
8 26 day that runs past midnight is not considered a new  
8 27 legislative day. A session day is any calendar day  
8 28 beginning with the convening of the annual regular  
8 29 session and ending with adjournment sine die.

8 30 Rule 17





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10 1 Rule 20  
10 2 Admission to the House; Lobbying  
10 3 The chamber of the house shall include the  
10 4 vestibule, restrooms, ~~cloak room,~~ bill room, lounge,  
10 5 visitors' galleries, and floor of the house.  
10 6 The floor of the house shall consist of ~~that the~~ the  
10 7 area between the north and south walls, including the  
10 8 representatives' desks, the press box, and the  
10 9 ~~speaker's station, and the south wall behind the last~~  
10 10 ~~row of desks occupied by representatives, but~~  
10 11 excluding the visitors' galleries.  
10 12 During a legislative day while the house is in  
10 13 ~~session~~ order, and one-half hour before the house  
10 14 convenes and one-half hour after the house recesses or  
10 15 adjourns, no person shall be admitted to the floor of  
10 16 the house except:  
10 17 1. Members of the general assembly and authorized  
10 18 ~~house~~ legislative employees in the performance of  
10 19 their duties.  
10 20 2. Former members of the general assembly who are  
10 21 not registered lobbyists.  
10 22 3. A general assembly member's family.  
10 23 4. Representatives of the press, radio, and  
10 24 television who shall go directly to and from the press  
10 25 box.  
10 26 5. Legislative interns ~~approved by~~ registered with  
10 27 the chief clerk who shall go directly to and from the  
10 28 seat of their assigned representative or to be seated  
10 29 in the perimeter seating area.  
10 30 6. ~~Chair, co-chair, and the executive secretary~~



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11 1 Designated representatives of a political party having  
11 2 members serving in the ~~general assembly house~~.  
11 3 ~~7. Personnel of the legislative services agency~~  
~~11 4 and citizens' aide/ombudsman's office.~~  
11 5 ~~8. 7. The governor's executive assistants and~~  
~~11 6 administrative assistants, members~~ Members of the  
11 7 state executive council, the lieutenant governor, the  
11 8 attorney general, the governor's executive assistants  
11 9 and administrative assistants, and the administrative  
11 10 rules coordinator, all of whom shall be confined to  
11 11 the perimeter area.  
11 12 The current status of former members of the general  
11 13 assembly shall govern their access to the floor under  
11 14 these rules.  
11 15 No other persons shall be allowed on the house  
11 16 floor while the house is in order without permission  
11 17 of the presiding officer of the house. When the house  
11 18 is not in order, guests of a member of the general  
11 19 assembly escorted by that member shall be allowed on  
11 20 the house floor.  
11 21 No person admitted to the floor of the house while  
11 22 the house is in order, except members of the general  
11 23 assembly, shall, ~~while the house is in session~~, lobby  
11 24 or attempt to exercise any influence with any member  
11 25 for or against any matter then pending or that may  
11 26 thereafter be considered by the house.  
11 27 ~~Notwithstanding the provisions of this rule~~  
~~11 28 regarding admission to the floor of the house, a A~~  
11 29 registered lobbyist shall not be admitted to the floor  
11 30 of the house on any legislative day ~~when the house is~~



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~~12 1 in session or committees are scheduled to meet from  
12 2 one-half hour before the house convenes or 9:00 a.m.,  
12 3 whichever is earlier, until one-half hour after the  
12 4 house adjourns or until 4:30 p.m., whichever is later,  
12 5 except for ceremonial purposes. A registered lobbyist  
12 6 or other person may be admitted to the house when the  
12 7 house is not in session to gain access to a committee  
12 8 room.~~

~~12 9 Each lobbyist shall be given a copy of this rule  
12 10 when the lobbyist registers.~~

12 11 Each member, employee of the house, and registered  
12 12 lobbyist shall report violations of this rule  
12 13 immediately to the sergeant-at-arms.

12 14 Any person for cause may be summarily dismissed  
12 15 from the chamber of the house, by action of the house,  
12 16 and ~~shall~~ may forfeit that person's right to admission  
12 17 thereafter.

12 18 Rule 20A

12 19 Legislative Interns

12 20 A member may appoint one or more interns who shall  
12 21 register with the chief clerk. Only one legislative  
12 22 intern per member of the house is allowed on the floor  
12 23 of the house at any one time.

12 24

12 25 Rule 21

12 26 Distribution of Literature

12 27 No person except a member or employee of the house  
12 28 of representatives shall generally distribute or cause  
12 29 to be distributed any pamphlets, material, or other  
12 30 printed literature, or any other items to the members'



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13 1 desks in the house. An employee of the house shall  
13 2 generally distribute or cause to be distributed such  
13 3 literature or items only on behalf of the employee's  
13 4 office or staff. Items which are permissible gifts  
13 5 under chapter 68B of the Code may be distributed to  
13 6 the members' desks with the authorization of the chief  
13 7 clerk.

13 8 All copies of pamphlets, material, or printed  
13 9 literature distributed by a member or employee of the  
13 10 house of representatives shall bear the name of the  
13 11 member or employee's office or staff.  
13 12 Other distributions of pamphlets, material, or  
13 13 other printed literature shall bear their source of  
13 14 origin and be distributed through the legislative post  
13 15 office by completing a form containing a member's or  
13 16 the chief clerk's authorization, with the  
13 17 authorization form attached to one copy of the  
13 18 distribution. The copy with the attached  
13 19 authorization form shall be retained for a reasonable  
13 20 time period by the legislative post office.

13 21 Rule 22

13 22 Distribution of Materials

13 23 Printed by the State

13 24 A member of the house shall not distribute maps,  
13 25 books, and pamphlets ~~such as, but not limited to, How~~  
~~13 26 a Bill Becomes Law,~~ which have been printed by the  
13 27 state of Iowa and upon which the name of the member of  
13 28 the house has been affixed unless the member has  
13 29 purchased the materials or unless the member has  
13 30 affixed the words "Paid for by the citizens of Iowa



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14 1 and distributed by representative (member's name)."

14 2                   DIVISION IV == FORMS AND PROCEDURES

14 3                   FOR BILLS AND OTHER DOCUMENTS

14 4                   Rule 23

14 5                   Documents Signed by the Speaker

14 6       All acts and joint resolutions shall be signed by  
14 7 the speaker, and all writs, warrants, and subpoenas  
14 8 issued by order of the house, shall be signed by the  
14 9 speaker and attested by the chief clerk. The speaker  
14 10 shall cause certificates of recognition or condolence  
14 11 to be issued by the house which shall be signed by the  
14 12 speaker and the chief clerk.

14 13                   Rule 24

14 14                   Presentation of Petitions

14 15       All petitions, memorials, and other papers  
14 16 addressed to the house shall be signed by the member  
14 17 and filed with the chief clerk ~~or the chief clerk's~~  
~~14 18 staff. The receipt of petitions shall be noted in the~~  
14 19 journal and such petitions shall be available in the  
14 20 office of the chief clerk.

14 21                   Rule 25

14 22       Consideration of Simple and Concurrent Resolutions

14 23       Action on a simple or concurrent resolution, except  
14 24 a memorial resolution, ~~or a proposition requesting~~  
~~14 25 information from a state official~~ shall not be taken  
14 26 until one day after the resolution has been placed on  
14 27 the members' desks. After the resolution is adopted,  
14 28 the chief clerk shall have the resolution printed in  
14 29 the compiled journal and shall transmit certified  
14 30 ~~copies and have the resolution printed in the bound~~



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~~15 1 journal of the resolution as directed. A resolution  
15 2 may be printed in the daily journal upon the approval  
15 3 of the speaker after consultation with the minority  
15 4 leader.~~

15 5

Rule 26

15 6

Unanimous Consent Calendar

15 7 The speaker may, upon the request of three members,  
15 8 place on a unanimous consent calendar any house  
15 9 resolution or concurrent resolution which does not  
15 10 contain an appropriation and which has been laid over  
15 11 under Rule 25.

15 12 If such resolution is placed on the unanimous  
15 13 consent calendar, it may be removed only upon a  
15 14 written request submitted to the speaker by a member  
15 15 of the house.

15 16 If not removed after five legislative days, the  
15 17 chief clerk shall call up the resolution and without  
15 18 debate the speaker shall pronounce that it has passed  
15 19 by unanimous consent.

15 20 If the resolution is removed from the unanimous  
15 21 consent calendar, the speaker may again lay the  
15 22 resolution over under Rule 25, place it on a different  
15 23 calendar, or refer the resolution to any of the  
15 24 standing committees of the house.

15 25

Rule 26A

15 26

Senate Bills and Resolutions

15 27 A senate bill or resolution may be referred to a  
15 28 standing committee or passed on file.

15 29

Rule 27

15 30

Forms of Bills and Joint Resolutions



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House Study Bill 145 continued

16 1 Every house bill shall be introduced by one or more  
16 2 members or by any standing or specially authorized  
16 3 committee of the house, or the administrative rules  
16 4 review committee ~~or interim study committee~~. All  
16 5 bills and joint resolutions introduced shall be  
16 6 prepared by the legislative services agency with  
16 7 title, enacting clause, text and explanation as  
16 8 directed by the chief clerk of the house. One copy of  
16 9 each bill shall be presented in a bill cover with the  
16 10 number of copies of the bill and the title as directed  
16 11 by the chief clerk.

Rule 28

16 13 Joint and Nullification Resolutions  
16 14 Joint resolutions shall be framed and treated as  
16 15 bills.

16 16 A "nullification resolution" is a joint resolution  
16 17 which nullifies all of an administrative rule, or a  
16 18 severable item of an administrative rule adopted  
16 19 pursuant to chapter 17A of the Code. A nullification  
16 20 resolution shall not amend an administrative rule by  
16 21 adding language or by inserting new language in lieu  
16 22 of existing language.

16 23 A nullification resolution may be introduced by an  
16 24 individual, a standing committee or the administrative  
16 25 rules review committee, and may be referred to a  
16 26 standing committee. A nullification resolution is  
16 27 debatable, but cannot be amended on the floor of the  
16 28 house.

Rule 29

16 29 Time of Introduction of Bills  
16 30



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17 1 No bill or joint resolution under individual  
17 2 sponsorship, other than a nullification resolution,  
17 3 shall be read for the first time after 4:30 p.m. on  
17 4 Friday of the 6th week of the first regular session of  
17 5 the general assembly unless a formal request for  
17 6 drafting the bill has been filed with the legislative  
17 7 services agency before that time.  
17 8 After adjournment of the first regular session,  
17 9 bills may be prefiled at any time before the convening  
17 10 of the second regular session. No bill or joint  
17 11 resolution under individual sponsorship, other than a  
17 12 nullification resolution, shall be read for the first  
17 13 time after 4:30 p.m. on Friday of the second week of  
17 14 the second regular session of the general assembly  
17 15 unless a formal request for drafting the bill has been  
17 16 filed with the legislative services agency before that  
17 17 time.  
17 18 However, bills or joint resolutions sponsored by  
17 19 standing committees or the administrative rules review  
17 20 committee, co-sponsored by the majority and minority  
17 21 floor leaders, or companion bills sponsored by the  
17 22 house majority leader and the senate majority leader  
17 23 may be drafted and introduced at any time permissible  
17 24 under Joint Rule 20. House, concurrent, and  
17 25 nullification resolutions may be introduced at any  
17 26 time.

Rule 30

17 27 Introduction and Reading of Bills  
17 28 All bills and resolutions to be introduced in the  
17 29 house shall be prepared in proper form and filed with  
17 30



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18 1 the chief clerk no later than 4:30 p.m. on the  
18 2 legislative day preceding its introduction.  
18 3 Every bill shall receive two readings but no bill  
18 4 shall receive its first and last readings on the same  
18 5 day.

18 6 A "reading of a bill" as required by these rules  
18 7 shall consist of a reading of the title and enacting  
18 8 clause ~~unless otherwise demanded by a house member.~~

18 9 Rule 31

18 10 First Reading, Commitment, and Amendment

18 11 ~~31.1.~~ 1. A bill is introduced into the house by  
18 12 an initial or "first reading of the bill".

18 13 ~~31.2.~~ 2. When the house is in session the first  
18 14 reading shall consist of a "reading" as provided in  
18 15 Rule 30.

18 16 ~~31.3.~~ 3. Upon a first reading of the bill, the  
18 17 speaker shall state that it is ready for commitment or  
18 18 amendment; and the speaker shall commit it to the  
18 19 standing or select committee, or to a committee of the  
18 20 whole house. If to a committee of the whole house,  
18 21 the house shall determine on what day.

18 22 ~~31.4.~~ 4. On a nonlegislative day ~~when the house~~  
~~18 23 is not in session,~~ the speaker shall may cause a  
18 24 statement, which shall consist of the title, enacting  
18 25 clause, bill number and committee to which the bill is  
18 26 referred, to be published in the house journal. This  
18 27 publication shall constitute a first reading and  
18 28 commitment and shall contain the notation "read and  
18 29 committed under Rule ~~31.4~~" 31".

18 30 ~~31.5.~~ 5. All amendments offered to bills ~~on file~~



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~~19 1 or on the regular calendar~~ and resolutions shall be  
19 2 accompanied by such copies as the chief clerk shall  
19 3 direct.  
19 4 ~~31.6.~~ 6. Such amendments shall give the number of  
19 5 the bill sought to amend and the chief clerk shall  
19 6 designate each such amendment thus: Amendment to  
19 7 House File \_\_\_\_\_, or Senate File \_\_\_\_\_, by  
19 8 \_\_\_\_\_.  
19 9 ~~31.7.~~ 7. A bill reported out by committee shall  
19 10 go to the speaker who shall direct that the bill be  
19 11 placed on the regular calendar unless it covers  
19 12 subject matter more properly within the jurisdiction  
19 13 of some other standing committee, in which case the  
19 14 speaker shall refer the bill to the proper standing  
19 15 committee. In order to expedite important business  
19 16 and set a definite time for the bill's consideration,  
19 17 the speaker may direct the bill to be placed on the  
19 18 special order calendar.  
19 19 ~~31.8.~~ 8. No amendment to the rules of the house,  
19 20 to any resolution or bill, except technical amendments  
19 21 and amendments to bills substituted for by senate  
19 22 files containing substantially identical title,  
19 23 language, subject matter, purpose and intrasectional  
19 24 arrangement, shall be considered by the membership of  
19 25 the house without a copy of the amendment having been  
19 26 filed with the chief clerk by 4:00 p.m. or within  
19 27 one-half hour of adjournment, whichever is later, on  
19 28 the day preceding floor debate on the amendment. If  
19 29 the house adjourns prior to 2:00 p.m. on Friday, the  
19 30 final deadline is two hours after adjournment.



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20 1 However, committee amendments filed pursuant to the  
20 2 submission of the committee report may be accepted  
20 3 after this deadline. This provision shall not apply  
20 4 to any proposal debated on the floor of the house  
20 5 after the fourteenth week of the first session and the  
20 6 twelfth week of the second session. No amendment or  
20 7 amendment to an amendment to a bill, rule of the  
20 8 house, or resolution shall be considered by the  
20 9 membership of the house without a copy of the  
20 10 amendment being on the desks of the entire membership  
20 11 of the house prior to consideration. However, after  
20 12 the fourteenth week of the first session and the  
20 13 twelfth week of the second session, the membership of  
20 14 the house may consider an amendment or an amendment to  
20 15 an amendment to a bill, rule of the house, or  
20 16 resolution without a copy of the amendment being on  
20 17 the desks of the entire membership of the house prior  
20 18 to consideration if a copy of the amendment is made  
20 19 available to the entire membership of the house  
20 20 electronically.

20 21 Rule 32

20 22 Commitment of Appropriation and Revenue Bills

20 23 All bills to appropriate money shall be referred to  
20 24 the appropriations committee, and all bills pertaining  
20 25 to the levy, assessment, or collection of taxes shall  
20 26 be referred to the committee on ways and means.

20 27 Rule 33

20 28 Regular Calendar

20 29 Bills, nullification resolutions, and joint

20 30 resolutions reported out for passage, ~~or~~ amendment and



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21 1 passage, or without recommendation, by a committee, or  
21 2 passed on file shall be arranged on a regular calendar  
21 3 by the chief clerk each day ~~in the order of the file~~  
21 4 ~~number of the bills and following the preceding~~  
21 5 ~~legislative day's regular calendar~~ and electronically  
21 6 distributed to the members at the opening of each  
21 7 legislative day. ~~Priority shall be given to house~~  
21 8 ~~over senate file numbers and to joint resolutions over~~  
21 9 ~~bills in the arrangement of the regular calendar.~~ The  
21 10 regular calendar shall include a list of bills,  
21 11 nullification resolutions, and joint resolutions which  
21 12 have been special ordered, including the date upon  
21 13 which debate is scheduled to begin on each of them,  
21 14 which shall be no sooner than five session days from  
21 15 the first date of publication on the regular calendar.

21 16 Rule 34

21 17 Daily Debate and Special Order Calendars Calendar

21 18 The majority floor leadership shall cause to be  
21 19 prepared and distributed to the members at the opening  
21 20 of each ~~session~~ legislative day when floor action is  
21 21 scheduled, a daily debate calendar consisting of  
21 22 bills, nullification resolutions, and joint  
21 23 resolutions from the regular calendar setting forth  
21 24 the number and title of bills, nullification  
21 25 resolutions, and joint resolutions for the next  
21 26 ~~session~~ legislative day that floor action is  
21 27 scheduled.

21 28 ~~The majority floor leadership shall cause to be~~  
21 29 ~~prepared and distributed to the members at the opening~~  
21 30 ~~of each session day when floor action is scheduled, a~~



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~~22 1 special order calendar setting forth the number and  
22 2 title of bills, nullification resolutions, and joint  
22 3 resolutions and the date upon which debate is  
22 4 scheduled to begin on each of them, which can be no  
22 5 sooner than five session days from the first date of  
22 6 publication on the regular calendar.~~

22 7 This rule does not apply to bills which have passed  
22 8 both houses in different forms, reconsiderations, or  
22 9 veto reconsiderations.

22 10

Rule 35

22 11

Noncontroversial Calendar

22 12

Substitution of Bills

22 13 The majority floor leadership may cause to be  
~~22 14 prepared a noncontroversial calendar consisting of  
22 15 bills and joint resolutions from the regular calendar.  
22 16 The noncontroversial calendar shall appear under  
22 17 separate heading on the regular calendar.~~

22 18 ~~Notwithstanding Rule 34, a bill or joint resolution  
22 19 on the noncontroversial calendar may be called up for  
22 20 debate at any time by the majority leader beginning  
22 21 the third legislative day after it appears on the  
22 22 noncontroversial calendar. A bill or joint resolution  
22 23 shall be stricken from the noncontroversial calendar  
22 24 if a written objection to the bill or joint resolution  
22 25 is filed with the chief clerk prior to the time the  
22 26 bill or joint resolution is called up by the majority  
22 27 leader.~~

22 28 ~~Debate on a bill or joint resolution from the  
22 29 noncontroversial calendar shall be limited to ten  
22 30 minutes. If debate exceeds ten minutes, the bill or~~



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~~23 1 joint resolution shall be stricken from the~~  
~~23 2 noncontroversial calendar.~~  
23 3 A senate bill or resolution may be substituted for  
23 4 an identical house bill or resolution which has been  
23 5 called up for debate. An amendment to a senate bill  
23 6 or resolution which has been substituted for an  
23 7 identical house bill or resolution is out of order if  
23 8 an identical amendment to the house bill or resolution  
23 9 was considered.

23 10

Rule 36

23 11

Consideration of Committee Amendments

23 12

23 13 After a bill has been referred and reported back,  
23 14 it shall be considered on its first reading after the  
23 15 amendments of the committee have been read.

23 16

Rule 37

23 17

Amendments to Special Order Bills

23 18

23 19 All amendments to bills on the which have been  
23 20 special order calendar ordered shall be filed at least  
23 21 three session days prior to the date set for debate.

23 22

23 23 Amendments to an amendment shall be filed at least two  
23 24 session days prior to the date set for debate.  
23 25 However, corrective amendments and amendments  
23 26 sponsored by either the majority floor leader or the  
23 27 minority floor leader may be filed at any time. Rule  
23 28 ~~31.8~~ 31, subsection 8, shall not apply to these  
23 29 amendments.

23 30

23 31 A corrective amendment is an amendment which does  
23 32 not substantively change the amendment or the bill.

23 33

Rule 38

23 34

~~Irrelevant Amendments~~



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24 1

Germaneness

24 2

~~No motion or proposition on a subject different~~

~~24 3 from that under consideration shall be admitted under~~

~~24 4 color of an amendment. An amendment must be germane~~

~~24 5 to the subject matter of the bill it seeks to amend.~~

~~24 6 An amendment to an amendment must be germane to both~~

~~24 7 the amendment and the bill it seeks to amend. When a~~

~~24 8 member questions the germaneness of an amendment, the~~

~~24 9 speaker may invite members, who shall include the~~

~~24 10 majority and minority leaders, to the speaker's~~

~~24 11 station to discuss the objection.~~

24 12

Rule 39

24 13

Consideration of Bills

24 14

Bills, including committee bills, joint

24 15 resolutions, and nullification resolutions, reported

24 16 out for passage, ~~for indefinite postponement,~~ for

24 17 amendment and passage, or without recommendation by

24 18 the committee, are first eligible to be acted upon

24 19 beginning the third legislative day they appear on the

24 20 regular calendar.

24 21

~~The reports of the committees shall not be read~~

~~24 22 while the house is in session except as herein~~

~~24 23 provided. The Committee reports shall be printed in~~

~~24 24 the journal immediately after they are filed with the~~

~~24 25 chief clerk. Reports recommending bills, joint~~

~~24 26 resolutions, and nullification resolutions for~~

~~24 27 passage, for amendment and passage, or without~~

~~24 28 recommendation shall stand approved unless written~~

~~24 29 objections are filed during the first legislative day~~

~~24 30 following their printing in the journal. If~~





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26 1 bill and note the date of its passage.

26 2 In engrossing a bill, the chief clerk shall correct  
26 3 all obvious typographical, spelling, or other clerical  
26 4 errors and change section subunit numbers and letters  
26 5 and internal references as required to conform the  
26 6 original bill to any amendments which have been  
26 7 adopted. The chief clerk shall report all such  
26 8 corrections or changes in the journal. The engrossed  
26 9 bill shall be placed in the bill file with the  
26 10 original bill and amendments.

26 11 Rule 43

26 12 Rereferral

26 13 A bill may be rereferred by the speaker or, upon  
26 14 motion, by the house at any time before its passage  
26 15 and after the report of its referral to committee.

26 16 Rule 44

26 17 Effect of Indefinite Postponement

26 18 When a question is indefinitely postponed, it shall  
26 19 not be acted upon again during that session. ~~Any bill~~  
~~26 20 which receives a committee recommendation of~~  
~~26 21 indefinite postponement shall be disposed of within~~  
~~26 22 three legislative days after the printed journal~~  
~~26 23 containing the report has been placed upon the desks~~  
~~26 24 of the members of the house, or the committee~~  
~~26 25 recommendation will be considered adopted.~~

26 26 Rule 45

26 27 Status of Bills Following

26 28 First Regular Session

26 29 Except for those bills which have been adopted by  
26 30 both houses in different forms, all bills which have



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27 1 not been withdrawn, defeated or indefinitely  
27 2 postponed, shall be rereferred to committee upon  
27 3 adjournment of the first regular session. Within  
27 4 seven days after the first committee meeting following  
27 5 convening of the second regular session, the committee  
27 6 chair shall submit the bill to the full committee for  
27 7 action or the chair shall reassign the bill to a  
27 8 subcommittee.

27 9                   DIVISION V == COMMITTEE PROCEDURES

27 10                                   Rule 46

27 11                                   Appointment of Committees

27 12           All committees shall be appointed by the speaker,  
27 13 unless otherwise especially directed by the house.

27 14 Minority party members of a committee shall be  
27 15 appointed by the speaker upon recommendation of the  
27 16 minority leader.

27 17                                   Rule 47

27 18                                   ~~Order on Question of Commitment~~

27 19                                   ~~Reserved~~

27 20           ~~When a resolution is offered or a motion made to~~  
~~27 21 refer any subject, and different committees are~~  
~~27 22 proposed, the question shall be taken in the following~~  
~~27 23 order: The committee of the whole house; a standing~~  
~~27 24 committee; a select committee.~~

27 25                                   Rule 48

27 26                                   Study Bills

27 27           A study bill is any matter which a member of the  
27 28 house wishes to have considered by a standing  
27 29 committee, other than appropriations, ~~and which has~~  
~~27 30 not been included in a previously introduced bill~~



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28 1 without being introduced in the house by a first  
28 2 reading. A study bill shall be prepared in proper  
28 3 form by the legislative services agency prior to  
28 4 submission.

28 5 PARAGRAPH DIVIDED. Upon taking possession of a  
28 6 study bill, the committee chair shall notify the  
28 7 speaker and then submit ~~fifteen~~ four copies of the  
28 8 bill to the legal counsel's office for numbering.  
28 9 A study bill shall bear the name of the member who  
28 10 wishes to have the bill considered. A study bill  
28 11 submitted by a state agency or board for consideration  
28 12 shall bear the name of the state agency or board. A  
28 13 committee chair may submit a study bill in the name of  
28 14 that committee.

28 15 Final committee action on a study bill shall not be  
28 16 taken until one day following the notation of the  
28 17 study bill assignment in the house journal.

~~28 18 A study bill not prepared by the legislative~~  
~~28 19 services agency may be submitted to a standing~~  
~~28 20 committee, but shall not be considered by the full~~  
~~28 21 committee unless reviewed and prepared in proper form~~  
~~28 22 by the legislative services agency.~~

28 23 Rule 49

28 24 Committee Meetings

28 25 No committee, except a conference committee or the  
28 26 administrative rules review committee, shall meet  
28 27 while the house is in session without special leave.  
28 28 ~~Two committees~~ Committees with overlapping memberships  
28 29 shall not meet at the same time without special leave.

28 30 Rule 50





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30 1 and irreparable injury to that individual's reputation  
30 2 on the request of the affected individual.

30 3 Rule 53

30 4 Quorum and Vote Requirements

30 5 The committee roll shall be taken at the convening  
30 6 of each meeting to determine the presence of a quorum.  
30 7 A majority of the committee membership shall  
30 8 constitute a quorum.

30 9 An affirmative vote of a majority of the committee  
30 10 membership is required to report a bill out of  
30 11 committee or to suspend a committee rule.

30 12 A motion to reconsider may be made only by a  
30 13 committee member who voted on the prevailing side of  
30 14 the question sought to be reconsidered. A motion to  
30 15 reconsider may only be made provided prior to the  
30 16 adjournment of the committee meeting at which the bill  
30 17 is still in possession of the committee was reported  
30 18 out.

30 19 If a member, who is in the committee room when a  
30 20 question to report a bill out of committee is put, has  
30 21 not asked to be excused prior to commencing to take  
30 22 the vote on the question, the member shall vote aye or  
30 23 nay unless the committee has excused the member for  
30 24 special reasons. However, a member may pass on the  
30 25 first taking of the roll call on the question but  
30 26 shall vote aye or nay when the member's name is called  
30 27 for a second time.

30 28 Rule 54

30 29 Committee Attendance Record and Report  
30 30 of Committee Form



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- 31 1     1. A committee attendance record shall be filed  
31 2 with the chief clerk no later than 10:00 a.m. or two  
31 3 hours after the house convenes, whichever is later, of  
31 4 the legislative day immediately following the day of  
31 5 the committee meeting. The committee attendance  
31 6 record is a public record and may be published in the  
31 7 journal. The committee attendance record shall  
31 8 include the following information:
- 31 9     a. The time the meeting convened.
  - 31 10    b. The members present at the meeting.
  - 31 11    c. The time the meeting adjourned.
  - 31 12    d. A list of bills receiving final committee  
31 13 disposition.
- 31 14     2. A report of committee form shall be filed with  
31 15 the chief clerk no later than 10:00 a.m. or two hours  
31 16 after the house convenes, whichever is later, of the  
31 17 legislative day immediately following the day of the  
31 18 committee meeting for each study bill, numbered bill  
31 19 or resolution receiving final committee disposition.  
31 20 The report of committee form is a public record and a  
31 21 report of committee action shall be printed in the  
31 22 journal. The report of committee form shall include  
31 23 the following information:
- 31 24     a. The committee action taken, including each  
31 25 nonrecord or record roll call vote on any amendment  
31 26 considered by the committee.
  - 31 27     b. The committee amendment number, if any.
  - 31 28     c. The roll call vote of the committee on final  
31 29 disposition.
  - 31 30     d. The minority recommendation, if any.



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32 1 3. Upon final adjournment of the first session and  
32 2 final adjournment of the second session of the general  
32 3 assembly, the chair of each committee shall have  
32 4 placed the committee's book of record containing  
32 5 minutes, roll calls, rules, etc., with the chief clerk  
32 6 for access of any interested person.

32 7 Rule 55

32 8 Minority Recommendation

32 9 The minority of the members of a committee may  
32 10 present its recommendations on the final disposition  
32 11 of a bill to the house by attaching its recommendation  
32 12 to the committee report ~~and the same shall be printed.~~  
32 13 The minority recommendation shall be noted in the  
32 14 journal along with the committee report.

32 15 Rule 56

32 16 Committee Amendment

32 17 Whenever a committee amendment is proposed which  
32 18 would amend another committee amendment, the amendment  
32 19 shall be drafted in the form of a substitute amendment  
32 20 and shall be considered as such.

32 21 Rule 57

32 22 Committee Notice and Agenda

32 23 Each committee shall prepare and publish a notice  
32 24 and agenda of each committee meeting at least one  
32 25 legislative day prior to the meeting. The notice and  
32 26 agenda may be placed on the desks of or transmitted  
32 27 electronically to committee members.

32 28 The notice shall contain the committee name, the  
32 29 date, time, and location of the meeting.

32 30 The agenda shall contain the matters to be



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33 1 discussed, including a list of bills, joint  
33 2 resolutions, nullification resolutions, and study  
33 3 bills by number. The agenda should contain the names  
33 4 of individuals who are scheduled to appear before the  
33 5 committee and the organization which they represent.  
33 6 A bill, joint resolution, nullification resolution,  
33 7 or study bill shall not be reported out of committee  
33 8 if the bill was not included in the published notice  
33 9 and agenda unless this rule is suspended by a majority  
33 10 of the total membership of the committee.

33 11 A committee chair may call a meeting without  
33 12 providing the required notice and agenda upon leave of  
33 13 the house if a notice is either electronically  
33 14 transmitted to committee members ~~and placed on the~~  
~~33 15 bulletin board~~ or placed on the desks of committee  
33 16 members.

33 17 Rule 58

33 18 Clearing of Committee Room

33 19 The chair of a committee may clear the committee  
33 20 room in case of any disturbance or disorderly conduct.

33 21 Rule 58A

33 22 Use of Telephonic or Electronic Devices

33 23 in Committee Rooms Restricted

33 24 1. ~~In order to prevent the disruption of committee~~  
~~33 25 deliberations, a person shall not do any of the~~  
~~33 26 following in any committee room while a standing~~  
33 27 committee is in session:

33 28 a. ~~Allow any audible signal to be continued to be~~  
~~33 29 transmitted to or from a telephonic or~~ A person shall  
33 30 mute any cell phone, computer, or other electronic



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34 1 device under the person's control.  
34 2     b. ~~Use a telephonic or~~ A person shall not use a  
34 3 cell phone or other electronic device to audibly  
34 4 transmit or receive communications.  
34 5     2. The chair or acting chair of a standing  
34 6 committee may clear the committee room of any person  
34 7 acting in violation of this rule.  
34 8                                     Rule 59  
34 9                     Committee Amendments  
34 10     All amendments to a bill or resolution adopted in  
34 11 committee shall be incorporated in a single committee  
34 12 amendment or incorporated in a new committee bill.  
34 13                                     Rule 60  
34 14                     Withdrawal of Bills, Joint Resolutions,  
34 15                                     or Nullification Resolutions  
34 16                                     From Committee  
34 17     A bill, joint resolution, or nullification  
34 18 resolution which has been in committee for eighteen  
34 19 legislative days following notation of such referral  
34 20 in the journal may be withdrawn from the committee and  
34 21 placed on the calendar by an affirmative vote of not  
34 22 less than fifty-one members of the house.  
34 23                                     Rule 61  
34 24                     Committee Public Hearings  
34 25     The chair of a committee may call a public hearing  
34 26 for the purpose of receiving public comment on any  
34 27 matter within the purview of the committee.  
34 28     The chair shall call a public hearing upon the  
34 29 written request of committee members according to  
34 30 committee rules, but no more than one-third of the



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35 1 committee members shall be required.

35 2 A public hearing shall not be called or requested

35 3 after final action on the bill, joint resolution, or

35 4 nullification resolution has been taken by the

35 5 committee. However, a public hearing called or

35 6 requested before final action has been taken by the

35 7 committee may be held after final action on the bill,

35 8 joint resolution, or nullification resolution has been

35 9 taken by the committee.

35 10 The chair shall designate a time and place for a

35 11 public hearing and provide public notice at least five

35 12 days prior to a public hearing.

35 13 A bill, joint resolution, or nullification

35 14 resolution for which a public hearing has been called

35 15 can be voted to the calendar but cannot be debated

35 16 until after the public hearing has been held.

35 17 However, public hearings which have been requested

35 18 during or after the 9th week of the first session and

35 19 during or after the 7th week of the second session

35 20 must be held within four legislative days of the date

35 21 of the request.

35 22 Rule 62

35 23 Limitation on Filing of Claims

35 24 All claims shall be referred to the appropriations

35 25 committee. A claim or claim bill, the subject matter

~~35 26 of which has been considered or filed for~~

~~35 27 consideration in the house or any of its committees,~~

~~35 28 in two or more prior sessions of the general assembly,~~

35 29 referred to the appropriations committee in a prior

35 30 session of the general assembly shall not be



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36 1 considered by ~~any~~ the appropriations committee or by  
36 2 the house unless it has been specifically referred to  
36 3 this session by a ~~prior general assembly~~ vote of the  
36 4 appropriations committee. The appropriations  
36 5 ~~committee on appropriations~~ is authorized to set a  
36 6 definite date each session after which it will not  
36 7 receive claims or claim bills for consideration.

36 8 DIVISION VI == COMMITTEE OF THE WHOLE

36 9 Rule 63

36 10 Organization of Committee of the Whole

36 11 In forming the committee of the whole house, the  
36 12 speaker shall appoint a member to preside in committee  
36 13 and then leave the chair.

36 14 Rule 64

36 15 Rules in Committee of the Whole

36 16 The rules of the house shall be observed in  
36 17 committee of the whole house, so far as they are  
36 18 applicable.

36 19 Rule 65

36 20 Bills in Committee of the Whole

36 21 Bills committed to the committee of the whole house  
36 22 shall first be ~~read in their entirety by the chief~~  
~~36 23 clerk or chair and then read again or debated by~~  
36 24 ~~section, leaving the preamble to be considered last.~~  
36 25 After the report of the committee of the whole, the  
36 26 bill shall again be subject to debate and amendment  
36 27 before a vote is had on its last reading and passage.

36 28 Rule 66

36 29 Amendments by Committee of the Whole

36 30 All amendments made to a report committed to a



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37 1 committee of the whole house shall be noted and  
37 2 reported as in the case of bills.

37 3 DIVISION VII == MOTIONS

37 4 Rule 67

37 5 Order and Precedence of Motions

37 6 The following order ~~and precedence~~ of motions,  
37 7 listed in order of precedence, shall govern when a

37 8 question is under debate:

37 9 ~~11.~~ 1. Adjourn.

37 10 ~~10.~~ 2. Recess.

37 11 ~~9.~~ 3. Questions of privilege.

37 12 ~~8.~~ 4. Lay on the table.

37 13 ~~7.~~ 5. Previous question.

37 14 6. Limit debate.

37 15 ~~6.~~ 7. Postpone definitely or to a certain time.

37 16 ~~5.~~ 8. Refer or ~~commit~~ rerefer.

37 17 ~~4.~~ 9. Defer.

37 18 ~~3.~~ 10. Amend an amendment.

37 19 ~~2.~~ 11. Amend.

37 20 ~~1.~~ 12. Postpone indefinitely.

37 21 ~~These motions are listed in descending order of~~

~~37 22 precedence.~~

37 23 A motion to postpone definitely or to a certain time, to

37 24 refer or commit, or to postpone indefinitely a particular

37 25 question shall not be considered more than once on the same day.

37 26 Adoption of a motion to strike the enacting words is equivalent

37 27 to rejection of the question.

37 28 Rule 68

37 29 Order of Consideration of Amendments

37 30 Amendments shall be considered by earliest position



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38 1 in the bill. Amendments to the same place in the bill  
38 2 shall be considered by the lowest amendment number.  
38 3 An amendment which inserts language after a line and  
38 4 an amendment which inserts language before the  
38 5 succeeding line shall be considered amendments to the  
38 6 same place in the bill.

38 7 However, an amendment to strike the enacting clause  
38 8 shall always be considered first. An amendment filed  
38 9 by a committee shall have the next highest order of  
38 10 priority, followed by an amendment to strike  
38 11 everything after the enacting clause and insert new  
38 12 language. An amendment to strike language or to  
38 13 strike and insert new language, except an amendment to  
38 14 strike everything after the enacting clause and insert  
38 15 new language, shall not be considered before  
38 16 amendments to perfect all or part of the same portion  
38 17 of the bill.

38 18 Rule 69

38 19 Motions Not Debatable

38 20 ~~The motions to lay on the table, to adjourn, to~~  
~~38 21 adjourn to a time certain, for the previous question,~~  
~~38 22 to defer, to rerefer, and appeals of a ruling of the~~  
~~38 23 presiding officer shall be decided without debate.~~

38 24 The following motions are not debatable:

- 38 25 1. Adjourn.  
38 26 2. Adjourn to a certain time.  
38 27 3. Suspend house rules.  
38 28 4. Previous question.  
38 29 5. Close debate at a certain time.  
38 30 6. Recess.



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- 39 1     7. Defer.  
39 2     8. Refer or rerefer.  
39 3     9. Lay on the table.  
39 4     10. Take from the table.  
39 5     11. Call of the house.  
39 6     12. Withdraw a bill or resolution from committee.  
39 7     13. Appeal a decision of the chair.  
39 8     14. Immediately message a bill or resolution.  
39 9                     Rule 69A  
39 10                    Constitutional Majority  
39 11     1. The following motions require a constitutional  
39 12 majority for approval:  
39 13     a. Final passage of a bill, joint resolution, or  
39 14 nullification resolution.  
39 15     b. Lay on the table.  
39 16     c. Take from the table.  
39 17     d. Suspend house rules.  
39 18     e. Previous question.  
39 19     f. Withdraw a bill or resolution from committee.  
39 20     g. Reconsider a bill, joint resolution, or  
39 21 nullification resolution.  
39 22     h. Immediately message a bill or resolution.  
39 23     2. A division must be taken on any motion which  
39 24 requires a constitutional majority.  
39 25                     Rule 70  
39 26                    Motion to Adjourn  
39 27     A motion to adjourn shall always be in order,  
39 28 except when a member is speaking or the house is  
39 29 voting.  
39 30                     Rule 71





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41 1 reconsidered.

41 2 3. A motion to reconsider made following the

~~41 3 ninety-seventh calendar day beginning the fifteenth~~

41 4 week of the first regular session, or the

41 5 ~~eighty-seventh calendar day~~ thirteenth week of the

41 6 second regular session, may be taken up when made. A

41 7 motion made at any other time may be taken up prior to

41 8 the third legislative day succeeding the legislative

41 9 day of the action sought to be reconsidered only if

41 10 called up by the mover, and after the second

41 11 legislative day succeeding the legislative day of the

41 12 action sought to be reconsidered if called up by any

41 13 member.

41 14 4. The making of a motion to reconsider takes

41 15 precedence over all other questions.

41 16 5. ~~No motion to reconsider passage, adoption or~~

~~41 17 failure of any bill, nullification resolution or joint~~

~~41 18 resolution shall prevail unless it obtains a~~

~~41 19 constitutional majority.~~ When passage, adoption, or

41 20 failure of any bill, joint resolution, or

41 21 nullification resolution is reconsidered, questions on

41 22 amendments may also be reconsidered and shall be

41 23 disposed of immediately.

41 24 6. ~~A motion that the motion to reconsider be laid~~

~~41 25 on the table is in order. The effect of laying the~~

~~41 26 motion to reconsider on the table is to cause the bill~~

~~41 27 or joint resolution to proceed on its regular course~~

~~41 28 immediately.~~

41 29 7. 6. In the event that a motion to reconsider is

41 30 pending at the end of the first session or any



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42 1 extraordinary session of any general assembly, or the  
42 2 general assembly adjourns sine die, and the motion to  
42 3 reconsider has not been voted upon by the house, the  
42 4 motion shall be determined to have failed.

42 5 DIVISION VIII == VOTING

42 6 Rule 74

42 7 Manner of Voting

42 8 Members present may cast their votes, either by  
42 9 operating the voting mechanism located at their  
42 10 assigned desk or by signaling the speaker from the  
42 11 floor of the house or from the south visitors' gallery  
42 12 if they are unable to vote at their assigned desk.

42 13 The speaker shall ~~enter~~ announce the votes of members  
42 14 signaling their votes. Upon direction of the speaker  
42 15 ~~or upon request of two members during the taking of~~  
~~42 16 the vote of the house on any question,~~ only those  
42 17 members at their desks and voting shall be counted.  
42 18 Members who are not present shall not cast their votes  
42 19 except:

42 20 1. Members who have not voted may record their  
42 21 votes on any record roll call vote except quorum calls  
42 22 within ten minutes after the outcome of the vote has  
42 23 been announced, providing the vote does not change the  
~~42 24 outcome of the vote on that question.~~ Members shall  
42 25 initial their recorded votes on a copy of the record  
42 26 roll call at the speaker's station. However, if the  
42 27 aggregate of votes cast under this rule would change  
42 28 the outcome of the vote on a question, then none of  
42 29 the votes cast on the question under this rule shall  
42 30 be recorded. A member may request announcement of the



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43 1 names of members so recorded after the ten-minute  
43 2 period.  
43 3 2. Members meeting in a conference committee or in  
43 4 administrative rules review committee at the time a  
43 5 vote is taken on a question may have their vote  
43 6 recorded within thirty minutes or adjournment,  
43 7 whichever is first, of that same legislative day,  
43 8 ~~providing the vote~~ provided the aggregate of votes  
43 9 cast does not change the outcome of the vote on ~~that a~~ a  
43 10 question.

43 11 Rule 75

43 12 Duty of Voting

43 13 Except as limited in Rule ~~74~~ 76, every member who  
43 14 is in the house when a question is put shall vote  
43 15 unless the house has excused that member from voting  
43 16 for special reasons; however, such member must have  
43 17 asked to be excused from voting prior to ~~commencing to~~  
43 18 ~~take the vote on the main~~ the time the speaker puts  
43 19 the question.

43 20 Rule 76

43 21 Limitation on Right to Vote

43 22 No member shall vote on any question in which ~~that~~  
43 23 ~~person is financially interested~~ the member or the  
43 24 member's immediate family member, as defined in  
43 25 chapter 68B of the Code, has a direct financial  
43 26 interest different from other similarly situated  
43 27 persons or classes of persons of the general public.

43 28 Rule 77

43 29 Call of the House

43 30 Upon written request of five members, the presiding



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44 1 officer shall compel attendance of absent and  
44 2 unexcused members for the consideration of specified  
44 3 bills, ~~or~~ resolutions, or amendments.  
44 4 A call of the house shall specify the propositions  
44 5 to which it is to apply, and must be put into effect  
44 6 before roll call is taken on the proposition. The  
44 7 request may be filed with the chief clerk at any time  
44 8 before final action upon the propositions ~~with the~~  
~~44 9 chief clerk~~, who shall notify the house immediately.

44 10 Rule 78

44 11 Method of Calling the House

44 12 Upon a call of the house, the names of the members  
44 13 shall be called by the chief clerk and the absentees  
44 14 noted, after which the names of the absentees shall  
44 15 again be called. The sergeant-at-arms shall be  
44 16 directed by the speaker to compel the attendance of  
44 17 absent members, unless they are previously excused.  
44 18 Any member occupying the member's seat during a call  
44 19 of the house shall be counted by the speaker and that  
44 20 person's name entered in the journal as being present  
44 21 for the purpose of making a quorum.

44 22 Rule 79

44 23 Method of Calling the Roll

44 24 The electrical voting machine shall be used for a  
44 25 call of the house, a quorum call or a roll call vote  
44 26 on any question. If the electrical voting machine is  
44 27 not in operating order when it is necessary to take a  
44 28 record roll call vote, the presiding officer shall  
44 29 order the vote to be taken by calling the roll in  
44 30 alphabetical order, except the name of the presiding



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45 1 officer shall be called last.

45 2 During the casting of the vote with the voting  
45 3 machine, the individual votes and the vote totals  
45 4 shall be shown on the display boards. Before the  
45 5 voting machine is closed, the presiding officer shall  
45 6 inquire of the house, "Have you all voted?"

45 7 Rule 80

45 8 Quorum and Record Roll Call Votes

45 9 A majority of the members shall constitute a  
45 10 quorum.

45 11 A record roll call vote shall be ordered upon  
45 12 request of any two members. The names of the members  
45 13 requesting the record roll call shall be entered in  
45 14 the journal.

45 15 Rule 81

45 16 Previous Question

45 17 When a member moves for a the previous question,  
45 18 ~~that~~ the member shall state whether the motion will  
45 19 apply to the main question, to all the amendments, or  
45 20 to particular amendments. The motion requires an  
45 21 affirmative vote of at least a constitutional majority  
45 22 of the members. If the motion for a previous question  
45 23 is not adopted, the house shall proceed in the same  
45 24 manner as before the motion was made.

45 25 If the motion is adopted, all debate must end and  
45 26 the house will vote upon the question except:

45 27 1. If the motion applies to the main question, the  
45 28 member in charge of the measure will have ten minutes  
45 29 to speak for the purpose of closing discussion before  
45 30 the vote on the measure is taken.



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46 1 2. If the motion applies to an amendment, the  
46 2 member proposing the amendment will have five minutes  
46 3 to speak for the purpose of closing discussion before  
46 4 the vote on the amendment is taken.

46 5 3. If a member has filed a written request with  
46 6 the chief clerk of the house indicating the member's  
46 7 desire to speak on a particular question. The request  
46 8 must be filed before the motion is made by the movant.  
46 9 The request allows a member to speak on a particular  
46 10 question before the closing discussion by the member  
46 11 who is in charge of the measure or who is proposing  
46 12 the amendment.

46 13 Rule 82

46 14 Division of the Question

46 15 Any member may call for a division of the question,  
46 16 which shall be divided if it comprehends questions so  
46 17 distinct that one being taken away, the remainder may  
46 18 stand separately for discussion by the house. A

~~46 19 motion~~ Upon request to divide an amendment, the chief  
46 20 clerk shall restate the division and note the divided  
46 21 amendment in the house journal. An amendment to  
46 22 strike out being lost shall not preclude either an  
46 23 amendment or a motion to strike out and insert. A  
~~46 24 motion~~ An amendment to strike out and insert shall be  
46 25 deemed indivisible.

46 26 LSB 1605YC 83

46 27 rj/nh/14.1



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House Study Bill 146

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

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

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

A BILL FOR

- 1 An Act relating to the department of elder affairs and services
- 2 provided to older Iowans.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1339XD 83
- 5 rh/nh/5



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PAG LIN

1 1 Section 1. Section 7E.5, subsection 1, paragraph k, Code  
1 2 2009, is amended to read as follows:  
1 3 k. The department ~~of elder affairs~~ on aging, created in  
1 4 section 231.21, which has primary responsibility for  
1 5 leadership and program management for programs which serve the  
1 6 ~~senior citizens~~ older individuals of the state.  
1 7 Sec. 2. Section 10A.402, subsection 5, Code 2009, is  
1 8 amended to read as follows:  
1 9 5. Investigations relative to the operations of the  
1 10 department ~~of elder affairs~~ on aging.  
1 11 Sec. 3. Section 16.100, subsection 8, Code 2009, is  
1 12 amended to read as follows:  
1 13 8. A homelessness advisory committee is created consisting  
1 14 of the executive director or the executive director's  
1 15 designee, the directors or their designees from the  
1 16 departments of economic development, ~~elder affairs~~, human  
1 17 services, and human rights, the director of the department on  
1 18 aging or the director's designee, and at least three  
1 19 individuals from the private sector to be selected by the  
1 20 executive director. The advisory committee shall advise the  
1 21 authority in coordinating programs that provide for the  
1 22 homeless.  
1 23 Sec. 4. Section 16.100A, subsection 2, paragraph b,  
1 24 subparagraph (7), Code 2009, is amended to read as follows:  
1 25 (7) The director of the department ~~of elder affairs~~ on  
1 26 aging or the director's designee.  
1 27 Sec. 5. Section 16.183, subsection 3, Code 2009, is  
1 28 amended to read as follows:  
1 29 3. The authority, in cooperation with the department ~~of~~  
1 30 ~~elder affairs~~ on aging, shall annually allocate moneys  
1 31 available in the home and community-based services revolving  
1 32 loan program fund to develop and expand facilities and  
1 33 infrastructure that provide adult day services, respite  
1 34 services, congregate meals, and programming space for health  
1 35 and wellness, health screening, and nutritional assessments



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2 1 that address the needs of persons with low incomes.

2 2 Sec. 6. Section 22.7, Code 2009, is amended by adding the  
2 3 following new subsections:

2 4 NEW SUBSECTION. 62. Records of the department on aging  
2 5 pertaining to clients served by the office of substitute  
2 6 decision maker.

2 7 NEW SUBSECTION. 63. Records of the department on aging  
2 8 pertaining to clients served by the elder abuse prevention  
2 9 initiative.

2 10 Sec. 7. Section 84B.1, unnumbered paragraph 1, Code 2009,  
2 11 is amended to read as follows:

2 12 The department of workforce development, in consultation  
2 13 with the departments of economic development, education, ~~elder~~  
~~2 14 affairs,~~ human services, and human rights, the department on  
2 15 aging, and the department for the blind, shall establish  
2 16 guidelines for colocating state and federal employment and  
2 17 training programs in centers providing services at the local  
2 18 level. The centers shall be known as workforce development  
2 19 centers. The departments shall also jointly establish an  
2 20 integrated management information system for linking the  
2 21 programs within a local center to the same programs within  
2 22 other local centers and to the state. The guidelines shall  
2 23 provide for local design and operation within the guidelines.  
2 24 The core services available at a center shall include but are  
2 25 not limited to all of the following:

2 26 Sec. 8. Section 135.27A, subsection 1, Code 2009, is  
2 27 amended to read as follows:

2 28 1. A governor's council on physical fitness and nutrition  
2 29 is established consisting of twelve members appointed by the  
2 30 governor who have expertise in physical activity, physical  
2 31 fitness, nutrition, and promoting healthy behaviors. At least  
2 32 one member shall be a representative of elementary and  
2 33 secondary physical education professionals, at least one  
2 34 member shall be a health care professional, at least one  
2 35 member shall be a registered dietician, at least one member



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3 1 shall be recommended by the department ~~of elder affairs~~ on  
3 2 aging, and at least one member shall be an active nutrition or  
3 3 fitness professional. In addition, at least one member shall  
3 4 be a member of a racial or ethnic minority. The governor  
3 5 shall select a chairperson for the council. Members shall  
3 6 serve terms of three years beginning and ending as provided in  
3 7 section 69.19. Appointments are subject to sections 69.16 and  
3 8 69.16A. Members are entitled to receive reimbursement for  
3 9 actual expenses incurred while engaged in the performance of  
3 10 official duties. A member of the council may also be eligible  
3 11 to receive compensation as provided in section 7E.6.

3 12 Sec. 9. Section 135C.20A, subsection 2, Code 2009, is  
3 13 amended to read as follows:

3 14 2. The report card form shall be developed by the  
3 15 department in cooperation with representatives of the  
3 16 department ~~of elder affairs~~ on aging, the state long-term care  
3 17 resident's advocate, representatives of resident advocate  
3 18 committees, representatives of protection and advocacy  
3 19 entities, consumers, and other interested persons.

3 20 Sec. 10. Section 135C.25, subsection 1, Code 2009, is  
3 21 amended to read as follows:

3 22 1. Each health care facility shall have a resident  
3 23 advocate committee whose members shall be appointed by the  
3 24 director of the department ~~of elder affairs~~ on aging or the  
3 25 director's designee. A person shall not be appointed a member  
3 26 of a resident advocate committee for a health care facility  
3 27 unless the person is a resident of the service area where the  
3 28 facility is located. The resident advocate committee for any  
3 29 facility caring primarily for persons with mental illness,  
3 30 mental retardation, or a developmental disability shall only  
3 31 be appointed after consultation with the administrator of the  
3 32 division of mental health and disability services of the  
3 33 department of human services on the proposed appointments.  
3 34 Recommendations to the director or the director's designee for  
3 35 membership on resident advocate committees are encouraged from



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4 1 any agency, organization, or individual. The administrator of  
4 2 the facility shall not be appointed to the resident advocate  
4 3 committee and shall not be present at committee meetings  
4 4 except upon request of the committee.

4 5 Sec. 11. Section 227.2, subsection 2, Code 2009, is  
4 6 amended to read as follows:

4 7 2. A copy of the written report prescribed by subsection 1  
4 8 shall be furnished to the county board of supervisors, to the  
4 9 county mental health and mental retardation coordinating board  
4 10 or to its advisory board if the county board of supervisors  
4 11 constitutes ex officio the coordinating board, to the  
4 12 administrator of the county care facility inspected and to its  
4 13 resident advocate committee, and to the department ~~of elder~~  
4 14 ~~affairs~~ on aging.

4 15 Sec. 12. Section 231.1, Code 2009, is amended to read as  
4 16 follows:

4 17 231.1 SHORT TITLE.

4 18 This chapter, entitled the "~~Elder~~ Older Iowans Act", sets  
4 19 forth the state's commitment to its ~~elders~~ older individuals,  
4 20 their dignity, independence, and rights.

4 21 Sec. 13. Section 231.2, Code 2009, is amended to read as  
4 22 follows:

4 23 231.2 LEGISLATIVE FINDINGS AND DECLARATION.

4 24 The general assembly finds and declares that:

4 25 1. Iowa's ~~elders~~ older individuals constitute a  
4 26 fundamental resource which has been undervalued, and the means  
4 27 must be found to recognize and use the competence, wisdom, and  
4 28 experience of ~~our elders~~ such older individuals for the  
4 29 benefit of all Iowans.

4 30 2. The number of persons in this state age sixty and older  
4 31 is increasing rapidly, and of these ~~elders~~ older individuals,  
4 32 the number of women, minorities, and persons eighty-five years  
4 33 of age or older is increasing at an even greater rate.

4 34 3. The social and health problems of older ~~people~~  
4 35 individuals and their caregivers are compounded by a lack of



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5 1 access to existing services and by the unavailability of a  
5 2 complete range of services in all areas of the state.

5 3 4. The ability of older ~~people~~ individuals to maintain  
5 4 self-sufficiency and to live their lives with dignity,  
5 5 productivity, and creativity is a matter of profound  
5 6 importance and concern for this state.

5 7 Sec. 14. Section 231.3, Code 2009, is amended to read as  
5 8 follows:

5 9 231.3 STATE POLICY AND OBJECTIVES.

5 10 The general assembly declares that it is the policy of the  
5 11 state to work toward attainment of the following objectives  
5 12 for Iowa's ~~elders~~ older individuals:

5 13 1. An adequate income.

5 14 2. Access to physical and mental health care without  
5 15 regard to economic status.

5 16 3. Suitable housing that reflects the needs of older  
5 17 people.

5 18 4. Full restorative services for those who require  
5 19 institutional care, and a comprehensive array of home and  
5 20 community-based, long-term care services adequate to sustain  
5 21 older people in their communities and, whenever possible, in  
5 22 their homes, including support for caregivers.

5 23 5. Pursuit of meaningful activity within the widest range  
5 24 of civic, cultural, educational, recreational, and employment  
5 25 opportunities.

5 26 6. Suitable community transportation systems to assist in  
5 27 the attainment of independent movement.

5 28 7. Freedom, independence, and the free exercise of  
5 29 individual initiative in planning and managing their own  
5 30 lives.

5 31 8. Freedom from abuse, neglect, and exploitation.

5 32 Sec. 15. Section 231.4, subsections 2, 3, 4, 5, and 10,  
5 33 Code 2009, are amended to read as follows:

5 34 2. "Commission" means the commission ~~of elder affairs~~ on  
5 35 aging.



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6 1 3. "Department" means the department ~~of elder affairs on~~  
6 2 aging.

6 3 4. "Director" means the director of the department ~~of~~  
6 4 ~~elder affairs on aging~~.

6 5 5. ~~"Elder"~~ "Older individual" means an individual who is  
6 6 sixty years of age or older.

6 7 10. "Resident's advocate program" means the state  
6 8 long-term care resident's advocate program ~~operated~~  
6 9 ~~administered by the department of elder affairs and~~  
6 10 ~~administered by the long-term care resident's advocate on~~  
6 11 aging.

6 12 Sec. 16. Section 231.11, Code 2009, is amended to read as  
6 13 follows:

6 14 231.11 COMMISSION ESTABLISHED.

6 15 The commission ~~of elder affairs on aging~~ is established  
6 16 which shall consist of eleven members. One member each shall  
6 17 be appointed by the president of the senate, after  
6 18 consultation with the majority leader of the senate, and by  
6 19 the minority leader of the senate, from the members of the  
6 20 senate to serve as ex officio, nonvoting members. One member  
6 21 each shall be appointed by the speaker of the house of  
6 22 representatives and by the minority leader of the house of  
6 23 representatives, from the members of the house of  
6 24 representatives to serve as ex officio, nonvoting members.  
6 25 Seven members shall be appointed by the governor subject to  
6 26 confirmation by the senate. Not more than a simple majority  
6 27 of the governor's appointees shall belong to the same  
6 28 political party. At least four of the seven members appointed  
6 29 by the governor shall be fifty-five years of age or older when  
6 30 appointed.

6 31 Sec. 17. Section 231.14, subsections 3, 4, 6, 7, and 8,  
6 32 Code 2009, are amended to read as follows:

6 33 3. Serve as an effective and visible advocate for ~~elders~~  
6 34 older individuals by establishing policies for reviewing and  
6 35 commenting upon all state plans, budgets, and policies which



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7 1 affect ~~elders~~ older individuals and for providing technical  
7 2 assistance to any agency, organization, association, or  
7 3 individual representing the needs of ~~elders~~ older individuals.

7 4 4. Divide the state into distinct planning and service  
7 5 areas after considering the geographical distribution of  
7 6 ~~elders~~ older individuals in the state, the incidence of the  
7 7 need for supportive services, nutrition services, multipurpose  
7 8 senior centers, and legal services, the distribution of ~~elders~~  
7 9 older individuals who have low incomes residing in such areas,  
7 10 the distribution of resources available to provide such  
7 11 services or centers, the boundaries of existing areas within  
7 12 the state which are drawn for the planning or administration  
7 13 of supportive services programs, the location of units of  
7 14 general purpose, local government within the state, and any  
7 15 other relevant factors.

7 16 6. Adopt policies to assure that the department will take  
7 17 into account the views of ~~elders~~ older individuals in the  
7 18 development of policy.

7 19 7. Adopt a formula for the distribution of federal Act,  
7 20 state ~~elder~~ services for older individuals, and senior living  
7 21 program funds taking into account, to the maximum extent  
7 22 feasible, the best available data on the geographic  
7 23 distribution of ~~elders~~ older individuals in the state, and  
7 24 publish the formula for review and comment.

7 25 8. Adopt policies and measures to assure that preference  
7 26 will be given to providing services to ~~elders~~ older  
7 27 individuals with the greatest economic or social needs, with  
7 28 particular attention to low-income minority ~~elders~~ older  
7 29 individuals.

7 30 Sec. 18. Section 231.21, Code 2009, is amended to read as  
7 31 follows:

7 32 231.21 DEPARTMENT ~~OF ELDER AFFAIRS~~ ON AGING.

7 33 An Iowa department ~~of elder affairs~~ on aging is established  
7 34 which shall administer this chapter under the policy direction  
7 35 of the commission ~~of elder affairs~~ on aging. The department



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8 1 ~~of elder affairs~~ on aging shall be administered by a director.

8 2 Sec. 19. Section 231.22, Code 2009, is amended to read as  
8 3 follows:

8 4 231.22 DIRECTOR.

8 5 1. The governor, subject to confirmation by the senate,  
8 6 shall appoint a director of the department ~~of elder affairs~~ on  
8 7 aging who shall, subject to chapter 8A, subchapter IV, employ  
8 8 and direct staff as necessary to carry out the powers and  
8 9 duties created by this chapter. The director shall serve at  
8 10 the pleasure of the governor. However, the director is  
8 11 subject to reconfirmation by the senate as provided in section  
8 12 2.32, subsection 4. The governor shall set the salary for the  
8 13 director within the range set by the general assembly.

8 14 2. The director shall have the following qualifications  
8 15 and training:

8 16 a. Training in the field of gerontology, social work,  
8 17 public health, public administration, or other related fields.

8 18 b. Direct experience or extensive knowledge of programs  
8 19 and services related to ~~elders~~ older individuals.

8 20 c. Demonstrated understanding and concern for the welfare  
8 21 of ~~elders~~ older individuals.

8 22 d. Demonstrated competency and recent working experience  
8 23 in an administrative, supervisory, or management position.

8 24 Sec. 20. Section 231.23, unnumbered paragraph 1, Code  
8 25 2009, is amended to read as follows:

8 26 The department ~~of elder affairs~~ on aging director shall:

8 27 Sec. 21. Section 231.23, subsections 4, 7, 9, and 11, Code  
8 28 2009, are amended to read as follows:

8 29 4. Advocate for ~~elders~~ older individuals by reviewing and  
8 30 commenting upon all state plans, budgets, laws, rules,  
8 31 regulations, and policies which affect ~~elders~~ older  
8 32 individuals and by providing technical assistance to any  
8 33 agency, organization, association, or individual representing  
8 34 the needs of ~~the elders~~ older individuals.

8 35 7. Pursuant to commission policy, take into account the



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9 1 views of ~~elder~~ older Iowans.

9 2 9. Assist the commission in assuring that preference will  
9 3 be given to providing services to ~~elders~~ older individuals  
9 4 with the greatest economic or social needs, with particular  
9 5 attention to low-income minority ~~elders~~ older individuals.

9 6 11. Apply for, receive, and administer grants ~~and,~~

9 7 ~~devises, donations, gifts, or bequests of real or personal~~

9 8 ~~property from any source to conduct projects consistent with~~

9 9 ~~the purposes of this chapter~~ the department. Notwithstanding

9 10 ~~section 8.33, moneys received by the department pursuant to~~

9 11 ~~this section are not subject to reversion to the general fund~~

9 12 ~~of the state.~~

9 13 Sec. 22. Section 231.23A, Code 2009, is amended to read as  
9 14 follows:

9 15 231.23A PROGRAMS AND SERVICES.

9 16 The department ~~of elder affairs~~ on aging shall provide or  
9 17 administer, but is not limited to providing or administering,  
9 18 all of the following programs and services:

9 19 1. ~~Elder services~~ Services for older individuals including

9 20 but not limited to home and community-based services such as  
9 21 adult day, assessment and intervention, transportation, chore,  
9 22 counseling, homemaker, material aid, personal care,

9 23 reassurance, respite, visitation, caregiver support, emergency  
9 24 response system, mental health outreach, and home repair,

9 25 ~~meals, and nutrition counseling.~~

9 26 2. The senior internship program.

9 27 3. The case management program for frail elders.

9 28 4. The aging and disability resource center program.

9 29 5. The legal assistance development program.

9 30 6. The nutrition program.

9 31 ~~4-~~ 7. Administration relating to the long-term care

9 32 resident's advocate program and training for resident advocate  
9 33 committees.

9 34 ~~5-~~ 8. Administration relating to the area agencies on

9 35 aging.



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10 1 9. Elder abuse prevention, detection, intervention, and  
10 2 awareness including neglect and exploitation.

10 3 ~~6.~~ 10. Other programs and services authorized by law.

10 4 Sec. 23. Section 231.31, Code 2009, is amended to read as  
10 5 follows:

10 6 231.31 STATE PLAN ON AGING.

10 7 The department ~~of elder affairs on aging~~ shall develop, and  
10 8 submit to the commission ~~of elder affairs on aging~~ for  
10 9 approval, a multiyear state plan on aging. The state plan on  
10 10 aging shall meet all applicable federal requirements.

10 11 Sec. 24. Section 231.32, subsection 2, paragraph d,  
10 12 unnumbered paragraph 1, Code 2009, is amended to read as  
10 13 follows:

10 14 Any public or nonprofit private agency in a planning and  
10 15 service area or any separate organizational unit within such  
10 16 agency which is under the supervision or direction for this  
10 17 purpose of the department ~~of elder affairs on aging~~ and which  
10 18 can engage in the planning or provision of a broad range of  
10 19 supportive services or nutrition services within the planning  
10 20 and service area.

10 21 Sec. 25. Section 231.33, subsections 2, 7, 8, 9, 11, 14,  
10 22 15, 16, 17, 18, 19, and 21, Code 2009, are amended to read as  
10 23 follows:

10 24 2. Assess the types and levels of services needed by older  
10 25 ~~persons~~ individuals and their caregivers in the planning and  
10 26 service area, and the effectiveness of other public or private  
10 27 programs serving those needs.

10 28 7. Give preference in the delivery of services under the  
10 29 area plan to ~~elders~~ older individuals with the greatest  
10 30 economic or social need.

10 31 8. Assure that ~~elders~~ older individuals and their  
10 32 caregivers in the planning and service area have reasonably  
10 33 convenient access to information and assistance services.

10 34 9. Provide adequate and effective opportunities for ~~elders~~  
10 35 older individuals to express their views to the area agency on



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11 1 policy development and program implementation under the area  
11 2 plan.  
11 3 11. Contact outreach efforts, with special emphasis on  
11 4 rural ~~elders~~ older individuals, to identify ~~elders~~ older  
11 5 individuals with greatest economic or social needs and inform  
11 6 them of the availability of services under the area plan.  
11 7 14. Monitor, evaluate, and comment on laws, rules,  
11 8 regulations, policies, programs, hearings, levies, and  
11 9 community actions which significantly affect the lives of  
11 10 ~~elders~~ older individuals.  
11 11 15. Conduct public hearings on the needs of ~~elders~~ older  
11 12 individuals and their caregivers.  
11 13 16. Represent the interests of ~~elders~~ older individuals  
11 14 and their caregivers to public officials, public and private  
11 15 agencies, or organizations.  
11 16 17. Coordinate planning with other agencies and  
11 17 organizations to promote new or expanded benefits and  
11 18 opportunities for ~~elders~~ older individuals.  
11 19 18. Coordinate planning with other agencies for assuring  
11 20 the safety of ~~elders~~ older individuals in a natural disaster  
11 21 or other safety threatening situation.  
11 22 19. Require the completion by board of directors members,  
11 23 annually, of four hours of training, provided by the  
11 24 department ~~of elder affairs~~ on aging.  
11 25 21. Provide the opportunity for ~~elders~~ older individuals  
11 26 residing in the planning and service area to offer substantive  
11 27 suggestions regarding the employment practices of the area  
11 28 agency on aging.  
11 29 Sec. 26. Section 231.41, Code 2009, is amended to read as  
11 30 follows:  
11 31 231.41 PURPOSE.  
11 32 The purpose of this subchapter is to establish the  
11 33 long-term care resident's advocate program operated by the  
11 34 Iowa commission ~~of elder affairs~~ on aging in accordance with  
11 35 the requirements of the federal Act, and to adopt the



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12 1 supporting federal regulations and guidelines for its  
12 2 implementation. In accordance with chapter 17A, the  
12 3 ~~commission of elder affairs~~ on aging shall adopt and enforce  
12 4 rules for the implementation of this subchapter.

12 5 Sec. 27. Section 231.42, unnumbered paragraph 1, Code  
12 6 2009, is amended to read as follows:

12 7 The Iowa ~~commission of elder affairs~~ on aging, in  
12 8 accordance with section 712 of the federal Act, as codified at  
12 9 42 U.S.C. } 3058g, shall establish the office of long-term  
12 10 care resident's advocate within the department. The long-term  
12 11 care resident's advocate shall administer and monitor local  
12 12 long-term care resident's advocate programs. The long-term  
12 13 care resident's advocate and local long-term care resident's  
12 14 advocates shall:

12 15 Sec. 28. Section 231.42, subsection 6, Code 2009, is  
12 16 amended to read as follows:

12 17 6. Administer the resident advocate committee volunteer  
12 18 program.

12 19 Sec. 29. Section 231.42, unnumbered paragraph 2, Code  
12 20 2009, is amended to read as follows:

12 21 The long-term care resident's advocate and local long-term  
12 22 care resident's advocates shall have access to long-term care  
12 23 facilities, private access to residents, access to residents'  
12 24 personal and medical records, and access to other records  
12 25 maintained by the facilities or governmental agencies  
12 26 pertaining only to the person on whose behalf a complaint is  
12 27 being investigated.

12 28 Sec. 30. Section 231.43, Code 2009, is amended to read as  
12 29 follows:

12 30 231.43 AUTHORITY AND RESPONSIBILITIES OF THE COMMISSION.

12 31 To ensure compliance with the federal Act the commission ~~of~~  
~~12 32 elder affairs~~ on aging shall establish the following:

12 33 1. Procedures to protect the confidentiality of a  
12 34 resident's records and files.

12 35 2. A statewide uniform reporting system.



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13 1 3. Procedures to enable the long-term care resident's  
13 2 advocate to elicit, receive, and process complaints regarding  
13 3 administrative actions which may adversely affect the health,  
13 4 safety, welfare, or rights of ~~elders~~ older individuals in  
13 5 long-term care facilities.

13 6 Sec. 31. Section 231.44, subsections 1 and 4, Code 2009,  
13 7 are amended to read as follows:

13 8 1. The resident advocate committee volunteer program is  
13 9 administered by the long-term care resident's advocate  
13 10 program.

13 11 4. The state, any resident advocate committee member, and  
13 12 any ~~resident advocate coordinator~~ local long-term care  
13 13 resident's advocate are not liable for an action undertaken by  
13 14 a resident advocate committee member or a ~~resident advocate~~  
13 15 ~~committee coordinator~~ local long-term care resident's advocate  
13 16 in the performance of duty, if the action is undertaken and  
13 17 carried out reasonably and in good faith.

13 18 Sec. 32. Section 231.52, subsections 1 and 3, Code 2009,  
13 19 are amended to read as follows:

13 20 1. The department shall ~~establish~~ administer the senior  
13 21 internship program in ~~coordination~~ consultation with the  
13 22 department of workforce development to encourage and promote  
13 23 ~~the meaningful employment of older Iowans~~ work training  
13 24 programs leading to the employment of older individuals.

13 25 3. The department shall require such uniform reporting and  
13 26 financial accounting by ~~area agencies on aging and local~~  
13 27 ~~projects~~ contractors as may be necessary to fulfill the  
13 28 purposes of this section.

13 29 Sec. 33. Section 231.53, Code 2009, is amended to read as  
13 30 follows:

13 31 231.53 COORDINATION WITH WORKFORCE INVESTMENT ACT.

13 32 The ~~employment and training program administered by the~~  
13 33 ~~department~~ senior internship program shall be coordinated with  
13 34 the ~~training program for older individuals~~ federal Workforce  
13 35 Investment Act administered by the department of workforce



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14 1 development ~~under the federal Workforce Investment Act.~~

14 2 Sec. 34. Section 231.56, Code 2009, is amended to read as  
14 3 follows:

14 4 231.56 ELDER SERVICES PROGRAM AND PROGRAMS.

14 5 The department shall administer ~~an elder services program~~  
14 6 and programs to reduce institutionalization and encourage  
14 7 community involvement to help elders older individuals remain  
14 8 in their own homes. Funds appropriated for this purpose shall  
14 9 be instituted based on administrative rules adopted by the  
14 10 commission. The department shall require such records as  
14 11 needed to administer this section.

14 12 Sec. 35. Section 231.56A, subsections 1 through 5, Code  
14 13 2009, are amended to read as follows:

14 14 1. Through the state's service contract process adopted  
14 15 pursuant to section 8.47, the department shall identify area  
~~14 16 agencies on aging entities~~ that have demonstrated the ability  
14 17 to provide a collaborative response to the immediate needs of  
14 18 ~~elders in the area agency on aging service area older~~  
14 19 individuals for the purpose of implementing elder abuse  
14 20 initiative, emergency shelter, and support services projects.  
14 21 The projects shall be ~~implemented only in the counties within~~  
~~14 22 an area agency on aging~~ coordinated in service area areas that  
14 23 have a multidisciplinary team established pursuant to section  
14 24 235B.1, where available.

14 25 2. The target population of the projects shall be any  
14 26 ~~elder older individual residing in the service area of an area~~  
~~14 27 agency on aging Iowa who meets both of the following~~  
~~14 28 conditions:~~

14 29 a. Is is at risk of or who is experiencing abuse, neglect,  
14 30 or exploitation which may include but is not limited to an  
14 31 older individual who is the subject of a report of suspected  
14 32 dependent adult abuse pursuant to chapter 235B. This  
14 33 subsection shall not apply to an older individual who is  
14 34 receiving assistance under a county management plan approved  
14 35 pursuant to section 331.439.



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15 1     ~~b. Is not receiving assistance under a county management~~  
~~15 2 plan approved pursuant to section 331.439.~~  
15 3     3. The ~~area agencies on aging~~ contractor implementing the  
15 4 projects shall identify allowable emergency shelter and  
15 5 support services, state funding, outcomes, reporting  
15 6 requirements, and approved community resources from which  
15 7 services may be obtained under the projects. ~~The area agency~~  
~~15 8 on aging shall identify at least one provider of case~~  
~~15 9 management services for the project area.~~  
15 10    4. The ~~area agencies on aging~~ contractor shall implement  
15 11 the projects and shall coordinate the provider network through  
15 12 the use of referrals or other engagement of community  
15 13 resources to provide services to ~~elders~~ older individuals.  
15 14    5. The department shall award funds to the ~~area agencies~~  
~~15 15 on aging~~ contractor in accordance with the state's service  
15 16 contract process and department rule. Receipt and  
15 17 expenditures of moneys under the projects are subject to  
15 18 examination, including audit, by the department.  
15 19    Sec. 36. Section 231.57, Code 2009, is amended to read as  
15 20 follows:  
15 21    231.57 COORDINATION OF ADVOCACY.  
15 22    The department shall ~~establish~~ administer a program for the  
15 23 coordination of information and assistance provided within the  
15 24 state to assist ~~elders~~ older individuals and their caregivers  
15 25 in obtaining and protecting their rights and benefits. State  
15 26 and local agencies providing information and assistance to  
15 27 ~~elders~~ older individuals and their caretakers in seeking their  
15 28 rights and benefits shall cooperate with the department in  
15 29 ~~developing and implementing~~ administering this program.  
15 30    Sec. 37. Section 231.58, subsection 1, Code 2009, is  
15 31 amended to read as follows:  
15 32    1. A senior living coordinating unit is created within the  
15 33 department ~~of elder affairs~~ on aging. The membership of the  
15 34 coordinating unit consists of:  
15 35    a. The director of human services.



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16 1     b. The director of the department ~~of elder affairs~~ on  
16 2 aging.

16 3     c. The director of public health.

16 4     d. The director of the department of inspections and  
16 5 appeals.

16 6     e. Two members appointed by the governor.

16 7     f. Four members of the general assembly, as ex officio,  
16 8 nonvoting members.

16 9     Sec. 38. Section 231.58, subsection 4, paragraphs b and i,  
16 10 Code 2009, are amended to read as follows:

16 11     b. Develop common intake and release procedures for the  
16 12 purpose of determining eligibility at one point of intake and  
16 13 determining eligibility for programs administered by the  
16 14 departments of human services, and public health, and elder  
16 15 ~~affairs~~ the department on aging, such as the medical  
16 16 assistance program, federal food stamp program, homemaker=home  
16 17 health aide programs, and the case management program for  
16 18 frail elders administered by the department ~~of elder affairs~~  
16 19 on aging.

16 20     i. Consult with the state universities and other  
16 21 institutions with expertise in the area of ~~elder issues~~ older  
16 22 Iowans and the long-term care continua.

16 23     Sec. 39. NEW SECTION. 231.64 AGING AND DISABILITY  
16 24 RESOURCE CENTER PROGRAM.

16 25     The aging and disability resource center program shall be  
16 26 administered by the department in accordance with the  
16 27 requirements of the federal Act. The purpose of the program  
16 28 is to provide a coordinated local system of information and  
16 29 access in order to minimize confusion, enhance individual  
16 30 choice, and support informed decision making for older  
16 31 individuals, persons with disabilities age eighteen or older,  
16 32 and people who inquire about, or request assistance on behalf  
16 33 of, members of these groups as they seek long-term care  
16 34 services and supports.

16 35     Sec. 40. NEW SECTION. 231.65 LEGAL ASSISTANCE



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17 1 DEVELOPMENT PROGRAM.

17 2 A legal assistance development program shall be  
17 3 administered by the department in accordance with the  
17 4 requirements of the federal Act. The purpose of the program  
17 5 is to provide leadership for improving the quality and  
17 6 quantity of legal advocacy assistance as a means of ensuring a  
17 7 comprehensive elder rights system for Iowa's older  
17 8 individuals. The extent of implementation of this program  
17 9 shall be based on available resources.

17 10 Sec. 41. NEW SECTION. 231.66 NUTRITION PROGRAM.

17 11 A nutrition program shall be administered by the  
17 12 department, in accordance with the requirements of the federal  
17 13 Act, including congregate and home-delivered nutrition  
17 14 programs, nutrition education, nutrition counseling, and  
17 15 evidence-based health promotion programs to promote health and  
17 16 well-being, reduce food insecurity, promote socialization, and  
17 17 maximize independence of older individuals.

17 18 Sec. 42. Section 231B.19, Code 2009, is amended to read as  
17 19 follows:

17 20 231B.19 RESIDENT ADVOCATE COMMITTEES.

17 21 The commission ~~of elder affairs~~ on aging shall adopt by  
17 22 rule procedures for appointing members of resident advocate  
17 23 committees for elder group homes.

17 24 Sec. 43. Section 231E.3, subsections 2, 6, and 7, Code  
17 25 2009, are amended to read as follows:

17 26 2. "Commission" means the commission ~~of elder affairs~~ on  
17 27 aging.

17 28 6. "Department" means the department ~~of elder affairs~~ on  
17 29 aging established in section 231.21.

17 30 7. "Director" means the director of the department ~~of~~  
17 31 ~~elder affairs~~ on aging.

17 32 Sec. 44. Section 231E.4, subsection 2, Code 2009, is  
17 33 amended to read as follows:

17 34 2. The director shall appoint an administrator of the  
17 35 state office who shall serve as the state substitute decision



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18 1 maker. The state substitute decision maker shall be qualified  
18 2 for the position by training and expertise in substitute  
18 3 decision-making law and shall be licensed to practice law in  
18 4 Iowa. The state substitute decision maker shall also have  
18 5 knowledge of social services available to meet the needs of  
18 6 persons adjudicated incompetent or in need of substitute  
18 7 decision making.

18 8 Sec. 45. Section 231E.4, subsection 3, paragraph j, Code  
18 9 2009, is amended to read as follows:

18 10 j. Develop, in cooperation with the judicial council as  
18 11 established in section 602.1202, a substitute decision-maker  
18 12 education and training program. The program may be offered to  
18 13 both public and private substitute decision makers. The state  
18 14 office shall establish a curriculum committee, which includes  
18 15 but is not limited to probate judges, to develop the education  
18 16 and training program. The state office shall be the sole  
18 17 authority for certifying additional curriculum trainers.

18 18 Sec. 46. Section 231E.4, subsection 4, paragraphs a and b,  
18 19 Code 2009, are amended to read as follows:

18 20 a. Accept and receive gifts, grants, or donations from any  
18 21 public or private entity in support of the state office. Such  
18 22 gifts, grants, or donations shall be appropriated pursuant to  
18 23 section 231E.9. Notwithstanding section 8.33, moneys retained  
18 24 by the department pursuant to this section shall not be  
18 25 subject to reversion to the general fund of the state.

18 26 b. Accept the services of individual volunteers and  
18 27 volunteer organizations. Volunteers and volunteer  
18 28 organizations utilized by the state office shall not provide  
18 29 direct substitute decision-making services.

18 30 Sec. 47. Section 231E.6, Code 2009, is amended to read as  
18 31 follows:

18 32 231E.6 COURT=INITIATED OR PETITION=INITIATED APPOINTMENT  
18 33 OF STATE OR LOCAL SUBSTITUTE DECISION MAKER == GUARDIANSHIP OR  
18 34 CONSERVATORSHIP == DISCHARGE.

18 35 1. The court may appoint on its own motion or upon



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19 1 petition of any person, the state office or local office of  
19 2 substitute decision maker, to serve as guardian or conservator  
19 3 for any proposed ward in cases in which the court determines  
19 4 that the proceeding will establish the least restrictive form  
19 5 of substitute decision making suitable for the proposed ward  
19 6 and if the proposed ward meets all of the following criteria:

19 7 ~~1.~~ a. Is a resident of the planning and service area in  
19 8 which the local office is located from which services would be  
19 9 provided or is a resident of the state, if the state office  
19 10 would provide the services.

19 11 ~~2.~~ b. Is eighteen years of age or older.

19 12 ~~3.~~ c. Does not have suitable family or another  
19 13 appropriate entity willing and able to serve as guardian or  
19 14 conservator.

19 15 ~~4.~~ d. Is incompetent.

19 16 ~~5.~~ e. Is an individual for whom guardianship or  
19 17 conservatorship services are the least restrictive means of  
19 18 meeting the individual's needs.

19 19 2. For all appointments made pursuant to this section,  
19 20 notice shall be provided to the state office or local office  
19 21 of substitute decision maker prior to appointment. For  
19 22 appointments made pursuant to this section, the state office  
19 23 or local office of substitute decision maker shall only accept  
19 24 appointments made pursuant to the filing of an involuntary  
19 25 petition for appointment of a conservator or guardianship  
19 26 pursuant to chapter 633.

19 27 Sec. 48. Section 231E.7, Code 2009, is amended to read as  
19 28 follows:

19 29 231E.7 SUBSTITUTE DECISION MAKER=INITIATED APPOINTMENT ==  
19 30 INTERVENTIONS.

19 31 The state office or local office may on its own motion or  
19 32 at the request of the court intervene in a guardianship or  
19 33 conservatorship proceeding if the state office or local office  
19 34 or the court considers the intervention to be justified  
19 35 because of any of the following:



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20 1 1. An appointed guardian or conservator is not fulfilling  
20 2 prescribed duties or is subject to removal under section  
20 3 633.65.

20 4 2. A willing and qualified guardian or conservator is not  
20 5 available.

20 6 3. The best interests of the ward require the  
20 7 intervention.

20 8 Sec. 49. Section 231E.8, Code 2009, is amended by adding  
20 9 the following new subsections:

20 10 NEW SUBSECTION. 6. The state or a local substitute  
20 11 decision maker may petition to be removed as guardian or  
20 12 conservator. A petition for removal shall be granted for any  
20 13 of the following reasons:

20 14 a. The ward displays assaultive or aggressive behavior  
20 15 that causes the substitute decision maker to fear for their  
20 16 personal safety.

20 17 b. The ward refuses the services of the substitute  
20 18 decision maker.

20 19 c. The ward refuses to have contact with the substitute  
20 20 decision maker.

20 21 d. The ward moves out of Iowa.

20 22 NEW SUBSECTION. 7. An appointment nominating the state  
20 23 office or a local office under a power of attorney shall not  
20 24 take effect unless the nominated state or local office has  
20 25 consented to the appointment in writing.

20 26 Sec. 50. Section 235B.1, subsection 4, paragraph b,  
20 27 subparagraph (1), Code 2009, is amended to read as follows:

20 28 (1) The advisory council shall consist of twelve members.  
20 29 Six members shall be appointed by and serve at the pleasure of  
20 30 the governor. Four of the members appointed shall be  
20 31 appointed on the basis of knowledge and skill related to  
20 32 expertise in the area of dependent adult abuse including  
20 33 professionals practicing in the disciplines of medicine,  
20 34 public health, mental health, long-term care, social work,  
20 35 law, and law enforcement. Two of the members appointed shall



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21 1 be members of the general public with an interest in the area  
21 2 of dependent adult abuse and two of the members appointed  
21 3 shall be members of the Iowa caregivers association. In  
21 4 addition, the membership of the council shall include the  
21 5 director or the director's designee of the department of human  
21 6 services, the department ~~of elder affairs~~ on aging, the Iowa  
21 7 department of public health, and the department of inspections  
21 8 and appeals.

21 9 Sec. 51. Section 235B.6, subsection 2, paragraph e,  
21 10 subparagraph (11), Code 2009, is amended to read as follows:

21 11 (11) The state office or a local office of substitute  
21 12 decision maker as defined in section 231E.3, ~~appointed by the~~  
~~21 13 court as a guardian or conservator of the adult named in a~~  
~~21 14 report as the victim of abuse or the person designated to be~~  
~~21 15 responsible for performing or obtaining protective services on~~  
~~21 16 behalf of a dependent adult pursuant to section 235B.18 if the~~  
21 17 information relates to the provision of legal services for a  
21 18 client served by the state or local office of substitute  
21 19 decision maker.

21 20 Sec. 52. Section 235B.6, subsection 2, paragraph e, Code  
21 21 2009, is amended by adding the following new subparagraph:

21 22 NEW SUBPARAGRAPH. (14) The department on aging for the  
21 23 purposes of conducting background checks of applicants for  
21 24 employment with the department on aging.

21 25 Sec. 53. Section 235B.16, subsections 1 and 2, Code 2009,  
21 26 are amended to read as follows:

21 27 1. The department ~~of elder affairs~~ on aging, in  
21 28 cooperation with the department, shall conduct a public  
21 29 information and education program. The elements and goals of  
21 30 the program include but are not limited to:

21 31 a. Informing the public regarding the laws governing  
21 32 dependent adult abuse and the reporting requirements for  
21 33 dependent adult abuse.

21 34 b. Providing caretakers with information regarding  
21 35 services to alleviate the emotional, psychological, physical,



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22 1 or financial stress associated with the caretaker and  
22 2 dependent adult relationship.

22 3 c. Affecting public attitudes regarding the role of a  
22 4 dependent adult in society.

22 5 2. The department, in cooperation with the department of  
~~22 6 elder affairs~~ on aging and the department of inspections and  
22 7 appeals, shall institute a program of education and training  
22 8 for persons, including members of provider groups and family  
22 9 members, who may come in contact with dependent adult abuse.  
22 10 The program shall include but is not limited to instruction  
22 11 regarding recognition of dependent adult abuse and the  
22 12 procedure for the reporting of suspected abuse.

22 13 Sec. 54. Section 235B.16, subsection 5, paragraph d,  
22 14 subparagraph (3), Code 2009, is amended to read as follows:

22 15 (3) A training program using such an approved curriculum  
22 16 offered by the department of human services, the department of  
~~22 17 elder affairs~~ on aging, the department of inspections and  
22 18 appeals, the Iowa law enforcement academy, or a similar public  
22 19 agency.

22 20 Sec. 55. Section 249A.4B, subsection 2, paragraph d, Code  
22 21 2009, is amended to read as follows:

22 22 d. The director of the department of ~~elder affairs~~ on  
22 23 aging, or the director's designee.

22 24 Sec. 56. Section 249H.3, subsections 1 and 12, Code 2009,  
22 25 are amended to read as follows:

22 26 1. "Affordable" means rates for payment of services which  
22 27 do not exceed the rates established for providers of medical  
22 28 and health services under the medical assistance program with  
22 29 eligibility for an individual equal to the eligibility for  
22 30 medical assistance pursuant to section 249A.3. In relation to  
22 31 services provided by a provider of services under a home and  
22 32 community-based services waiver, "affordable" means that the  
22 33 total monthly cost of the services provided under the home and  
22 34 community-based services waiver does not exceed the cost for  
22 35 that level of care as established by rule by the department of



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23 1 human services, pursuant to chapter 17A, in consultation with  
23 2 the department ~~of elder affairs~~ on aging.

23 3 12. "Senior living coordinating unit" means the senior  
23 4 living coordinating unit created within the department ~~of~~  
~~23 5 elder affairs~~ on aging pursuant to section 231.58, or its  
23 6 designee.

23 7 Sec. 57. Section 249H.5, subsection 1, Code 2009, is  
23 8 amended to read as follows:

23 9 1. Moneys deposited in the senior living trust fund  
23 10 created in section 249H.4 shall be used only as provided in  
23 11 appropriations from the trust fund to the department of human  
23 12 services and the department ~~of elder affairs~~ on aging, and for  
23 13 purposes, including the awarding of grants, as specified in  
23 14 this chapter.

23 15 Sec. 58. Section 249H.5, subsection 2, paragraph b, Code  
23 16 2009, is amended to read as follows:

23 17 b. To the department ~~of elder affairs~~ on aging, an amount  
23 18 necessary, annually, for expenses incurred in implementation  
23 19 and administration of the long-term care alternatives programs  
23 20 and for delivery of long-term care services to seniors with  
23 21 low or moderate incomes.

23 22 Sec. 59. Section 249H.7, Code 2009, is amended to read as  
23 23 follows:

23 24 249H.7 HOME AND COMMUNITY-BASED SERVICES FOR SENIORS.

23 25 1. Beginning October 1, 2000, the department ~~of elder~~  
~~23 26 affairs~~ on aging, in consultation with the senior living  
23 27 coordinating unit, shall use funds appropriated from the  
23 28 senior living trust fund for activities related to the design,  
23 29 maintenance, or expansion of home and community-based services  
23 30 for seniors, including but not limited to adult day services,  
23 31 personal care, respite, homemaker, chore, and transportation  
23 32 services designed to promote the independence of and to delay  
23 33 the use of institutional care by seniors with low and moderate  
23 34 incomes. At any time that moneys are appropriated, the  
23 35 department ~~of elder affairs~~ on aging, in consultation with the



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24 1 senior living coordinating unit, shall disburse the funds to  
24 2 the area agencies on aging.

24 3 2. The department ~~of elder affairs~~ on aging shall adopt  
24 4 rules, in consultation with the senior living coordinating  
24 5 unit and the area agencies on aging, pursuant to chapter 17A,  
24 6 to provide all of the following:

24 7 a. (1) The criteria and process for disbursement of  
24 8 funds, appropriated in accordance with subsection 1, to area  
24 9 agencies on aging.

24 10 (2) The criteria shall include, at a minimum, all of the  
24 11 following:

24 12 (a) A distribution formula that triple weights all of the  
24 13 following:

24 14 (i) Individuals seventy-five years of age and older.

24 15 (ii) Individuals aged sixty and older who are members of a  
24 16 racial minority.

24 17 (iii) Individuals sixty years of age and older who reside  
24 18 in rural areas as defined in the federal Older Americans Act.

24 19 (iv) Individuals who are sixty years of age and older who  
24 20 have incomes at or below the poverty level as defined in the  
24 21 federal Older Americans Act.

24 22 (b) A distribution formula that single weights individuals  
24 23 sixty years of age and older who do not meet the criteria  
24 24 specified in subparagraph ~~subdivision~~ division (a).

24 25 b. The criteria for long-term care providers to receive  
24 26 funding as subcontractors of the area agencies on aging.

24 27 c. Other procedures the department ~~of elder affairs~~ on  
24 28 aging deems necessary for the proper administration of this  
24 29 section, including but not limited to the submission of  
24 30 progress reports, on a bimonthly basis, to the senior living  
24 31 coordinating unit.

24 32 3. This section does not create an entitlement to any  
24 33 funds available for disbursement under this section and the  
24 34 department ~~of elder affairs~~ on aging may only disburse moneys  
24 35 to the extent funds are available and, within its discretion,



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25 1 to the extent requests for funding are approved.

25 2 4. Long-term care providers that receive funding under  
25 3 this section shall submit annual reports to the appropriate  
25 4 area agency on aging. The department ~~of elder affairs~~ on  
25 5 aging shall develop the report to be submitted, which shall  
25 6 include, but is not limited to, units of service provided, the  
25 7 number of service recipients, costs, and the number of units  
25 8 of service identified as necessitated but not provided.

25 9 5. The department ~~of elder affairs~~ on aging, in  
25 10 cooperation with the department of human services, shall  
25 11 provide annual reports to the governor and the general  
25 12 assembly concerning the impact of moneys disbursed under this  
25 13 section on the availability of long-term care services in  
25 14 Iowa. The reports shall include the types of services funded,  
25 15 the outcome of those services, and the number of individuals  
25 16 receiving those services.

25 17 Sec. 60. Section 249H.9, Code 2009, is amended to read as  
25 18 follows:

25 19 249H.9 SENIOR LIVING PROGRAM INFORMATION == ELECTRONIC  
25 20 ACCESS == EDUCATION == ADVISORY COUNCIL.

25 21 1. The department ~~of elder affairs~~ on aging and the area  
25 22 agencies on aging, in consultation with the senior living  
25 23 coordinating unit, shall create, on a county basis, a database  
25 24 directory of all health care and support services available to  
25 25 seniors. The department ~~of elder affairs~~ on aging shall make  
25 26 the database electronically available to the public, and shall  
25 27 update the database on at least a monthly basis.

25 28 2. The department ~~of elder affairs~~ on aging shall seek  
25 29 foundation funding to develop and provide an educational  
25 30 program for individuals aged twenty-one and older which  
25 31 assists participants in planning for and financing health care  
25 32 services and other supports in their senior years.

25 33 3. The department of human services shall develop and  
25 34 distribute an informational packet to the public that  
25 35 explains, in layperson terms, the law, regulations, and rules



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26 1 under the medical assistance program relative to health care  
26 2 services options for seniors, including but not limited to  
26 3 those relating to transfer of assets, prepaid funeral  
26 4 expenses, and life insurance policies.

26 5 4. The director of human services, the director of the  
26 6 department ~~of elder affairs~~ on aging, the director of public  
26 7 health, the director of the department of inspections and  
26 8 appeals, the director of revenue, and the commissioner of  
26 9 insurance shall constitute a senior advisory council to  
26 10 provide oversight in the development and operation of all  
26 11 informational aspects of the senior living program under this  
26 12 section.

26 13 Sec. 61. Section 249H.10, Code 2009, is amended to read as  
26 14 follows:

26 15 249H.10 CAREGIVER SUPPORT == ACCESS AND EDUCATION  
26 16 PROGRAMS.

26 17 The department of human services and the department ~~of~~  
~~26 18 elder affairs~~ on aging, in consultation with the senior living  
26 19 coordinating unit, shall implement a caregiver support program  
26 20 to provide access to respite care and to provide education to  
26 21 caregivers in providing appropriate care to seniors and  
26 22 persons with disabilities. The program shall be provided  
26 23 through the area agencies on aging or other appropriate  
26 24 agencies.

26 25 Sec. 62. Section 324A.4, subsection 2, unnumbered  
26 26 paragraph 1, Code 2009, is amended to read as follows:

26 27 Upon request, the department shall provide assistance to  
26 28 political subdivisions, state agencies, and organizations  
26 29 affected by this chapter for federal aid applications for  
26 30 urban and rural transit system program aid. The department,  
26 31 in cooperation with the regional planning agencies, shall  
26 32 maintain current information reflecting the amount of federal,  
26 33 state, and local aid received by the public and private  
26 34 nonprofit organizations providing public transit services and  
26 35 the purpose for which the aid is received. The department



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27 1 shall annually prepare a report to be submitted to the general  
27 2 assembly, the department of management, and to the governor,  
27 3 prior to February 1 of each year, stating the receipts and  
27 4 disbursements made during the preceding fiscal year and the  
27 5 adequacy of programs financed by federal, state, local, and  
27 6 private aid in the state. The department shall analyze the  
27 7 programs financed and recommend methods of avoiding  
27 8 duplication and increasing the efficacy of programs financed.  
27 9 The department shall receive comments from the department of  
27 10 human services, department ~~of elder affairs~~ on aging, and the  
27 11 officers and agents of the other affected state and local  
27 12 government units relative to the department's analysis. The  
27 13 department shall use the following criteria to adopt rules to  
27 14 determine compliance with and exceptions to subsection 1:

27 15 Sec. 63. Section 324A.5, unnumbered paragraph 1, Code  
27 16 2009, is amended to read as follows:

27 17 The department of human services, department ~~of elder~~  
~~27 18 affairs on aging~~, and the officers and agents of other state  
27 19 and local governmental units shall assist the department in  
27 20 carrying out section 324A.4, subsections 1 and 2, insofar as  
27 21 the functions of these respective officers and departments are  
27 22 concerned with the health, welfare and safety of any recipient  
27 23 of transportation services.

27 24 EXPLANATION

27 25 This bill relates to the department of elder affairs and  
27 26 services for older Iowans.

27 27 The bill changes references to the "department of elder  
27 28 affairs", "the commission of elder affairs", and "elders" to  
27 29 the "department on aging" (department), the "commission on  
27 30 aging", and "older individuals", respectively, in Code chapter  
27 31 231 (department of elder affairs), and makes conforming  
27 32 changes to these terms throughout the Code.

27 33 The bill provides that records of the department pertaining  
27 34 to clients served by the office of substitute decision maker  
27 35 and the elder abuse initiative shall be confidential unless



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28 1 otherwise ordered by a court, by the lawful custodian, or by  
28 2 another authorized person pursuant to Iowa's open records law  
28 3 (Code chapter 22).

28 4 The bill expands the state's policies and objectives in  
28 5 regard to older individuals to include freedom from abuse,  
28 6 neglect, and exploitation.

28 7 The bill expands the duties and authority of the department  
28 8 to apply for, receive, and administer, in addition to grants,  
28 9 gifts, and devises, bequests of real and personal property  
28 10 from any source. Moneys received by the department from such  
28 11 sources are not subject to reversion to the general fund of  
28 12 the state.

28 13 The bill authorizes the department to administer local  
28 14 long-term care resident's advocate programs and allows local  
28 15 long-term care resident's advocates to carry out the same  
28 16 duties as the state long-term care resident's advocate,  
28 17 including but not limited to investigating and resolving  
28 18 complaints, monitoring and developing laws and regulations,  
28 19 and providing certain information to other agencies. Local  
28 20 long-term care resident's advocates are also allowed access to  
28 21 long-term care facilities, private access to residents, access  
28 22 to residents' personal and medical records, and access to  
28 23 other records maintained by the facilities or governmental  
28 24 agencies pertaining only to the person on whose behalf a  
28 25 complaint is investigated. The bill provides that a local  
28 26 long-term care resident's advocate is not liable for any  
28 27 actions taken by the local long-term care resident's advocate  
28 28 in the performance of duties if undertaken reasonably and in  
28 29 good faith.

28 30 The bill provides that, in accordance with the state's  
28 31 service contract process, the department shall identify and  
28 32 award funds to contractors, in addition to area agencies on  
28 33 aging, that have demonstrated the ability to provide a  
28 34 collaborative response to the immediate needs of older  
28 35 individuals at risk of or experiencing abuse, neglect, or



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29 1 exploitation, for the purpose of implementing elder abuse  
29 2 initiative, emergency shelter, and support service projects.  
29 3 The bill provides that the department shall administer the  
29 4 aging and disability resource center program, the legal  
29 5 assistance development program, and the nutrition program.  
29 6 The purpose of the aging and disability resource center  
29 7 program is to provide a coordinated local system of  
29 8 information access for older individuals, persons with  
29 9 disabilities aged 18 and older, and people who inquire about,  
29 10 or request assistance on behalf of, members of these groups  
29 11 who seek long-term care and support. The purpose of the legal  
29 12 assistance development program is to provide leadership for  
29 13 improving legal advocacy assistance for Iowa's older  
29 14 individuals. The purpose of the nutrition program is to  
29 15 administer the federal Older Americans Act in regard to  
29 16 congregate and home-delivered nutrition programs, nutrition  
29 17 education, nutrition counseling, and health programs to  
29 18 promote health and well-being, reduce food insecurity, promote  
29 19 socialization, and maximize independence of older individuals.  
29 20 The bill requires the area agencies on aging to consider an  
29 21 older individual's caregiver in assessing the types, levels,  
29 22 and delivery of services available to older individuals.  
29 23 The bill provides that the state substitute decision maker  
29 24 shall be licensed to practice law in Iowa and shall be the  
29 25 sole authority for certifying additional curriculum trainers.  
29 26 Volunteers and volunteer organizations shall not provide  
29 27 direct substitute decision-making services. Gifts, grants, or  
29 28 donations received by the office of the substitute decision  
29 29 maker shall be deposited in the general fund of the state and  
29 30 the amounts received are appropriated to the department.  
29 31 Moneys retained by the department pursuant to these gifts,  
29 32 grants, or donations shall not be subject to reversion to the  
29 33 general fund of the state.  
29 34 The bill provides that for all state office or local office  
29 35 of substitute decision maker appointments by the court, notice



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30 1 shall be provided to the state office or local substitute  
30 2 decision maker prior to appointment. For such appointments,  
30 3 the state office or local substitute office of substitute  
30 4 decision maker shall only accept appointments made in  
30 5 circumstances where an involuntary petition for guardianship  
30 6 or conservatorship is filed.  
30 7 The bill provides that the state or local substitute  
30 8 decision maker may petition to be removed as guardian or  
30 9 conservator under certain circumstances, including if the ward  
30 10 displays assaultive or aggressive behavior that causes the  
30 11 substitute decision maker to fear for their personal safety,  
30 12 if the ward refuses the services of the substitute decision  
30 13 maker or refuses to have contact with the substitute decision  
30 14 maker, and if the ward moves out of Iowa. An appointment  
30 15 nominating the state office or a local office under a power of  
30 16 attorney will not be effective unless the nominated state or  
30 17 local office has consented to the appointment in writing.  
30 18 The bill authorizes the department access to dependent  
30 19 adult abuse information, other than unfounded dependent adult  
30 20 abuse information, for the purposes of conducting background  
30 21 checks of applicants for employment with the department.  
30 22 LSB 1339XD 83  
30 23 rh/nh/5.1



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House Study Bill 147

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
HUMAN RESOURCES BILL  
BY CHAIRPERSON SMITH)

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

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

A BILL FOR

- 1 An Act relating to a quality assurance assessment program,
- 2 nursing facility reimbursements, and providing monetary
- 3 penalties, contingencies, and retroactive and other effective
- 4 dates.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TLSB 2100YC 83
- 7 pf/rj/8



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1 1 DIVISION I  
1 2 QUALITY ASSURANCE ASSESSMENT PROGRAM  
1 3 Section 1. NEW SECTION. 249L.1 TITLE. This chapter  
1 4 shall be known and may be cited as the "Quality Assurance  
1 5 Assessment Program".  
1 6 Sec. 2. NEW SECTION. 249L.2 DEFINITIONS. As used in  
1 7 this chapter, unless the context otherwise requires:  
1 8 1. "Department" means the department of human services.  
1 9 2. "Gross revenue" means all revenue, without deduction,  
1 10 that is derived from the performance of nursing facility  
1 11 services but does not include other operating revenue or  
1 12 nonoperating revenue.  
1 13 3. "Medically indigent individual" means an individual  
1 14 eligible for coverage under the medical assistance program who  
1 15 is a resident of a Medicaid-certified nursing facility.  
1 16 4. "Nonoperating revenue" means income from activities not  
1 17 relating directly to the day-to-day operations of a nursing  
1 18 facility such as gains on the disposal of a facility's assets,  
1 19 dividends, and interest from security investments, gifts,  
1 20 grants, and endowments.  
1 21 5. "Nursing facility" means a licensed nursing facility as  
1 22 defined in section 135C.1 that is a freestanding facility or  
1 23 distinct part or unit of a hospital which is not owned by the  
1 24 state or federal government.  
1 25 6. "Other operating revenue" means income from nonpatient  
1 26 care services to patients and from sales to and activities for  
1 27 persons other than patients which may include but are not  
1 28 limited to such activities as providing personal laundry  
1 29 service for patients, providing meals to persons other than  
1 30 patients, gift shop sales, or vending machine commissions.  
1 31 7. "Patient day" means a calendar day of care provided to  
1 32 an individual resident of a nursing facility that is not  
1 33 reimbursed under Medicare, including the date of admission but  
1 34 not including the date of discharge, unless the dates of  
1 35 admission and discharge occur on the same day, in which case



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2 1 the resulting number of patient days is one patient day.  
2 2 8. "Uniform tax requirement waiver" means a waiver of the  
2 3 uniform tax requirement for permissible health care-related  
2 4 taxes as provided in 42 C.F.R. } 433.68(e)(2)(i) and (ii).  
2 5 Sec. 3. NEW SECTION. 249L.3 QUALITY ASSURANCE ASSESSMENT  
2 6 == IMPOSED == COLLECTION == DEPOSIT == DOCUMENTATION == CIVIL  
2 7 ACTIONS.  
2 8 1. a. A nursing facility in this state shall be assessed  
2 9 a quality assurance assessment for each patient day for the  
2 10 preceding quarter.  
2 11 b. The quality assurance assessment shall be implemented  
2 12 as a broad-based health care-related tax as defined in 42  
2 13 U.S.C. } 1396b(w)(3)(B).  
2 14 c. The quality assurance assessment shall be imposed  
2 15 uniformly upon all nursing facilities, unless otherwise  
2 16 provided in this chapter.  
2 17 d. The aggregate quality assurance assessments imposed  
2 18 under this chapter shall not exceed the maximum amount that  
2 19 may be assessed pursuant to the indirect guarantee threshold  
2 20 as established pursuant to 42 C.F.R. } 433.68(f)(3)(i).  
2 21 2. The quality assurance assessment shall be paid by each  
2 22 nursing facility to the department on a quarterly basis. The  
2 23 department shall prepare and distribute a form upon which  
2 24 nursing facilities shall calculate and report the quality  
2 25 assurance assessment. A nursing facility shall submit the  
2 26 completed form with the assessment amount no later than thirty  
2 27 days following the end of each calendar quarter.  
2 28 3. A nursing facility shall retain and preserve for a  
2 29 period of three years such books and records as may be  
2 30 necessary to determine the amount of the quality assurance  
2 31 assessment for which the nursing facility is liable under this  
2 32 chapter. The department may inspect and copy the books and  
2 33 records of a nursing facility for the purpose of auditing the  
2 34 calculation of the quality assurance assessment. All  
2 35 information obtained by the department under this subsection



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3 1 is confidential and does not constitute a public record.  
3 2 4. The department shall collect the quality assurance  
3 3 assessment imposed and shall deposit all revenues collected in  
3 4 the quality assurance trust fund created in section 249L.4.  
3 5 5. If the department determines that a nursing facility  
3 6 has underpaid or overpaid the quality assurance assessment,  
3 7 the department shall notify the nursing facility of the amount  
3 8 of the unpaid quality assurance assessment or refund due.  
3 9 Such payment or refund shall be due or refunded within thirty  
3 10 days of the issuance of the notice.  
3 11 6. a. A nursing facility that fails to pay the quality  
3 12 assurance assessment within the time frame specified in this  
3 13 section shall pay, in addition to the outstanding quality  
3 14 assurance assessment, a penalty of one and five-tenths percent  
3 15 of the quality assurance assessment amount owed for each month  
3 16 or portion of each month that the payment is overdue.  
3 17 However, if the department determines that good cause is shown  
3 18 for failure to comply with payment of the quality assurance  
3 19 assessment, the department may waive the penalty or a portion  
3 20 of the penalty.  
3 21 b. If a quality assurance assessment has not been received  
3 22 by the department by the last day of the month in which the  
3 23 payment is due, the department shall withhold an amount equal  
3 24 to the quality assurance assessment and penalty owed from any  
3 25 payment due such nursing facility under the medical assistance  
3 26 program.  
3 27 c. The quality assurance assessment imposed under this  
3 28 chapter constitutes a debt due the state and may be collected  
3 29 by civil action, including but not limited to the filing of  
3 30 tax liens, and any other method provided for by law.  
3 31 d. Any penalty collected pursuant to this subsection shall  
3 32 be credited to the quality assurance trust fund.  
3 33 7. If federal financial participation to match the quality  
3 34 assurance assessments made under this section becomes  
3 35 unavailable under federal law, the department shall terminate



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4 1 the imposition of the assessments beginning on the date the  
4 2 federal statutory, regulatory, or interpretive change takes  
4 3 effect.

4 4 Sec. 4. NEW SECTION. 249L.4 QUALITY ASSURANCE TRUST FUND  
4 5 == LIMITATIONS OF USE == REIMBURSEMENT ADJUSTMENTS TO NURSING  
4 6 FACILITIES.

4 7 1. A quality assurance trust fund is created in the state  
4 8 treasury under the authority of the department. Moneys  
4 9 received through the collection of the nursing facility  
4 10 quality assurance assessment imposed under this chapter and  
4 11 any other moneys specified for deposit in the trust fund shall  
4 12 be deposited in the trust fund.

4 13 2. Moneys in the trust fund shall be used, subject to  
4 14 their appropriation by the general assembly, by the department  
4 15 for reimbursement only for services for which federal  
4 16 financial participation under the medical assistance program  
4 17 is available to match state funds.

4 18 3. The trust fund shall be separate from the general fund  
4 19 of the state and shall not be considered part of the general  
4 20 fund of the state. The moneys in the trust fund shall not be  
4 21 considered revenue of the state, but rather shall be funds of  
4 22 the quality assurance assessment program. The moneys  
4 23 deposited in the trust fund are not subject to section 8.33  
4 24 and shall not be transferred, used, obligated, appropriated,  
4 25 or otherwise encumbered, except to provide for the purposes of  
4 26 this chapter. Moneys in the trust fund may be used for cash  
4 27 flow purposes during a fiscal year provided that any moneys so  
4 28 allocated are returned to the trust fund by the end of that  
4 29 fiscal year. Notwithstanding section 12C.7, subsection 2,  
4 30 interest or earnings on moneys deposited in the trust fund  
4 31 shall be credited to the trust fund.

4 32 4. The department shall adopt rules pursuant to chapter  
4 33 17A to administer the trust fund and reimbursements made from  
4 34 the trust fund.

4 35 5. a. The determination of medical assistance



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5 1 reimbursements to nursing facilities shall continue to be  
5 2 calculated in accordance with the modified price-based  
5 3 case-mix reimbursement system as specified in 2001 Iowa Acts,  
5 4 chapter 192, section 4, subsection 2, paragraph "c". In  
5 5 addition, moneys that are appropriated from the trust fund for  
5 6 reimbursements to nursing facilities that serve the medically  
5 7 indigent shall be used to provide the following nursing  
5 8 facility reimbursement rate adjustment increases within the  
5 9 parameters specified:

5 10 (1) A quality assurance assessment pass-through. This  
5 11 rate add-on shall account for the cost incurred by the nursing  
5 12 facility in paying the quality assurance assessment, but only  
5 13 with respect to the pro rata portion of the assessment that  
5 14 correlates with the patient days in the nursing facility that  
5 15 are attributable to medically indigent residents.

5 16 (2) A quality assurance assessment rate add-on. This rate  
5 17 add-on shall be calculated on a per-patient-day basis for  
5 18 medically indigent residents. The amount paid to a nursing  
5 19 facility as a quality assurance assessment rate add-on shall  
5 20 be ten dollars per patient day.

5 21 b. In determining the appropriate level of quality  
5 22 assurance assessment reimbursements to nursing facilities, the  
5 23 department shall determine the amount of quality assurance  
5 24 assessments collected that have been directed to increases in  
5 25 nursing facility reimbursements. The department shall  
5 26 cooperate with nursing facility organizations to determine  
5 27 that no less than eighty-five percent of the quality assurance  
5 28 assessments collected are directed to total nursing facility  
5 29 reimbursements under the modified price-based case-mix  
5 30 reimbursement system including the reimbursements identified  
5 31 in this section.

5 32 6. The department shall report annually to the general  
5 33 assembly regarding the use of moneys deposited in the trust  
5 34 fund and appropriated to the department.

5 35 Sec. 5. EFFECTIVE AND IMPLEMENTATION DATES. This division



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6 1 of this Act takes effect upon enactment and is retroactively  
6 2 applicable to the effective date specified in the state plan  
6 3 amendment as specified in division II of this Act. However,  
6 4 this division of this Act shall not be implemented until the  
6 5 department receives approval of the waivers and the medical  
6 6 assistance state plan amendment as specified in division II of  
6 7 this Act.

6 8 DIVISION II  
6 9 DIRECTIVES TO DEPARTMENT OF HUMAN SERVICES  
6 10 AND CONTINGENCIES

6 11 Sec. 6. DEFINITIONS. As used in this division of this  
6 12 Act, "department", "nursing facility", "patient day", and  
6 13 "uniform tax requirement waiver" mean as defined in section  
6 14 249L.2, as enacted in this Act.

6 15 Sec. 7. DIRECTIVES TO DEPARTMENT OF HUMAN SERVICES.

6 16 No later than June 30, 2009, the department shall request  
6 17 approval of all of the following from the United States  
6 18 department of health and human services:

6 19 1. An amendment to the terms and conditions of the  
6 20 IowaCare waiver to eliminate the provision in which the state  
6 21 agrees to refrain from imposing any provider tax during the  
6 22 pendency of the demonstration waiver for IowaCare.

6 23 2. A uniform tax requirement waiver to allow the state to  
6 24 impose varying levels of taxation on providers based on  
6 25 specified criteria.

6 26 3. A medical assistance state plan amendment to revise the  
6 27 state nursing facility reimbursement methodology to, in part,  
6 28 allow the medical assistance program to reimburse nursing  
6 29 facilities for the medical assistance portion of the provider  
6 30 tax paid by the nursing facilities.

6 31 Sec. 8. CONTINGENCY PROVISIONS.

6 32 1. The quality assurance assessment created in this Act  
6 33 shall accrue beginning on the date specified in the medical  
6 34 assistance state plan amendment. However, accrued quality  
6 35 assurance assessments shall not be collected prior to



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7 1 completion of both of the following:

7 2 a. The approval of the waivers and the medical assistance  
7 3 state plan amendment by the centers for Medicare and Medicaid  
7 4 of the United States department of health and human services.

7 5 b. An appropriation by the general assembly to implement  
7 6 the nursing facility provider reimbursements as provided in  
7 7 this Act.

7 8 2. If a medical assistance state plan amendment specifies  
7 9 an effective date in one calendar quarter, but the medical  
7 10 assistance state plan amendment is not approved by the centers  
7 11 for Medicare and Medicaid services of the United States  
7 12 department of health and human services until a subsequent  
7 13 quarter, all accrued but unpaid quality assurance assessments  
7 14 from any prior quarter shall be paid to the department by lump  
7 15 sum payment no later than forty-five days after one of the  
7 16 following:

7 17 a. The date of approval of the medical assistance state  
7 18 plan amendment.

7 19 b. The date of the adjustment of medical assistance  
7 20 reimbursement rates to nursing homes as provided for in an  
7 21 appropriation by the general assembly pursuant to this Act.

7 22 Sec. 9. EFFECTIVE DATE. This division of this Act, being  
7 23 deemed of immediate importance, takes effect upon enactment.

7 24 EXPLANATION

7 25 Division I of this bill creates a quality assurance  
7 26 assessment imposed on nursing facilities and includes a  
7 27 quality assurance assessment fund.

7 28 The bill imposes a quality assurance assessment on nursing  
7 29 facilities for each patient day. The fee is to be  
7 30 broad-based, imposed uniformly, and is not to exceed the  
7 31 indirect guarantee threshold as required under federal law.  
7 32 The quality assurance assessment is to be paid by each nursing  
7 33 facility to the department of human services (DHS) on a  
7 34 quarterly basis. DHS is to prepare and distribute a form upon  
7 35 which nursing facilities shall calculate and report the



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8 1 quality assurance assessment, and each nursing facility is  
8 2 required to submit the completed form with the assessment  
8 3 amount no later than 30 days following the end of each  
8 4 calendar quarter. The bill includes requirements for  
8 5 recordkeeping and access to records for the purposes of  
8 6 auditing. The bill provides for payments or refunds for  
8 7 underpayments or overpayments and also provides penalties and  
8 8 collection measures for nonpayment by nursing facilities in a  
8 9 timely manner.

8 10 Once DHS collects the assessments, the revenue is to be  
8 11 deposited in the quality assurance trust fund established in  
8 12 the bill. The fund is created in the state treasury under the  
8 13 authority of DHS. Moneys in the trust fund are required to be  
8 14 used, subject to their appropriation by the general assembly,  
8 15 only as provided in the appropriations from the trust fund to  
8 16 DHS only for reimbursement for services for which federal  
8 17 financial participation is available. The bill directs DHS to  
8 18 adopt rules pursuant to Code chapter 17A to administer the  
8 19 trust fund and reimbursements made from the trust fund. The  
8 20 bill provides that nursing facilities are to continue to be  
8 21 reimbursed under the modified price-based case-mix  
8 22 reimbursement methodology originally created in 2001. In  
8 23 addition to the amount of reimbursement provided under the  
8 24 continuation of the existing formula, the moneys in the fund  
8 25 are to be used to provide supplemental payments to nursing  
8 26 facilities: a quality assurance assessment pass-through and a  
8 27 quality assurance assessment rate add-on. The bill provides a  
8 28 methodology for providing these rate adjustments. In  
8 29 determining the appropriate level of the assessment  
8 30 reimbursements to nursing facilities, DHS is required to  
8 31 determine the amount of assessments collected that have been  
8 32 directed to increases in nursing facility reimbursements and  
8 33 to cooperate with nursing facility organizations to determine  
8 34 that no less than 85 percent of the assessments collected are  
8 35 directed to total nursing facility reimbursements.



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9 1 DHS is required to report annually to the general assembly  
9 2 regarding the use of moneys deposited in the trust fund and  
9 3 appropriated to DHS.

9 4 Division I of the bill takes effect upon enactment and is  
9 5 retroactively applicable to the effective date specified in  
9 6 the state plan amendment. The bill directs that division I of  
9 7 the bill is only to be implemented following receipt of  
9 8 approval of the waivers and state plan amendment as specified  
9 9 in division II of the bill.

9 10 Division II of the bill provides directives to DHS and  
9 11 contingencies. The bill directs that no later than June 30,  
9 12 2009, DHS shall request waivers and a state plan amendment  
9 13 from the centers for Medicare and Medicaid services of the  
9 14 United States department of health and human services.  
9 15 Division II also includes contingency provisions relating to  
9 16 accrual and payment of the assessment. Under the bill, the  
9 17 assessment would only accrue beginning on the date specified  
9 18 in the medical assistance state plan amendment. The accrued  
9 19 assessments would not, however, be collected prior to  
9 20 fulfillment of both the approval of the waivers and state plan  
9 21 amendment and provision of an appropriation by the general  
9 22 assembly to implement the nursing facility provider  
9 23 reimbursements as provided in the bill. A contingency is also  
9 24 included relating to the collection in a lump sum of  
9 25 assessments that accrue during the quarter specified in the  
9 26 state plan amendment but prior to the approval of a state plan  
9 27 amendment.

9 28 Division II of the bill takes effect upon enactment.

9 29 LSB 2100YC 83

9 30 pf/rj/8



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House Study Bill 148

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
AGRICULTURE BILL BY  
CHAIRPERSON MERTZ)

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

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

A BILL FOR

- 1 An Act relating to the agricultural development authority, by
- 2 providing for the reporting of its operations.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2045HC 83
- 5 da/nh/8



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House Study Bill 148 continued

PAG LIN

1 1 Section 1. Section 175.8, Code 2009, is amended by adding  
1 2 the following new subsection:  
1 3 NEW SUBSECTION. 4. The authority's executive director,  
1 4 appointed pursuant to section 175.7, shall report semiannually  
1 5 to the legislative government oversight committees regarding  
1 6 the operations of the authority.

1 7 EXPLANATION

1 8 This bill requires the executive director of the  
1 9 agricultural development authority to report semiannually to  
1 10 the legislative government oversight committees regarding its  
1 11 operations.

1 12 The authority is a state agency established to assist  
1 13 farmers in obtaining financing, including for purchasing  
1 14 agricultural property by beginning farmers, for installing  
1 15 permanent soil and water conservation practices, and for  
1 16 providing operating expenses (Code section 175.3(1)). The  
1 17 authority is overseen by a board of directors and managed by  
1 18 an executive director.

1 19 LSB 2045HC 83

1 20 da/nh/8



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Senate File 102 - Introduced

SENATE FILE

BY MCKINLEY, HAMERLINCK, REYNOLDS,  
WIECK, BEHN, HARTSUCH, KAPUCIAN,  
FEENSTRA, HAHN, BOETTGER, NOBLE,  
WARD, BARTZ, HOUSER, and  
SEYMOUR

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

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

A BILL FOR

1 An Act relating to the establishment of a searchable budget  
2 database website for the public to access the details of the  
3 expenditure of state tax revenues and a searchable tax rate  
4 database for the public to access the details of each tax rate  
5 for all taxing districts in the state.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
7 TLSB 1732XS 83  
8 mg/sc/14



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Senate File 102 - Introduced continued

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1 1 Section 1. Section 8.6, Code 2009, is amended by adding  
1 2 the following new subsection:  
1 3 NEW SUBSECTION. 9A. BUDGET AND TAX RATE DATABASES. To  
1 4 develop and make available to the public a searchable budget  
1 5 database website as required under chapter 8G, division I, and  
1 6 to develop and make available to the public a searchable tax  
1 7 rate database website as required under chapter 8G, division  
1 8 II.

1 9 DIVISION I  
1 10 SEARCHABLE BUDGET DATABASE FOR STATE SPENDING  
1 11 Sec. 2. NEW SECTION. 8G.1 INTENT == FINDINGS.  
1 12 The general assembly finds that taxpayers should be able to  
1 13 easily access the details on how the state is spending their  
1 14 tax dollars and the performance results achieved for those  
1 15 expenditures. Therefore, it is the intent of the general  
1 16 assembly to direct the department of management to create and  
1 17 maintain a searchable budget database website detailing where  
1 18 tax dollars are expended, the purposes for which tax dollars  
1 19 are expended, and the results achieved for all taxpayer  
1 20 investments in state government.

1 21 Sec. 3. NEW SECTION. 8G.2 SHORT TITLE.  
1 22 This division shall be known as and may be cited as the  
1 23 "Taxpayer Transparency Act".

1 24 Sec. 4. NEW SECTION. 8G.3 DEFINITIONS.  
1 25 As used in this division, unless the context otherwise  
1 26 requires:

1 27 1. "Agency" means a state department, office, board,  
1 28 commission, bureau, division, institution, or public  
1 29 institution of higher education. "Agency" includes individual  
1 30 state agencies and programs, as well as those programs and  
1 31 activities that are administered by or involve more than one  
1 32 agency. "Agency" includes all elective offices in the  
1 33 executive branch of government and the general assembly.

1 34 2. "Director" means the director of the department of  
1 35 management.



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Senate File 102 - Introduced continued

- 2 1 3. "Entity" or "recipients" means any of the following:  
2 2 a. A corporation.  
2 3 b. An association.  
2 4 c. An employee union.  
2 5 d. A limited liability company.  
2 6 e. A limited liability partnership.  
2 7 f. Any other legal business entity, including nonprofit  
2 8 entities.  
2 9 g. A grant recipient.  
2 10 h. Contractors.  
2 11 i. A county, city, school district, or other local  
2 12 government entity.  
2 13 "Entity" or "recipients" does not include an individual  
2 14 recipient of state assistance.  
2 15 4. "Funding action or expenditure" includes details on the  
2 16 type of spending that is provided including but not limited to  
2 17 grants, contracts, and appropriations. "Funding action or  
2 18 expenditure" includes tax exemptions or credits. Where  
2 19 possible, an electronic link to the actual grants or contracts  
2 20 shall be provided. An electronic link shall be in a format  
2 21 that is a searchable document.  
2 22 5. "Funding source" means the state account or fund from  
2 23 which the expenditure is appropriated.  
2 24 6. "Searchable website" means a website described in  
2 25 section 8G.4 that allows the public at no cost to search and  
2 26 compile information identified in section 8G.4 and that is in  
2 27 a format capable of being downloaded.  
2 28 7. "State audit or report" shall include any audit or  
2 29 report issued by the auditor of state, department of  
2 30 management, legislative services agency, legislative  
2 31 committee, or executive body relating to the entity or  
2 32 recipient of funds, the budget program or activity, or agency.  
2 33 Sec. 5. NEW SECTION. 8G.4 SEARCHABLE BUDGET DATABASE  
2 34 WEBSITE CREATED.  
2 35 1. By January 1, 2011, the director shall develop and make



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3 1 publicly available a database website for searching,  
3 2 accessing, and processing data, including the data required in  
3 3 this section, for the most recent state budget. The website  
3 4 shall be developed in such a way that the information can be  
3 5 provided to other software applications, including internet  
3 6 software applications, in a manner and format that allows such  
3 7 software applications to access and interpret the data using  
3 8 the internal programming of the software applications.  
3 9 2. The searchable website developed pursuant to this  
3 10 section shall allow the public at no cost to search and  
3 11 compile information for all of the following:  
3 12 a. Name and principal location or residence of the entity  
3 13 or recipient of state funds.  
3 14 b. Amount of state funds expended.  
3 15 c. Funding or expending agency.  
3 16 d. Funding source of the revenue expended.  
3 17 e. Budget program or activity of the expenditure.  
3 18 f. Descriptive purpose for the funding action or  
3 19 expenditure.  
3 20 g. Expected performance outcome for the funding action or  
3 21 expenditure.  
3 22 h. Past performance outcomes achieved for the funding  
3 23 action or expenditure.  
3 24 i. State audit or report relating to the entity or  
3 25 recipient of state funds or the budget program or activity or  
3 26 agency.  
3 27 j. Any other relevant information specified by the  
3 28 director.  
3 29 Sec. 6. NEW SECTION. 8G.5 WEBSITE UPDATES.  
3 30 1. Effective July 1, 2011, the searchable website shall be  
3 31 updated for each fiscal year not later than thirty days  
3 32 following the close of the fiscal year. In addition, the  
3 33 director may update the searchable website as new data becomes  
3 34 available. All agencies shall provide to the director data  
3 35 that is required to be included in the searchable website not



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4 1 later than thirty days after the data becomes available to the  
4 2 agency. The director shall provide guidance to agency heads  
4 3 or the governing body of an agency to ensure compliance with  
4 4 this section.

4 5 2. By January 1, 2012, the director shall add data for the  
4 6 previous budgets to the searchable website. Data for previous  
4 7 fiscal years may be added as it becomes available and as time  
4 8 permits. The director shall ensure that all data added to the  
4 9 searchable website remain accessible to the public for a  
4 10 minimum of ten years.

4 11 Sec. 7. NEW SECTION. 8G.6 NONCOMPLIANCE.

4 12 The director shall not be considered in compliance with  
4 13 this division if the data required for the searchable website  
4 14 is not available in a searchable manner and capable of being  
4 15 compiled or the public is redirected to other government  
4 16 websites unless each of those sites has information from all  
4 17 agencies and each category of information required can be  
4 18 searched electronically by field in a single search.

4 19 DIVISION II

4 20 SEARCHABLE TAX RATE DATABASE

4 21 Sec. 8. NEW SECTION. 8G.10 INTENT == FINDINGS.

4 22 The general assembly finds that increasing the ease of  
4 23 public access to state and local tax rates, particularly where  
4 24 the rates are currently available from disparate government  
4 25 sources but are difficult for the public to collect and  
4 26 efficiently aggregate, significantly contributes to  
4 27 governmental accountability, public participation, and the  
4 28 understanding of the cost of government services. Therefore,  
4 29 it is the intent of the general assembly to direct the  
4 30 department of management, in consultation with the department  
4 31 of revenue, to create and maintain a searchable database  
4 32 website of each tax rate for all taxing districts in the state  
4 33 to make citizen access to state and local tax rates as open,  
4 34 transparent, and publicly accessible as is feasible.

4 35 Sec. 9. NEW SECTION. 8G.11 SHORT TITLE.



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5 1 This division shall be known and cited as the "Taxation  
5 2 Disclosure Act".

5 3 Sec. 10. NEW SECTION. 8G.12 TAX RATE DATABASE.

5 4 1. SEARCHABLE TAX RATE DATABASE. By January 1, 2010, the  
5 5 department of management, in consultation with the department  
5 6 of revenue, shall make publicly available on an internet site  
5 7 a searchable database of all tax rates in the state for each  
5 8 taxing jurisdiction. The information shall be aggregated by  
5 9 type of tax and accessible by entering a zip code or physical  
5 10 address for each residency or business. Individual tax levies  
5 11 shall be further specified within each tax rate.

5 12 2. GEOGRAPHICAL TAX RATE MAP. In addition to searching  
5 13 for tax rates by zip code or physical address for each  
5 14 residency or business, searches shall be accommodated by a  
5 15 geographical tax rate map of the state that is capable of  
5 16 being displayed with a level of specificity corresponding to  
5 17 each taxing district.

5 18 3. INDIVIDUAL TAX RATE CALCULATOR. Tax rate calculators  
5 19 shall be provided on the searchable database to allow citizens  
5 20 and businesses to calculate taxes based on the location of the  
5 21 citizen or business. Calculation capability shall be provided  
5 22 at a minimum for property, sales, use, income, vehicle, and  
5 23 business taxes and shall be specific to the rate for the  
5 24 taxing district identified by the citizen or business.

5 25 Sec. 11. NEW SECTION. 8G.13 UPDATING DATABASE.

5 26 To facilitate the department of management's efforts in  
5 27 creating and maintaining a searchable database of the taxes  
5 28 identified in section 8G.12, subsection 3, for all taxing  
5 29 districts in the state, every taxing district shall report its  
5 30 tax rates annually to the department of management and shall  
5 31 report any changes to its tax rates within thirty days of the  
5 32 change.

5 33 Sec. 12. CODE EDITOR DIRECTIVE. Unless otherwise  
5 34 determined by the Iowa Code editor, sections 8G.1 through  
5 35 8G.6, as enacted in this Act, shall be designated as division



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6 1 I of chapter 8G, and sections 8G.10 through 8G.13, as enacted  
6 2 in this Act, shall be designated as division II of chapter 8G.

6 3 EXPLANATION

6 4 This bill enacts new Code chapter 8G which is divided into  
6 5 two separate divisions. Division I of the Code chapter  
6 6 requires the department of management to develop and make  
6 7 available to the public by January 1, 2011, a single,  
6 8 searchable budget database website. This website would allow  
6 9 the public at no cost to search an aggregated database that  
6 10 would provide the names and principal location or residence of  
6 11 recipients of state funds, amount of funds expended, the  
6 12 agency that provided those funds, the program or activity of  
6 13 the expenditure, description of the purpose of the  
6 14 expenditure, expected and past outcomes of funding actions or  
6 15 expenditures, state audits relating to expenditures, and other  
6 16 relevant information. The bill specifies that "recipient"  
6 17 does not include an individual recipient of state assistance.

6 18 The division provides that, effective July 1, 2011, the  
6 19 website is to be updated within 30 days of the end of each  
6 20 fiscal year. By January 1, 2012, data is to be added for  
6 21 previous fiscal years.

6 22 Division II of the new chapter requires the department of  
6 23 management, in consultation with the department of revenue, by  
6 24 January 1, 2010, to develop and operate on an internet site a  
6 25 searchable database of all the tax rates in the state for each  
6 26 taxing district. The database shall include the capability to  
6 27 calculate tax rates for different taxing districts.

6 28 LSB 1732XS 83

6 29 mg/sc/14



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Senate File 103

SENATE FILE  
BY SODDERS

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

A BILL FOR

- 1 An Act requiring automated external defibrillators in all
- 2 physical exercise clubs, and providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1599XS 83
- 5 ak/sc/5



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Senate File 103 continued

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1 1 Section 1. NEW SECTION. 552.15 CARDIAC AUTOMATED  
1 2 EXTERNAL DEFIBRILLATORS.  
1 3 1. As used in this section, "automated external  
1 4 defibrillator" means a portable device used to restore normal  
1 5 rhythm to a patient in cardiac arrest by analyzing the  
1 6 patient's heart rhythm and determining whether a shock is  
1 7 needed to restore a normal heartbeat.  
1 8 2. A physical exercise club shall locate in every facility  
1 9 at least one automated external defibrillator that is  
1 10 accessible during business hours and special events. The  
1 11 physical exercise club is responsible for the care and  
1 12 maintenance of the automated external defibrillator including  
1 13 but not limited to periodic service checks and battery  
1 14 replacement.  
1 15 Sec. 2. Section 552.22, Code 2009, is amended to read as  
1 16 follows:  
1 17 552.22 APPLICABILITY.  
1 18 ~~This~~ The provisions of this chapter applies that apply to  
1 19 physical exercise club contracts apply to all physical  
1 20 exercise club contracts entered into in this state on or after  
1 21 July 1, 1988, concerning physical exercise club facilities  
1 22 located, or services to be provided, in this state.  
1 23 Sec. 3. EFFECTIVE DATE. This Act takes effect July 1,  
1 24 2010.  
1 25 EXPLANATION  
1 26 This bill provides for the placement of an automated  
1 27 external defibrillator in every physical exercise club in the  
1 28 state. An automated external defibrillator is a portable  
1 29 device used to restore a normal heart rhythm to a patient in  
1 30 cardiac arrest by analyzing the patient's heart rhythm and  
1 31 determining whether a shock is needed to restore a normal  
1 32 heartbeat.  
1 33 The bill requires a physical exercise club to locate at  
1 34 least one automated external defibrillator in every facility  
1 35 that is accessible during business hours and special events.



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2 1 The physical exercise club is responsible for the care and  
2 2 maintenance of the automated external defibrillator.  
2 3 The bill has an effective date of July 1, 2010.  
2 4 LSB 1599XS 83  
2 5 ak/sc/5.1



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**Senate File 104 - Introduced**

SENATE FILE  
BY SODDERS

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

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

**A BILL FOR**

- 1 An Act relating to pseudoephedrine product sales by pharmacies
- 2 and retailers, and providing penalties and contingent
- 3 applicability.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2046SS 83
- 6 jm/rj/14



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1 1 Section 1. Section 124.101, Code 2009, is amended by  
1 2 adding the following new subsection:  
1 3 NEW SUBSECTION. 20A. "Office" means the governor's office  
1 4 of drug control policy, as referred to in section 80E.1.  
1 5 Sec. 2. Section 124.212, subsection 4, paragraph c, Code  
1 6 2009, is amended to read as follows:  
1 7 c. Pseudoephedrine. A person shall present a  
1 8 government=issued photo identification card when purchasing a  
1 9 pseudoephedrine product from a pharmacy. A person shall not  
1 10 purchase ~~more than seven thousand five hundred milligrams of~~  
~~1 11 pseudoephedrine, either separately or collectively, within a~~  
~~1 12 thirty-day period~~ a quantity of pseudoephedrine in violation  
1 13 of section 124.213 from a pharmacy, unless the person has a  
1 14 prescription for a pseudoephedrine product in excess of that  
1 15 quantity. A pseudoephedrine product not excepted from this  
1 16 schedule shall be sold by a pharmacy as provided in section  
1 17 124.212A.  
1 18 Sec. 3. NEW SECTION. 124.212A PHARMACY PSEUDOEPHEDRINE  
1 19 SALE == RESTRICTIONS == RECORDS == CONTINGENT APPLICABILITY.  
1 20 1. A pharmacy, an employee of a pharmacy, or a licensed  
1 21 pharmacist shall do the following:  
1 22 a. Provide for the sale of a pseudoephedrine product in a  
1 23 locked cabinet or behind the sales counter where the public is  
1 24 unable to reach the product and where the public is not  
1 25 permitted.  
1 26 b. Require the purchaser to present a governmental=issued  
1 27 photo identification card identifying the purchaser prior to  
1 28 purchasing a pseudoephedrine product.  
1 29 c. Provide an electronic logbook for purchasers of  
1 30 pseudoephedrine products to sign.  
1 31 d. Require the purchaser to sign the electronic logbook.  
1 32 If the electronic logbook is not available, require a  
1 33 signature that is associated with a transaction number.  
1 34 e. Enter the purchaser's name, address, date of purchase,  
1 35 time of purchase, name of the pseudoephedrine product



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2 1 purchased, and the quantity sold in the electronic logbook.  
2 2 If the electronic logbook is unavailable, an alternative  
2 3 record shall be kept that complies with the rules adopted by  
2 4 both the office and the board.  
2 5 f. Determine that the signature in the electronic logbook  
2 6 corresponds with the name on the government-issued photo  
2 7 identification card.  
2 8 g. Provide notice that a purchaser entering a false  
2 9 statement or misrepresentation in the electronic logbook may  
2 10 subject the purchaser to criminal penalties under 18 U.S.C. }  
2 11 1001.  
2 12 h. Keep electronic logbook records and any other records  
2 13 obtained if the electronic logbook is unavailable for  
2 14 twenty-four months from the date of the last entry.  
2 15 i. Disclose electronic logbook information and any other  
2 16 associated records as provided by state and federal law.  
2 17 j. Comply with training requirements pursuant to federal  
2 18 law.  
2 19 2. This section is not applicable unless sufficient  
2 20 funding is received to implement and maintain the statewide  
2 21 real-time central repository and the office establishes the  
2 22 statewide real-time central repository. However, subsection  
2 23 1, paragraph "h" is applicable upon the effective date of this  
2 24 Act.  
2 25 Sec. 4. NEW SECTION. 124.212B PSEUDOEPHEDRINE SALES ==  
2 26 TRACKING == PENALTY == CONTINGENT APPLICABILITY.  
2 27 1. The office shall establish a real-time electronic  
2 28 repository to monitor and control the sale of schedule V  
2 29 products containing any detectable amount of pseudoephedrine,  
2 30 its salts, or optical isomers, or salts of optical isomers;  
2 31 ephedrine; or phenylpropanolamine. A pharmacy dispensing such  
2 32 products shall report all such sales electronically to a  
2 33 central repository under the control of the office.  
2 34 2. The information collected in the central repository is  
2 35 confidential unless otherwise ordered by a court, or released



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3 1 by the lawful custodian of the records pursuant to state or  
3 2 federal law.

3 3 3. A pharmacy, an employee of a pharmacy, or a licensed  
3 4 pharmacist shall not be provided access to the stored  
3 5 information in the electronic central repository. However, a  
3 6 pharmacy, an employee of a pharmacy, or a licensed pharmacist  
3 7 shall be provided access to the stored information for the  
3 8 limited purpose of determining what sales have been made by  
3 9 the pharmacy. A pharmacy, an employee of a pharmacy, or a  
3 10 licensed pharmacist shall not be given the obligation or duty  
3 11 to view the stored information.

3 12 4. A pharmacy, or an employee of a pharmacy, or a licensed  
3 13 pharmacist shall not be given the obligation or duty to seek  
3 14 information from the central repository if the real-time  
3 15 electronic logbook becomes unavailable for use.

3 16 5. If the electronic logbook is unavailable for use, a  
3 17 paper record for each sale shall be maintained including the  
3 18 purchaser's signature. Any paper record maintained by the  
3 19 pharmacy shall be provided to the office for inclusion in the  
3 20 electronic real-time central repository as soon as  
3 21 practicable.

3 22 6. A pharmacy, or an employee of a pharmacy, or a licensed  
3 23 pharmacist shall not be liable, if acting reasonably and in  
3 24 good faith, to any person for any claim which may arise when  
3 25 reporting sales of products enumerated in subsection 1 to the  
3 26 central repository.

3 27 7. A person who discloses information stored in the  
3 28 central repository in violation of this section commits a  
3 29 simple misdemeanor.

3 30 8. Both the office and the board shall adopt rules to  
3 31 administer this section.

3 32 9. The office and the board shall report to the board on  
3 33 an annual basis, beginning January 1, 2010, regarding the  
3 34 repository, including the effectiveness of the repository in  
3 35 discovering unlawful sales of pseudoephedrine products.



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4 1 10. This section is not applicable unless sufficient  
4 2 funding is received to implement and maintain this section and  
4 3 the office establishes the statewide real-time central  
4 4 repository.

4 5 Sec. 5. NEW SECTION. 124.212C PSEUDOEPHEDRINE ADVISORY  
4 6 COUNCIL == ELECTRONIC MONITORING.

4 7 1. The office shall establish a pseudoephedrine advisory  
4 8 council to provide input and advise the office regarding the  
4 9 implementation and maintenance of the statewide real-time  
4 10 central repository established under section 124.212B to  
4 11 monitor sales of pseudoephedrine. The office shall specify  
4 12 the duties, responsibilities, and other related matters of the  
4 13 advisory council.

4 14 2. a. The council shall consist of four licensed  
4 15 pharmacists. The office shall solicit recommendations for  
4 16 membership on the council from the Iowa pharmacy association  
4 17 and Iowa retail federation, and shall appoint members from the  
4 18 recommendations. The council shall include a member from an  
4 19 independent pharmacy, a member from a regional chain pharmacy,  
4 20 and a member from a national chain pharmacy. The license of  
4 21 any member must be current and not subject to disciplinary  
4 22 sanctions.

4 23 b. The council shall also consist of four members of the  
4 24 general assembly serving as ex officio, nonvoting members, one  
4 25 representative to be appointed by the speaker of the house of  
4 26 representatives, one representative to be appointed by the  
4 27 minority leader of the house of representatives, one senator  
4 28 to be appointed by the majority leader of the senate after  
4 29 consultation with the president of the senate, and one senator  
4 30 to be appointed by the minority leader of the senate.

4 31 3. The council may make recommendations regarding the  
4 32 implementation and maintenance of the statewide real-time  
4 33 central repository monitoring system under section 124.212B.

4 34 4. The council shall do the following:

4 35 a. Assist the office in implementing and maintaining the



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5 1 statewide real-time central repository monitoring system.

5 2 b. Assist the office in developing utilization guidance  
5 3 related to the statewide real-time central repository  
5 4 monitoring system and disseminating such guidance.

5 5 c. Assist the office in developing guidelines to ensure  
5 6 patient confidentiality and the integrity of the relationship  
5 7 established by the patient and the patient's health care  
5 8 provider.

5 9 5. All members of the council shall receive actual and  
5 10 necessary expenses incurred in the performance of their  
5 11 duties.

5 12 Sec. 6. Section 124.213, Code 2009, is amended by striking  
5 13 the section and inserting in lieu thereof the following:

5 14 124.213 PSEUDOEPHEDRINE PURCHASE RESTRICTIONS FROM  
5 15 PHARMACY OR RETAILER == PENALTY.

5 16 1. A person shall not purchase more than three thousand  
5 17 six hundred milligrams of pseudoephedrine, either separately  
5 18 or collectively, within a twenty-four-hour period from a  
5 19 pharmacy, or more than one package of a product containing  
5 20 pseudoephedrine within a twenty-four hour period from a  
5 21 retailer in violation of section 126.23A.

5 22 2. A person shall not purchase more than seven thousand  
5 23 five hundred milligrams of pseudoephedrine, either separately  
5 24 or collectively, within a thirty-day period from a pharmacy or  
5 25 from a retailer in violation of section 126.23A.

5 26 3. A person who violates this section commits a serious  
5 27 misdemeanor.

5 28 Sec. 7. Section 126.23A, subsection 1, paragraph a,  
5 29 subparagraph (1), Code 2009, is amended by striking the  
5 30 subparagraph and inserting in lieu thereof the following:

5 31 (1) Sell more than seven thousand five hundred milligrams  
5 32 of pseudoephedrine to the same person within a thirty-day  
5 33 period.

5 34 Sec. 8. Section 126.23A, subsection 1, paragraph b, Code  
5 35 2009, is amended to read as follows:



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- 6 1 b. A retailer or an employee of a retailer shall do the  
6 2 following:
- 6 3 (1) Provide for the sale of a pseudoephedrine product in a  
6 4 locked cabinet or behind a sales counter where the public is  
6 5 unable to reach the product and where the public is not  
6 6 permitted.
- 6 7 (2) Require a purchaser to present a government-issued  
6 8 photo identification card identifying the purchaser prior to  
6 9 purchasing a pseudoephedrine product.
- 6 10 (3) Require the purchaser to sign a logbook and to also  
6 11 require the purchaser to legibly print the purchaser's name  
6 12 and address in the logbook.
- 6 13 (4) Print the name of the pseudoephedrine product  
6 14 purchased and quantity sold next to the name of each purchaser  
6 15 in the logbook.
- 6 16 ~~(4)~~ (5) Determine the signature in the logbook  
6 17 corresponds with the name on the government-issued photo  
6 18 identification card.
- 6 19 ~~(5)~~ (6) Keep the logbook ~~twelve~~ twenty-four months from  
6 20 the date of the last entry.
- 6 21 ~~(6)~~ (7) Provide notification in a clear and conspicuous  
6 22 manner in a location where a pseudoephedrine product is  
6 23 offered for sale stating the following:
- 6 24 Iowa law prohibits the over-the-counter purchase of more  
6 25 than one package of a product containing pseudoephedrine in a  
6 26 twenty-four-hour period or of more than seven thousand five  
6 27 hundred milligrams of pseudoephedrine within a thirty-day  
6 28 period. If you purchase a product containing pseudoephedrine,  
6 29 you are required to sign a logbook which may be accessible to  
6 30 law enforcement officers.
- 6 31 (8) Provide notification affixed to the logbook stating  
6 32 that a purchaser entering a false statement or  
6 33 misrepresentation in the logbook may subject the purchaser to  
6 34 criminal penalties under 18 U.S.C. } 1001.
- 6 35 (9) Disclose logbook information as provided by state and



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7 1 federal law.

7 2 (10) Comply with training requirements pursuant to federal  
7 3 law.

7 4 Sec. 9. CONTINGENT APPLICABILITY == GOVERNOR'S OFFICE OF  
7 5 DRUG CONTROL POLICY AND CODE EDITOR RESPONSIBILITIES.

7 6 1. The governor's office of drug control policy shall  
7 7 notify the Code editor when the establishment of the  
7 8 repository on a statewide basis is complete.

7 9 2. When the establishment of the central repository on a  
7 10 statewide basis is complete, the Code editor is directed to  
7 11 remove section 124.212A, subsection 2, and section 124.212B,  
7 12 subsection 10, from the Code and to internally renumber the  
7 13 sections as necessary.

7 14 EXPLANATION

7 15 This bill relates to the sale of a pseudoephedrine product  
7 16 by a pharmacy or retailer.

7 17 PENALTIES. The bill provides that a person shall not  
7 18 purchase more than 3,600 milligrams of pseudoephedrine, either  
7 19 collectively or separately, within a 24-hour period from a  
7 20 pharmacy unless the person has a prescription. A person who  
7 21 violates this provision of the bill commits a serious  
7 22 misdemeanor. Under current law and the bill, a person commits  
7 23 a serious misdemeanor if the person purchases more than 7,500  
7 24 milligrams of pseudoephedrine within a 30-day period from a  
7 25 pharmacy or retailer.

7 26 PHARMACY. The bill requires a purchaser of a  
7 27 pseudoephedrine product from a pharmacy to sign an electronic  
7 28 logbook. Current law does not require a signature in an  
7 29 electronic logbook. The bill also provides that if the  
7 30 electronic logbook is unavailable, the pharmacy is required to  
7 31 keep an alternative record that complies with rules adopted by  
7 32 both the governor's office of drug control policy and the  
7 33 state board of pharmacy.

7 34 The bill requires a pharmacy, an employee of a pharmacy, or  
7 35 a licensed pharmacist, to enter a purchaser's name, address,



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8 1 date of purchase, time of purchase, name of pseudoephedrine  
8 2 product, and quantity sold into an electronic logbook. If the  
8 3 electronic logbook is unavailable for use, the bill requires  
8 4 the pharmacy to keep written records of the transaction  
8 5 including a signature.

8 6 The bill requires a pharmacy to keep electronic logbook  
8 7 records for a period of 24 months from the date of the last  
8 8 entry. Current law requires the pharmacy to keep the logbook  
8 9 12 months from the date of the last entry.

8 10 The bill provides that the office of governor's drug  
8 11 control policy shall implement and maintain a statewide  
8 12 real-time central repository to track pseudoephedrine product  
8 13 sales at pharmacies. The bill requires a pharmacy dispensing  
8 14 pseudoephedrine products to report all such sales  
8 15 electronically to the central repository under the control of  
8 16 the office of governor's drug control policy. If the pharmacy  
8 17 has written records, the records are also to be reported for  
8 18 entry into the repository. If the electronic logbook is  
8 19 unavailable for use, the bill requires the pharmacy to keep  
8 20 written records of the transaction including a signature.

8 21 The bill makes confidential the information collected in  
8 22 the central repository unless otherwise ordered by a court, or  
8 23 the records are released by the custodian of the records  
8 24 pursuant to state or federal law.

8 25 The bill provides that a pharmacy, an employee of a  
8 26 pharmacy, or a licensed pharmacist shall not be liable to any  
8 27 person for any claim which may arise when reporting in good  
8 28 faith pseudoephedrine sales to the central repository.

8 29 The bill also requires a pharmacy to comply with training  
8 30 requirements pursuant to federal law.

8 31 Under the bill, a pharmacy, an employee of a pharmacy, or a  
8 32 licensed pharmacist shall not be provided access to the stored  
8 33 information in the electronic central repository, except for  
8 34 the limited purpose of determining what sales have been made  
8 35 by the pharmacy.



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9 1 The governor's office of drug control policy and the board  
9 2 of pharmacy shall both adopt rules to implement the bill.

9 3 A person who discloses information stored in the central  
9 4 repository in violation of the bill commits a simple  
9 5 misdemeanor.

9 6 RETAILER. The bill requires a retailer or an employee of a  
9 7 retailer to print the name of the pseudoephedrine product  
9 8 purchased and the quantity sold next to the name of each  
9 9 purchaser in the logbook.

9 10 The bill requires the retailer to keep the logbook 24  
9 11 months from the date of the last entry. Current law requires  
9 12 the retailer to keep the logbook 12 months from the date of  
9 13 the last entry. The bill does not require a retailer to keep  
9 14 an electronic logbook of pseudoephedrine purchases.

9 15 The bill also requires a retailer to comply with training  
9 16 requirements pursuant to federal law.

9 17 ADVISORY COMMITTEE. The bill requires the office of drug  
9 18 control policy to establish a pseudoephedrine advisory  
9 19 committee to provide input and advise the office regarding the  
9 20 implementation and maintenance of the statewide real-time  
9 21 central repository. The advisory committee shall consist of  
9 22 four licensed pharmacists including a pharmacist from an  
9 23 independent pharmacy, a regional chain pharmacy, and a  
9 24 national chain pharmacy. The bill requires the office of drug  
9 25 control policy to solicit recommendations for membership on  
9 26 the council from the Iowa pharmacy association and Iowa retail  
9 27 federation.

9 28 The bill also provides that the council shall also consist  
9 29 of four members of the general assembly serving as ex officio,  
9 30 nonvoting members.

9 31 CONTINGENT APPLICABILITY. New Code sections 124.212A and  
9 32 124.212B created in the bill do not become applicable until  
9 33 sufficient funding is received and the central repository  
9 34 under the control of the office of drug control policy is  
9 35 established on a statewide basis. However, Code section



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10 1 124.212A, subsection 1, paragraph "h", in the bill, which  
10 2 requires a pharmacy to keep logbook records 24 months from the  
10 3 date of the last entry, is applicable upon the effective date  
10 4 of the bill.  
10 5 LSB 2046SS 83  
10 6 jm/rj/14.1



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**Senate File 105 - Introduced**

SENATE FILE  
BY SODDERS

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

**A BILL FOR**

- 1 An Act enhancing criminal penalties for certain offenses
- 2 committed against a child or person sixty-five years of age or
- 3 older.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1537XS 83
- 6 jm/rj/5



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1 1 Section 1. NEW SECTION. 902.15 ENHANCED PENALTY FOR  
1 2 FORCIBLE FELONY OFFENSES AGAINST A CHILD OR A PERSON  
1 3 SIXTY=FIVE YEARS OF AGE OR OLDER.

1 4 Notwithstanding the contrary provisions of section 902.9,  
1 5 the maximum sentence for a forcible felony as defined in  
1 6 section 702.11 shall be twice the maximum penalties specified  
1 7 for the felony offense in section 902.9, if the offense is  
1 8 committed against a child or a person sixty=five years of age  
1 9 or older.

1 10 Sec. 2. NEW SECTION. 903.7 ENHANCED PENALTY FOR CERTAIN  
1 11 VIOLENT CRIMINAL OFFENSES AGAINST A CHILD OR A PERSON  
1 12 SIXTY=FIVE YEARS OF AGE OR OLDER.

1 13 Notwithstanding the contrary provisions of section 903.1,  
1 14 the maximum sentence for a misdemeanor offense in chapters  
1 15 708, 709, 710, 712, and 726, shall be twice the maximum  
1 16 penalties specified for the misdemeanor offense in section  
1 17 903.1, if the offense is committed against a child or a person  
1 18 sixty=five years of age or older.

1 19 Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
1 20 3, shall not apply to this Act.

1 21 EXPLANATION

1 22 This bill enhances criminal penalties for certain offenses  
1 23 committed against a child or person 65 years of age or older.

1 24 Under the bill, "child" means a person under 14 years of  
1 25 age as defined in Code section 702.5.

1 26 The bill provides that the maximum sentence for a person  
1 27 who commits a forcible felony as defined in Code section  
1 28 702.11 shall be twice the maximum penalties specified for the  
1 29 felony offense in Code section 902.9, if the offense is  
1 30 committed against a child or person age 65 years of age or  
1 31 older. A person convicted of a forcible felony is not  
1 32 eligible to receive a deferred judgment, deferred sentence, or  
1 33 suspended sentence pursuant to Code section 907.3.

1 34 The bill also provides that the maximum sentence shall be  
1 35 twice the maximum penalties specified for the misdemeanor



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Senate File 105 - Introduced continued

2 1 offense in Code section 903.1, for a misdemeanor violation of  
2 2 Code chapter 708 (assault), 709 (sexual abuse), 710  
2 3 (kidnapping), 712 (arson), or 726 (protection of the family  
2 4 and dependent persons), if the offense is committed against a  
2 5 child or a person 65 years of age or older.  
2 6 The bill may include a state mandate as defined in Code  
2 7 section 25B.3. The bill makes inapplicable Code section  
2 8 25B.2, subsection 3, which would relieve a political  
2 9 subdivision from complying with a state mandate if funding for  
2 10 the cost of the state mandate is not provided or specified.  
2 11 Therefore, political subdivisions are required to comply with  
2 12 any state mandate included in the bill.  
2 13 LSB 1537XS 83  
2 14 jm/rj/5



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**Senate File 106 - Introduced**

SENATE FILE  
BY DANIELSON

(COMPANION TO HF 80 BY HUNTER)

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

**A BILL FOR**

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



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Senate File 106 - Introduced continued

PAG LIN

1 1 Section 1. Section 400.1, subsection 1, Code 2009, is  
1 2 amended to read as follows:

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

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

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

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

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

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



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Senate File 106 — Introduced continued

~~2 1 provided in section 362.5.~~

2 2 b. Have an interest, direct or indirect, in any contract  
2 3 or job of work or material or the profits thereof or services  
2 4 to be furnished or performed for the city.

2 5 3. A contract entered into in violation of subsection 2 is  
2 6 void.

2 7 4. A violation of ~~this conflict of interest provision the~~  
2 8 provisions contained in subsection 2 is a simple misdemeanor.

2 9 Sec. 3. Section 400.9, subsections 2 and 4, Code 2009, are  
2 10 amended to read as follows:

2 11 2. The commission shall establish guidelines for  
2 12 conducting the examinations under subsection 1. It may prepare  
2 13 and administer the examinations or may hire persons with  
2 14 expertise to do so if the commission approves the examinations  
2 15 and if the examinations apply to the position in the city for  
2 16 which the applicant is taking the examination. It may also  
2 17 hire persons with expertise to consult in the preparation of  
2 18 such examinations if the persons so hired are employed to aid  
2 19 personnel of the commission in assuring that a fair  
2 20 examination is conducted. A fair examination shall explore the  
2 21 competence of the applicant in the particular field of  
2 22 examination. The names of persons approved to administer any  
2 23 examination under this section shall be posted in the city  
2 24 hall at least twenty-four hours prior to the examination.

2 25 4. If there is a certified list of qualified candidates  
2 26 for a promotional appointment, the following procedures shall  
2 27 be followed:

2 28 a. A publication stating that interviews are being  
2 29 scheduled to make a new certified list to fill a vacancy in a  
2 30 civil service promotional grade classification shall be posted  
2 31 for at least five working days before the closing date for the  
2 32 interviews in the same locations where examination notices are  
2 33 posted.

2 34 b. An employee who wishes to voluntarily demote or to  
2 35 laterally transfer into a vacancy and has previously been or



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Senate File 106 - Introduced continued

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

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

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

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

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

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



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

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

4 12 400.18 REMOVAL, DEMOTION, OR SUSPENSION.

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

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

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

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

4 29 400.20 APPEAL.

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

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



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5 1 400.21 NOTICE OF APPEAL.

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

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

5 11 400.26 PUBLIC TRIAL.

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

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

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

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

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



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

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

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

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

6 21 EXPLANATION

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

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

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



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

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

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

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



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



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**Senate File 107 - Introduced**

SENATE FILE  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO SSB 1047)

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

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

**A BILL FOR**

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



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Senate File 107 - Introduced continued

PAG LIN

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

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

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

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

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

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

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

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

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

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

1 33 EXPLANATION

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



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Senate File 107 - Introduced continued

2 1 specifically advocates either the election or defeat of a  
2 2 clearly identified candidate, or the passage or defeat of a  
2 3 clearly identified ballot issue.  
2 4 This bill adds a third type of express advocacy. This new  
2 5 definition of express advocacy is met if all of the following  
2 6 six specified criteria apply to the communication:  
2 7 1. The communication is disseminated by radio, television,  
2 8 or print.  
2 9 2. The communication refers to a clearly identified  
2 10 candidate for the general assembly or statewide office.  
2 11 3. The communication is made within a period of 45 days  
2 12 before a primary election, special election, or a general  
2 13 election in which the clearly identified candidate is on the  
2 14 ballot.  
2 15 4. The communication costs \$750 or more to produce and  
2 16 distribute.  
2 17 5. The communication does not appear in a news story,  
2 18 commentary, or editorial distributed through a media  
2 19 organization, unless such organization is owned or controlled  
2 20 by a political party, political committee, or candidate.  
2 21 6. The communication does not constitute a candidate  
2 22 debate or forum conducted pursuant to rules adopted by the  
2 23 board, or that solely promotes such a debate or forum and is  
2 24 made by or on behalf of the person sponsoring the debate or  
2 25 forum.  
2 26 The bill also adds some detail to the current rulemaking  
2 27 authority of the ethics and campaign disclosure board.  
2 28 LSB 1234SV 83  
2 29 jr/rj/8



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**Senate File 108 - Introduced**

SENATE FILE  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 19)

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

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

**A BILL FOR**

- 1 An Act relating to the membership of the public safety
- 2 communications interoperability board and providing an
- 3 effective and applicability date provision.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 1560SV 83
- 6 jp/rj/8



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Senate File 108 - 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 and the other member shall be a paid fire fighter.

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

1 15 (5) One at-large member.

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

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

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

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



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~~Senate File 108 — 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 and the other a  
2 34 paid fire fighter.

2 35 The bill also adds four legislators to serve in an ex



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3 1 officio, nonvoting capacity. The legislators are appointed by  
3 2 legislators to serve two-year terms coinciding with the  
3 3 legislative biennium.  
3 4 The bill takes effect upon enactment and initially applies  
3 5 to appointments made on or after April 1, 2009.  
3 6 LSB 1560SV 83  
3 7 jp/rj/8



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**Senate File 109 - Introduced**

SENATE FILE  
BY COMMITTEE ON VETERANS AFFAIRS

(SUCCESSOR TO SSB 1039)

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

**A BILL FOR**

- 1 An Act waiving employer charges for unemployment claims stemming
- 2 from temporary workers who have replaced active duty military
- 3 employees.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 1585SV 83
- 6 ak/rj/14



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PAG LIN

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

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

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

1 17 EXPLANATION

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

1 29 LSB 1585SV 83

1 30 ak/rj/14



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**Senate File 110 - Introduced**

SENATE FILE  
BY WARNSTADT, COURTNEY, FRAISE,  
WIECK, and GRONSTAL

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

**A BILL FOR**

1 An Act relating to withholding agreements and local match  
2 requirements of the targeted jobs withholding tax credit  
3 program.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1481XS 83  
6 tw/sc:mg/8



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Senate File 110 - Introduced continued

PAG LIN

1 1 Section 1. Section 403.19A, subsection 3, paragraph c,  
1 2 Code 2009, is amended to read as follows:

1 3 c. ~~(1)~~ The pilot project city shall enter into a  
1 4 withholding agreement with each employer concerning the  
1 5 targeted jobs withholding credit. The withholding agreement  
1 6 shall provide for the total amount of withholding tax credits

1 7 awarded. An agreement shall not provide for an amount of  
1 8 withholding credits that exceeds the amount of the qualifying  
1 9 investment made in the project. ~~However, an~~ An agreement

1 10 shall not be entered into by a pilot project city with a  
1 11 business currently located in this state unless the business  
1 12 either creates ten new jobs or makes a qualifying investment  
1 13 of at least five hundred thousand dollars within the urban  
1 14 renewal area. The withholding agreement may have a term of up  
1 15 to ten years. An employer shall not be obligated to enter  
1 16 into a withholding agreement.

1 17 ~~(2) The pilot project city shall not enter into a~~  
1 18 ~~withholding agreement after June 30, 2010.~~

1 19 Sec. 2. Section 403.19A, subsection 3, paragraph j, Code  
1 20 2009, is amended by striking the paragraph and inserting in  
1 21 lieu thereof the following:

1 22 j. (1) A pilot project city entering into a withholding  
1 23 agreement shall arrange for matching local financial support  
1 24 for the project. The local match required under this  
1 25 paragraph "j" shall be in an amount equal to one dollar for  
1 26 every dollar of withholding credit received by the pilot  
1 27 project city.

1 28 (2) For purposes of this paragraph "j", "local financial  
1 29 support" means cash or in-kind contributions to the project  
1 30 from a private donor, a business, or the pilot project city.

1 31 (3) If the project, when completed, will increase the  
1 32 amount of property tax revenues collected by the pilot project  
1 33 city by an amount equal to at least ten percent of the amount  
1 34 of withholding credit dollars received by the pilot project  
1 35 city, then the pilot project city shall itself contribute at



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Senate File 110 - Introduced continued

2 1 least ten percent of the local match amount computed under  
2 2 subparagraph (1).  
2 3 (4) If the project, when completed, will not increase the  
2 4 amount of property tax revenues collected by an amount at  
2 5 least equal to ten percent of the amount of withholding credit  
2 6 dollars received by the pilot project city, then the pilot  
2 7 project city shall not be required to make a contribution to  
2 8 the local match.

2 9 (5) A pilot project city's contribution, if any, to the  
2 10 local match may include the dollar value of any tax abatement  
2 11 provided by the city to the business for new construction.

2 12 EXPLANATION

2 13 This bill relates to the targeted jobs withholding tax  
2 14 credit program.

2 15 The bill provides that a withholding agreement shall  
2 16 include the total amount of withholding tax credits awarded  
2 17 and that the amount of credits shall not exceed the amount of  
2 18 the qualifying investment made in the project.

2 19 Current law provides that a pilot project city shall not  
2 20 enter into agreements after June 30, 2010. The bill  
2 21 eliminates this provision.

2 22 The bill amends and clarifies the local match requirements  
2 23 of the program. The bill provides that if the completed  
2 24 project will increase the amount of property tax revenues  
2 25 collected by the pilot project city by 10 percent or more of  
2 26 the amount of withholding credit dollars received, then the  
2 27 pilot project city must contribute at least 10 percent of the  
2 28 local match requirement. However, if the completed project  
2 29 will not increase the amount of property tax revenues  
2 30 collected by an amount at least equal to 10 percent of the  
2 31 amount of withholding credit dollars received by the city,  
2 32 then the city is not required to make a contribution to the  
2 33 local match.

2 34 The bill specifies that a pilot project city's  
2 35 contribution, if any, to the local match may include the



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3 1 dollar value of any tax abatement provided by the city to the  
3 2 business for new construction.  
3 3 LSB 1481XS 83  
3 4 tw/sc:mg/8.1



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**Senate File 111 - Introduced**

SENATE FILE

BY ZAUN, JOHNSON, REYNOLDS,  
HAMERLINCK, KAPUCIAN,  
HAHN, HOUSER, MCKINLEY,  
BEHN, NOBLE, BOETTGER,  
WARD, HARTSUCH, WIECK,  
and SEYMOUR

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

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

**A BILL FOR**

1 An Act requiring the adoption of internet filter policies by  
2 public libraries that receive state funds.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 2062XS 83  
5 kh/nh/5



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Senate File 111 - Introduced continued

PAG LIN

1 1 Section 1. Section 256.51, subsection 1, Code 2009, is  
1 2 amended by adding the following new paragraph:  
1 3 NEW PARAGRAPH. k. Require each public library that  
1 4 receives state funds to adopt an internet filter policy  
1 5 designed to eliminate access to pornography on the public  
1 6 library's computer equipment.

1 7 EXPLANATION

1 8 This bill requires the division of libraries and  
1 9 information services established within the department of  
1 10 education to require each public library that receives state  
1 11 funds to adopt an internet filter policy designed to eliminate  
1 12 access to pornography on the public library's computer  
1 13 equipment.

1 14 Public libraries in Iowa can receive state funds under the  
1 15 enrich Iowa program, which provides direct state assistance to  
1 16 public libraries based on performance measures adopted by the  
1 17 commission of libraries and to reimburse libraries for lending  
1 18 materials to nonresidents and other libraries.

1 19 LSB 2062XS 83

1 20 kh/nh/5



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Senate File 112 - Introduced

SENATE FILE

BY JOHNSON, REYNOLDS, KAPUCIAN, WARD,  
 BARTZ, HARTSUCH, KETTERING,  
 MCKINLEY, NOBLE, BOETTGER,  
 FEENSTRA, HAHN, WIECK, SEYMOUR,  
 HAMERLINCK, ZAUN, HOUSER, BEHN,  
 BEALL, RAGAN, KREIMAN, HOGG,  
 DOTZLER, HECKROTH, DVORSKY,  
 WARNSTADT, HORN, WILHELM, SENG,  
 HANCOCK, OLIVE, HATCH, DEARDEN,  
 FRAISE, APPEL, COURTNEY, GRONSTAL,  
 KIBBIE, BLACK, McCOY, DANDEKAR,  
 JOCHUM, STEWART, SODDERS,  
 DANIELSON, SCHOENJAHN, RIELLY,  
 and BOLKCOM

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

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

A BILL FOR

1 An Act providing for presentation of flags flown at half=staff  
 2 over the state capitol in recognition of the death of a member  
 3 of the armed forces of the United States while serving on  
 4 active duty.  
 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
 6 TL5B 1517SS 83  
 7 jp/nh/5



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Senate File 112 - Introduced continued

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1 1 Section 1. NEW SECTION. 35A.18 PRESENTATION OF FLAGS.  
1 2 1. For the purposes of this section, unless the context  
1 3 otherwise requires, "member of the armed forces of the United  
1 4 States" means a person who was a resident of this state and a  
1 5 member of the national guard, reserve, or regular component of  
1 6 the armed forces of the United States at the time of the  
1 7 person's death.

1 8 2. If the governor issues a proclamation for the national  
1 9 and state flags to be flown at half=staff in recognition of  
1 10 the death of a member of the armed forces of the United States  
1 11 while serving on active duty, the office of the governor shall  
1 12 present the flags that were flown over the state capitol to  
1 13 the member's surviving spouse. If the member does not have a  
1 14 surviving spouse, the two flags shall be presented to another  
1 15 individual who is part of the member's immediate family. The  
1 16 cost of the flags is the responsibility of the department.

1 17 EXPLANATION

1 18 This bill provides for presentation of the national and  
1 19 Iowa flags flown at half=staff over the state capitol in  
1 20 recognition of the death of a member of the armed forces of  
1 21 the United Services while serving on active duty. The flags  
1 22 must have been flown pursuant to a proclamation issued by the  
1 23 governor. The flags are required to be presented by the  
1 24 office of the governor to the member's surviving spouse. If  
1 25 the member does not have a surviving spouse, the two flags are  
1 26 to be presented to another individual who is part of the  
1 27 member's immediate family.

1 28 The department of veterans affairs is responsible for the  
1 29 cost of the flags.

1 30 LSB 1517SS 83

1 31 jp/nh/5.1



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Senate Study Bill 1157

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
NATURAL RESOURCES BILL  
BY CHAIRPERSON DEARDEN)

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

A BILL FOR

1 An Act relating to regulation of certain conservation and  
2 recreation activities under the jurisdiction of the department  
3 of natural resources, modifying fees, and making penalties  
4 applicable.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 2094SC 83  
7 av/sc/8



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Senate Study Bill 1157 continued

PAG LIN

1 1 Section 1. Section 321G.2, subsection 1, paragraph e, Code  
1 2 2009, is amended to read as follows:

1 3 e. Establishment of a program of grants, subgrants, and  
1 4 contracts to be administered by the department for the  
1 5 development ~~and delivery of certified courses of instruction~~  
~~1 6 for the safe use and operation of snowmobiles, maintenance,~~  
1 7 and operation of designated snowmobile trails and grooming  
1 8 equipment by political subdivisions and incorporated private  
1 9 organizations.

1 10 Sec. 2. Section 321G.2, subsection 1, Code 2009, is  
1 11 amended by adding the following new paragraphs:

1 12 NEW PARAGRAPH. i. Establishment of a certified education  
1 13 course for the operation of snowmobile grooming equipment.

1 14 NEW PARAGRAPH. j. Establishment of a certified education  
1 15 course for the safe use and operation of snowmobiles.

1 16 NEW PARAGRAPH. k. Certification of volunteer snowmobile  
1 17 education instructors.

1 18 Sec. 3. Section 321G.11, subsection 1, Code 2009, is  
1 19 amended by striking the subsection and inserting in lieu  
1 20 thereof the following:

1 21 1. The exhaust of every internal combustion engine used in  
1 22 any snowmobile shall be effectively muffled by equipment  
1 23 constructed and used to muffle all snowmobile noise in a  
1 24 reasonable manner in accordance with rules adopted by the  
1 25 commission.

1 26 Sec. 4. Section 321G.21, subsection 9, Code 2009, is  
1 27 amended to read as follows:

1 28 9. The ~~department~~ commission may adopt rules consistent  
1 29 with this chapter establishing minimum requirements for  
1 30 dealers. In adopting such rules, the ~~department~~ commission  
1 31 shall consider the need to protect persons, property, and the  
1 32 environment and to promote uniformity of practices relating to  
1 33 the sale and use of snowmobiles. The commission may also  
1 34 adopt rules providing for the suspension or revocation of a  
1 35 dealer's special registration certificate issued pursuant to



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2 1 this section.

2 2 Sec. 5. Section 321G.24, subsection 3, Code 2009, is  
2 3 amended to read as follows:

2 4 3. Any person who is required to have a safety certificate  
2 5 under this chapter and who has completed a course of  
2 6 instruction established under section 321G.2, subsection 1,  
2 7 paragraph "e" "j", including the successful passage of an  
2 8 examination which includes a written test relating to such  
2 9 course of instruction, shall be considered qualified to ~~apply~~  
~~2 10 for receive~~ a safety certificate. ~~The commission may waive~~  
~~2 11 the requirement of completing such course of instruction if~~  
~~2 12 such person successfully passes a written test based on such~~  
~~2 13 course of instruction.~~

2 14 Sec. 6. Section 321I.1, subsection 1, paragraph c, Code  
2 15 2009, is amended by striking the paragraph.

2 16 Sec. 7. Section 321I.1, subsection 16, Code 2009, is  
2 17 amended to read as follows:

2 18 16. a. "Off-road utility vehicle" means a motorized  
2 19 flotation-tire vehicle with not less than four and not more  
2 20 than ~~six~~ eight low-pressure tires that is limited in engine  
2 21 displacement to less than one thousand five hundred cubic  
2 22 centimeters and in total dry weight to not more than one  
2 23 thousand eight hundred pounds and that has a seat that is of  
2 24 bucket or bench design, not intended to be straddled by the  
2 25 operator, and a steering wheel or control levers for control.

2 26 b. An owner of an off-road utility vehicle may register or  
2 27 title an off-road utility vehicle in order to legally operate  
2 28 the off-road vehicle on public ice, a designated riding area,  
2 29 or a designated riding trail. The operator of an off-road  
2 30 utility vehicle is subject to provisions governing the  
2 31 operation of all-terrain vehicles in section 321.234A and this  
2 32 chapter, but is exempt from the safety instruction and  
2 33 certification program requirements of sections 321I.25 and  
2 34 321I.26. An operator of an off-road utility vehicle shall not  
2 35 operate the vehicle on a designated riding area or designated



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3 1 riding trail unless the department has posted signage  
3 2 indicating the riding area or trail is open to the operation  
3 3 of off=road utility vehicles. Off=road utility vehicles are  
3 4 exempt from the dealer registration and titling requirements  
3 5 of this chapter. A motorized vehicle that was previously  
3 6 titled or is currently titled under chapter 321 shall not be  
3 7 registered or operated as an off=road utility vehicle.  
3 8 Sec. 8. Section 321I.2, subsection 1, paragraph e, Code  
3 9 2009, is amended to read as follows:  
3 10 e. Establishment of a program of grants, subgrants, and  
3 11 contracts to be administered by the department for the  
3 12 development ~~and delivery of certified courses of instruction~~  
~~3 13 for the safe use and operation of all=terrain vehicles,~~  
3 14 maintenance, and operation of designated all=terrain vehicle  
3 15 riding areas and trails by political subdivisions and  
3 16 incorporated private organizations.  
3 17 Sec. 9. Section 321I.2, subsection 1, paragraph i, Code  
3 18 2009, is amended by striking the paragraph and inserting in  
3 19 lieu thereof the following:  
3 20 i. Establishment of a certified education course for the  
3 21 safe use and operation of all=terrain vehicles.  
3 22 Sec. 10. Section 321I.2, subsection 1, Code 2009, is  
3 23 amended by adding the following new paragraph:  
3 24 NEW PARAGRAPH. j. Certification of volunteer all=terrain  
3 25 vehicle education instructors.  
3 26 Sec. 11. Section 321I.22, subsection 9, Code 2009, is  
3 27 amended to read as follows:  
3 28 9. The ~~department~~ commission may adopt rules consistent  
3 29 with this chapter establishing minimum requirements for  
3 30 dealers. In adopting such rules, the department shall  
3 31 consider the need to protect persons, property, and the  
3 32 environment and to promote uniformity of practices relating to  
3 33 the sale and use of all=terrain vehicles. The commission may  
3 34 also adopt rules providing for the suspension or revocation of  
3 35 a dealer's special registration certificate issued pursuant to



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4 1 this section.

4 2 Sec. 12. Section 321I.26, subsection 3, Code 2009, is  
4 3 amended to read as follows:

4 4 3. Any person who is required to have a safety certificate  
4 5 under this chapter and who has completed a course of  
4 6 instruction established under section 321I.2, subsection 1,  
4 7 paragraph "e" "i", including the successful passage of an  
4 8 examination which includes either a written test relating to  
4 9 such course of instruction or the demonstration of adequate  
4 10 riding skills, shall be considered qualified to ~~apply for~~

4 11 receive a safety certificate. ~~The commission may waive the~~  
4 12 ~~requirement of completing such course of instruction if such~~  
4 13 ~~person successfully passes a written test based on such course~~  
4 14 ~~of instruction.~~

4 15 Sec. 13. Section 481A.122, Code 2009, is amended by adding  
4 16 the following new subsection:

4 17 NEW SUBSECTION. 3. This section is not applicable to a  
4 18 person who is legally hunting with a raptor.

4 19 Sec. 14. Section 481A.130, subsection 1, paragraphs d and  
4 20 e, Code 2009, are amended to read as follows:

4 21 d. For each ~~fish~~, reptile, mussel, or amphibian, fifteen  
4 22 dollars.

4 23 e. For each beaver, bobcat, mink, otter, red fox, gray  
4 24 fox, or raccoon, two hundred dollars.

4 25 Sec. 15. Section 481A.130, subsection 1, Code 2009, is  
4 26 amended by adding the following new paragraph:

4 27 NEW PARAGRAPH. i. For each fish, reimbursement shall be  
4 28 as follows:

4 29 (1) For each fish of a species other than shovelnose  
4 30 sturgeon, with an established daily limit greater than  
4 31 twenty=five, fifteen dollars.

4 32 (2) For each fish of a species other than paddlefish and  
4 33 muskellunge, with an established daily limit of twenty=five or  
4 34 less, fifty dollars.

4 35 (3) For each shovelnose sturgeon, paddlefish, and



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5 1 muskellunge, one thousand dollars.  
5 2 Sec. 16. Section 481A.130, Code 2009, is amended by adding  
5 3 the following new subsection:  
5 4 NEW SUBSECTION. 4. This section does not apply to a  
5 5 person who is liable to pay restitution to the department  
5 6 pursuant to section 481A.151 for injury to a wild animal  
5 7 caused by polluting a water of this state in violation of  
5 8 state law.  
5 9 Sec. 17. Section 482.1, Code 2009, is amended to read as  
5 10 follows:  
5 11 482.1 AUTHORITY OF THE COMMISSION.  
5 12 1. The natural resource commission shall observe,  
5 13 administer, and enforce this chapter. The natural resource  
5 14 commission may adopt and enforce rules under chapter 17A as  
5 15 necessary to carry out this chapter.  
5 16 2. The natural resource commission may:  
5 17 ~~1-~~ a. Remove or cause to be removed from the waters of the  
5 18 state any aquatic species that in the judgment of the  
5 19 commission is an underused renewable resource or has a  
5 20 detrimental effect on other aquatic populations. All proceeds  
5 21 from a sale of these aquatic organisms shall be credited to  
5 22 the state fish and game protection fund.  
5 23 ~~2-~~ b. Issue to any person a permit or license authorizing  
5 24 that person to take, possess, and sell underused, undesirable,  
5 25 or injurious aquatic organisms from the waters of the state.  
5 26 The person receiving a permit or license shall comply with the  
5 27 applicable provisions of this chapter.  
5 28 ~~3-~~ c. Authorize the director to enter into written  
5 29 contracts for the removal of underused, undesirable, or  
5 30 injurious organisms from the waters of the state. The  
5 31 contracts shall specify all terms and conditions desired.  
5 32 Sections 482.4, 482.6, and 482.14 do not apply to these  
5 33 contracts.  
5 34 ~~4-~~ d. Prohibit, restrict, or regulate commercial fishing,  
5 35 commercial turtle fishing, and commercial mussel bait fishing



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6 1 in any waters of the state.

6 2 ~~5. e.~~ Revoke the license of a licensee ~~and the licensee's~~  
~~6 3 designated operators~~ for up to one year if the licensee ~~or any~~  
~~6 4 designated operator~~ has been convicted of a violation of  
6 5 chapter 481A, 482, or 483A. A licensee shall not continue  
6 6 commercial fishing while a license issued by the natural  
6 7 resource commission is under revocation or suspension.

6 8 ~~6. f.~~ Regulate the numbers of commercial fishers, ~~and~~  
6 9 ~~commercial turtle fishers, and commercial mussel fishers~~ and  
6 10 the amount, type, seasonal use, mesh size, construction and  
6 11 design, manner of use, and other criteria relating to the use  
6 12 of commercial gear for any body of water or part thereof.

6 13 ~~7. g.~~ Establish catch quotas, seasons, size limits, and  
6 14 other regulations for any species of commercial fish, or  
6 15 ~~turtles, or mussels~~ for any body of water or part thereof.

6 16 ~~8. h.~~ Designate by listing species as commercial fish, or  
6 17 ~~turtles, or mussels.~~

6 18 ~~9. i.~~ Designate any body of water or its part as protected  
6 19 habitat and restrict, prohibit, or otherwise regulate the  
6 20 taking of commercial fish, and turtles, ~~and mussels~~ in  
6 21 protected habitat areas.

6 22 3. Employees of the ~~commission~~ department may lift and  
6 23 inspect any commercial gear at any time when being used and  
6 24 may inspect commercial catches, commercial markets, and  
6 25 landings, and examine ~~catch~~ sale and purchase records of  
6 26 commercial fishers, commercial turtle fishers, ~~and~~ commercial  
6 27 ~~mussel fishers~~ roe harvesters, commercial fish buyers,  
6 28 commercial turtle buyers, and commercial roe buyers upon  
6 29 demand.

6 30 4. ~~Officers~~ Employees of the ~~commission~~ department may  
6 31 seize and retain as evidence any illegal fish, or turtles, ~~or~~  
~~6 32 mussels,~~ or any illegal commercial gear, or any other personal  
6 33 property used in violation of any provision of the Code, and  
6 34 may confiscate any untagged or illegal commercial gear as  
6 35 contraband.



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7 1 Sec. 18. Section 482.2, Code 2009, is amended to read as  
7 2 follows:

7 3 482.2 DEFINITIONS.

7 4 As used in this chapter, unless the context otherwise  
7 5 requires:

7 6 1. "Boundary waters" means the waters of the Mississippi,  
7 7 Missouri, and Big Sioux rivers.

7 8 2. "Commercial fish buyer" means a person who is licensed  
7 9 by the state to engage in the business of buying, selling,  
7 10 bartering, or trading fish, roe or roe species, or fish parts  
7 11 from a commercial fisher.

7 12 3. "Commercial fish helper" means a person who is licensed  
7 13 by the state to assist a commercial fisher in operating  
7 14 commercial gear or in taking, attempting to take, possessing,  
7 15 processing, or transporting commercial fish or turtles.

7 16 ~~2.~~ 4. "Commercial fisher" means a person who is licensed  
7 17 by the state to take and sell fish from waters of the state,  
7 18 attempt to take, possess, process, transport, sell, barter, or  
7 19 trade commercial fish, roe or roe species, or fish parts, or  
7 20 turtles, turtle eggs, or turtle parts.

7 21 ~~3.~~ 5. "Commercial fishing" means taking, attempting to  
7 22 take, possessing, processing, or transporting of commercial  
7 23 fish or turtles for the purpose of selling, bartering,  
7 24 exchanging trading, offering, or exposing for sale.

7 25 4. 6. "Commercial gear" means the capturing equipment  
7 26 used by commercial fishers, and commercial turtle fishers,  
7 27 ~~and commercial mussel fishers.~~

7 28 ~~5.~~ "Commercial mussel fisher" means a person who is  
7 29 ~~licensed to take and sell freshwater mussels from waters of~~  
7 30 ~~the state. A resident commercial mussel license holder must~~  
7 31 ~~have resided in this state for one year preceding the person's~~  
7 32 ~~application for a commercial mussel fishing license.~~

7 33 6. "Commercial mussel fishing" means taking, attempting to  
7 34 ~~take, or transporting of freshwater mussels for the purpose of~~  
7 35 ~~selling, bartering, exchanging, offering, or exposing for~~



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~~8 1 sale.~~

8 2 7. "Commercial roe buyer" means a person who is licensed  
8 3 by the state to engage in the business of buying, selling,  
8 4 bartering, or trading of roe and roe species.

8 5 8. "Commercial roe harvester" means a person who is  
8 6 licensed by the state to engage in the harvest and sale,  
8 7 barter, or trade of roe and roe species.

8 8 ~~7.~~ 9. "Commercial species" means species of fish, and  
8 9 turtles, and freshwater mussels which may be lawfully taken  
8 10 and sold by commercial fishers, and commercial turtle fishers,  
8 11 and commercial mussel fishers, as established by rule by the  
8 12 commission.

8 13 10. "Commercial turtle buyer" means a person who is  
8 14 licensed by the state to engage in the business of buying,  
8 15 selling, bartering, or trading commercial turtles, turtle  
8 16 eggs, or turtle parts.

8 17 ~~8.~~ 11. "Commercial turtle fisher" means a person who is  
8 18 licensed by the state to take, attempt to take, possess,  
8 19 process, transport, and sell, barter, or trade commercial  
8 20 turtles from the waters of the state, turtle eggs, or turtle  
8 21 parts.

8 22 ~~9.~~ 12. "Commercial turtle fishing" means taking,  
8 23 attempting to take, possessing, processing, or transporting of  
8 24 commercial turtles, turtle eggs, or turtle parts for the  
8 25 purpose of selling, bartering, ~~exchanging~~ trading, offering,  
8 26 or exposing for sale.

8 27 13. "Commercial turtle helper" means a person who is  
8 28 licensed by the state to assist a commercial turtle fisher in  
8 29 operating commercial gear, or in taking, attempting to take,  
8 30 possessing, processing, or transporting commercial turtles,  
8 31 turtle eggs, or turtle parts.

8 32 ~~10.~~ 14. "Constant attendance" means the presence of a  
8 33 commercial fisher or a designated operator whenever commercial  
8 34 gear is in use.

8 35 ~~11.~~ 15. "Director" means the director of the department



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9 1 of natural resources, and the director's duly authorized  
9 2 assistants, deputies, or agents.  
9 3 ~~12.~~ 16. "Game fish" means all species and size categories  
9 4 of fish not included as "commercial species" or minnows.  
9 5 ~~13.~~ 17. "Inland waters of the state" means all public  
9 6 waters of the state excluding the boundary waters of the  
9 7 Mississippi, Big Sioux, and Missouri rivers.  
9 8 ~~14.~~ 18. "Licensed commercial gear" means any commercial  
9 9 gear that is licensed as provided in this chapter and that,  
9 10 when in use, has ~~attached~~ the proper tags attached as provided  
9 11 by this chapter.  
9 12 ~~15.~~ 19. "Nonresident or alien" means a person who does  
9 13 not qualify as a resident of the state of Iowa either because  
9 14 of a bona fide residence in another state or because of  
9 15 citizenship of a country other than the United States.  
9 16 However, "alien" does not include a person who has applied for  
9 17 naturalization papers.  
9 18 ~~16.~~ 20. "Resident" means a person who is legally subject  
9 19 to motor vehicle registration and driver's license laws of  
9 20 this state, or who is qualified to vote in an election of this  
9 21 state.  
9 22 21. "Roe" means fish eggs.  
9 23 22. "Roe species" means fish harvested for their eggs.  
9 24 Roe species include but are not limited to shovelnose sturgeon  
9 25 and bowfin and any other fish defined as roe species by the  
9 26 commission by rule.  
9 27 ~~17.~~ 23. "Waters of the state" means all of the waters  
9 28 under the jurisdiction of the state.  
9 29 Sec. 19. Section 482.4, Code 2009, is amended to read as  
9 30 follows:  
9 31 482.4 COMMERCIAL LICENSES AND GEAR TAGS.  
9 32 1. A person shall not use or operate commercial gear  
9 33 unless at least one individual at the site where the  
9 34 commercial gear is being operated possesses an appropriate  
9 35 valid commercial license, ~~or a designated operator's license.~~



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10 1 A commercial license is valid from the date of issue to  
10 2 January 10 of the succeeding calendar year.

10 3 2. ~~A commercial fisher may designate a person as a~~  
~~10 4 designated operator to lift and to fish with any licensed~~  
~~10 5 commercial fishing gear owned by the commercial fisher. A~~  
~~10 6 commercial fisher shall not have more than five designated~~  
~~10 7 operators. A designated operator's license shall be assigned~~  
~~10 8 to not more than three operators during a year and a~~  
~~10 9 designated operator's license shall be valid for use only by~~  
~~10 10 an operator who possesses the license and has signed the~~  
~~10 11 license. The signature of any preceding designated operator~~  
~~10 12 who possessed the license shall be crossed out. A designated~~  
~~10 13 operator shall not lift or fish any commercial fishing gear~~  
~~10 14 without possessing a designated operator's license which is~~  
~~10 15 signed by the operator. A designated operator's license which~~  
~~10 16 is not signed by the operator in possession of the license is~~  
~~10 17 forfeited to the state. Only residents of those states that~~  
10 18 allow Iowa residents to purchase a nonresident commercial  
10 19 fishing license are eligible to purchase a nonresident  
10 20 commercial fishing license in this state.

10 21 3. ~~A boundary water annual sport trotline license permits~~  
~~10 22 the licensee to use a maximum of four trotlines with two~~  
~~10 23 hundred hooks in the aggregate. All boundary water sport~~  
~~10 24 trotlines shall be tagged with the name and address of the~~  
~~10 25 licensee on a metal tag affixed above the waterline. A~~  
10 26 commercial fisher who harvests shovelnose sturgeon and bowfin  
10 27 species shall possess a valid commercial fishing license and a  
10 28 valid commercial roe harvester license.

10 29 4. A commercial roe harvester shall submit monthly harvest  
10 30 reports to the department during the harvest season. A  
10 31 commercial roe harvester shall sell roe only to a commercial  
10 32 roe buyer. A commercial roe harvester shall not possess roe  
10 33 more than five days after the conclusion of the harvest season  
10 34 without possessing a commercial roe buyer's license.

10 35 5. A commercial roe buyer shall submit a monthly roe



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11 1 purchase report to the department.

11 2 ~~4.~~ 6. Commercial fishers and commercial turtle fishers  
 11 3 shall purchase gear tags from the commission to be affixed to  
 11 4 each piece of gear in use. Notwithstanding the fee rates for  
 11 5 gear tags ~~of~~ under subsection ~~7~~ 9, the minimum fee for a gear  
 11 6 tag is five dollars. All tags are valid for ten years from  
 11 7 the date of issue. In addition to the gear tags, all gear  
 11 8 shall be tagged with a ~~metal~~ weather-resistant tag showing the  
 11 9 name and address of the licensee and whether the gear is fish  
 11 10 or turtle gear.

11 11 ~~5.~~ 7. All numbered fish gear tags are interchangeable  
 11 12 among the different types of commercial fishing gear.

11 13 ~~6.~~ 8. Annual license fees are as follows:

11 14	a.	Commercial fish buyer, resident	\$ 200.00
11 15	b.	Commercial fish buyer, nonresident	\$ 400.00
11 16	<del>a.</del> <u>c.</u>	Commercial <del>fishing</del> fisher, resident	\$ 200.00
11 17	<del>b.</del> <u>d.</u>	Commercial <del>fishing</del> fisher, nonresident	\$ 400.00
11 18	<del>e.</del> <u>e.</u>	<del>Designated operator</del> Commercial fish 11 19 helper, resident	\$ 50.00
11 20	<del>d.</del> <u>f.</u>	<del>Designated operator</del> Commercial fish 11 21 helper, nonresident	\$ 100.00
11 22	g.	Commercial roe buyer, resident	\$ 250.00
11 23	h.	Commercial roe buyer, nonresident	\$ 500.00
11 24	i.	Commercial roe harvester, resident	\$ 50.00
11 25	j.	Commercial roe harvester, nonresident	\$3,500.00
11 26	k.	Commercial turtle buyer, resident	\$ 200.00
11 27	l.	Commercial turtle buyer, nonresident	\$ 400.00
11 28	<del>e.</del> <u>m.</u>	Commercial turtle <u>fisher</u> , resident	\$ <del>50.00</del> 100.00
11 29			100.00
11 30	<del>f.</del> <u>n.</u>	Commercial turtle <u>fisher</u> , nonresident	\$ <del>100.00</del> 400.00
11 31			400.00
11 32	<del>g.</del> <u>o.</u>	Commercial <del>mussel fisher</del> <u>turtle helper</u> ,	
11 33		resident	\$ 100.00
11 34			50.00
11 35	<del>h.</del> <u>p.</u>	Commercial <del>mussel buyer</del> , resident	\$1,000.00



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12	1	<u>turtle helper, nonresident</u>	<u>100.00</u>
12	2	<del>i. Commercial mussel buyer, nonresident</del>	<del>\$5,000.00</del>
12	3	<del>j. Boundary water sport trotline, resident</del>	<del>\$ 10.00</del>
12	4	<del>k. Boundary water sport trotline, nonresident</del>	<del>\$ 20.00</del>
12	5	<del>l. Commercial mussel fisher, nonresident</del>	<del>\$2,500.00</del>
12	6	<del>m. Commercial mussel helper, resident</del>	<del>\$ 50.00</del>
12	7	<del>n. Commercial mussel helper, nonresident</del>	<del>\$ 200.00</del>
12	8	<del>7.</del> 9. Commercial fish gear tags are required on the	
12	9	following units of commercial fishing gear at the listed fee:	
12	10	a. Seine, resident, one gear tag for each	
12	11	100 feet or fraction thereof	\$ 1.00
12	12	b. Seine, nonresident, one gear tag for	
12	13	each 100 feet or fraction thereof	\$ 2.00
12	14	c. Trammel net, resident, one gear tag	
12	15	for each 100 feet or fraction thereof	\$ 1.00
12	16	d. Trammel net, nonresident, one gear	
12	17	tag for each 100 feet or fraction thereof	\$ 2.00
12	18	e. Gill net, resident, one gear tag for	
12	19	each 100 feet or fraction thereof	\$ 1.00
12	20	f. Gill net, nonresident, one gear tag	
12	21	for each 100 feet or fraction thereof	\$ 2.00
12	22	g. Entrapment nets, resident, one	
12	23	gear tag per net	\$ 1.00
12	24	h. Entrapment nets, nonresident, one	
12	25	gear tag per net	\$ 2.00
12	26	i. Commercial trotline, resident, one	
12	27	gear tag for each 50 hooks or less	\$ 1.00
12	28	j. Commercial trotline, nonresident,	
12	29	one gear tag for each 50 hooks or less	\$ 2.00
12	30	<del>8.</del> 10. Turtle trap gear tags are not interchangeable with	
12	31	other commercial gear. Turtle trap gear tag fees are as	
12	32	follows:	
12	33	a. Commercial turtle trap, resident,	
12	34	one gear tag per trap	\$ 1.00
12	35	b. Commercial turtle trap, nonresident,	



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13 1 one gear tag per trap \$ 2.00

13 2 Sec. 20. Section 482.5, Code 2009, is amended to read as  
13 3 follows:

13 4 482.5 COMMERCIAL GEAR.

13 5 It is lawful for a person who is legally licensed to  
13 6 harvest commercial fish or commercial turtles to use ~~the~~  
13 7 ~~commercial fishing~~ gear of a design, construction, size,  
13 8 season, and all other criteria established by the commission  
13 9 for taking those species of fish and turtles designated by the  
13 10 commission by rule.

13 11 Sec. 21. Section 482.7, Code 2009, is amended to read as  
13 12 follows:

13 13 482.7 GEAR ATTENDANCE.

13 14 1. A commercial fisher or commercial turtle fisher  
13 15 licensee or a designated operator must be present when lifting  
13 16 commercial gear is operated. A commercial fish helper or  
13 17 commercial turtle helper shall not operate commercial gear  
13 18 except under the direct supervision of a commercial fisher or  
13 19 commercial turtle fisher. A nonresident commercial turtle  
13 20 helper is licensed only to assist a licensed resident or  
13 21 nonresident commercial turtle fisher. Commercial gear shall  
13 22 be lifted and emptied of catch as provided by the rules of the  
13 23 commission. Constant attendance by the licensee or a  
13 24 designated operator commercial fisher or commercial turtle  
13 25 fisher of seines, trammel nets, and gill nets is required when  
13 26 the gear is fished by driving, drive-seining, seining,  
13 27 floating, or drifting methods. Officers of the commission  
13 28 shall may grant a reasonable extension of gear attendance  
13 29 intervals in cases of inclement weather or unsafe conditions  
13 30 only upon the request of a commercial fisher or commercial  
13 31 turtle fisher specifying why such an extension is necessary.

13 32 2. For the purposes of this section, "direct supervision"  
13 33 means that a commercial fisher or commercial turtle fisher  
13 34 must be in the same boat, within hand-signal distance, or  
13 35 within vocal communication distance, without the help of any



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14 1 electronic or amplifying device, of the commercial fish helper  
14 2 or commercial turtle helper being supervised.

14 3 Sec. 22. Section 482.8, subsection 1, Code 2009, is  
14 4 amended to read as follows:

14 5 1. It is lawful for licensed commercial fishers,  
~~14 6 designated operators, and commercial turtle fishers, and~~  
~~14 7 licensed sport trotline fishers~~ to pursue, take, possess,  
14 8 process, and transport any commercial fish or their parts,  
14 9 bait fish, turtles, frogs, salamanders, leeches, crayfish, or  
14 10 any other aquatic invertebrates for bait unless otherwise  
14 11 prohibited by law.

14 12 Sec. 23. Section 482.9, subsection 4, Code 2009, is  
14 13 amended to read as follows:

14 14 4. For a person to lift or to fish licensed commercial  
14 15 gear of another person, except ~~by the licensee and the~~  
~~14 16 licensee's designated operators.~~

14 17 Sec. 24. Section 482.10, Code 2009, is amended to read as  
14 18 follows:

14 19 482.10 ~~SALE OF COMMERCIAL~~ COMMERCIAL FISH.

14 20 1. ~~A person possessing a~~ All persons who commercially  
14 21 take, attempt to take, possess, process, transport, sell,  
14 22 barter, trade, or buy commercial fish or their parts shall  
14 23 possess an appropriate, valid commercial fishing license or  
~~14 24 designated operator's license may possess and sell any~~  
~~14 25 commercial fish, turtles, or freshwater mussels, or their~~  
~~14 26 parts, which have been lawfully taken. This subsection does~~  
14 27 not apply to an individual who buys commercial fish or their  
14 28 parts from a commercial fisher for personal consumption.

14 29 a. A commercial fisher license is required to operate  
14 30 commercial fishing gear and to take, attempt to take, possess,  
14 31 process, transport, or sell any commercial fish, commercial  
14 32 turtles, turtle eggs, or turtle parts.

14 33 b. A commercial fish helper license is required to assist  
14 34 a commercial fisher in operating commercial fishing gear and  
14 35 in taking, attempting to take, possessing, processing, or



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15 1 transporting commercial fish, commercial turtles, turtle eggs,  
15 2 or turtle parts. A commercial fish helper is not permitted to  
15 3 buy, sell, barter, or trade commercial fish, commercial  
15 4 turtles, turtle eggs, or turtle parts. A commercial fish  
15 5 helper license is not required for a person under sixteen  
15 6 years of age to assist a commercial fisher as provided in this  
15 7 paragraph "b".

15 8 c. A commercial fish buyer license is required to buy,  
15 9 sell, barter, or trade fish, roe or roe species, or fish  
15 10 parts. This paragraph does not apply to restaurants; licensed  
15 11 premises where alcoholic beverages, wine, or beer are sold or  
15 12 consumed under authority of a liquor control license, wine  
15 13 permit, or beer permit; and public benefit corporations exempt  
15 14 from federal income taxation under section 501 of the Internal  
15 15 Revenue Code, or any successor section, that buy commercial  
15 16 fish or fish parts for retail sale and human consumption on  
15 17 their premises.

15 18 d. A commercial roe harvester license is required to  
15 19 harvest, possess, process, transport, or sell roe or roe  
15 20 species or their parts. A commercial roe harvester is not  
15 21 permitted to buy, barter, or trade roe or roe species or  
15 22 turtle parts unless in possession of a valid roe buyer  
15 23 license.

15 24 e. A commercial roe buyer license is required to buy,  
15 25 sell, barter, or trade roe or roe species. This paragraph  
15 26 does not apply to restaurants; licensed premises where  
15 27 alcoholic beverages, wine, or beer are sold or consumed under  
15 28 authority of a liquor control license, wine permit, or beer  
15 29 permit; and public benefit corporations exempt from federal  
15 30 income taxation under section 501 of the Internal Revenue  
15 31 Code, or any successor section, that buy roe or roe species  
15 32 for retail sale and human consumption on their premises or to  
15 33 an individual who buys roe or roe species from a commercial  
15 34 roe harvester for personal consumption.

15 35 2. All intrastate and interstate shipments of commercial



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16 1 fish, ~~or~~ turtles, or roe or roe species, must be accompanied  
16 2 by a label which shows the name and address of the seller and  
16 3 the kinds and pounds of the catches being sold. ~~Individuals~~  
~~16 4 purchasing fish, turtles, or mussels from a commercial fisher,~~  
~~16 5 turtle fisher, or mussel fisher need not possess a license.~~

16 6 Sec. 25. Section 482.11, subsections 1 and 3, Code 2009,  
16 7 are amended to read as follows:

16 8 1. ~~A person shall not~~ All persons who commercially take,  
16 9 attempt to take, possess, process, transport, or sell turtles,  
16 10 turtle eggs from the waters of the state without, or turtle  
16 11 parts shall possess an appropriate, valid commercial license.  
16 12 This subsection does not apply to an individual who buys  
16 13 turtles, turtle eggs, or turtle parts from a commercial fisher  
16 14 or a commercial turtle fisher for personal consumption.

16 15 a. ~~A valid sport fishing license entitles a person~~  
16 16 ~~commercial turtle fisher license is required to operate~~  
16 17 ~~commercial turtle fishing gear and to take and, attempt to~~  
16 18 ~~take, possess a maximum of one hundred pounds of live turtles~~  
16 19 ~~or fifty pounds of dressed turtles, process, transport, sell,~~  
16 20 ~~barter, or trade commercial turtles, turtle eggs, or turtle~~  
16 21 ~~parts. The sale of live or dressed turtles is not permitted~~  
16 22 ~~with a sport fishing license. Nonresident commercial turtle~~  
16 23 ~~fishers shall harvest commercial turtles only from the~~  
16 24 ~~boundary waters.~~

16 25 b. ~~A commercial turtle helper license is required to take~~  
16 26 ~~and possess more than one hundred pounds of live or fifty~~  
16 27 ~~pounds of dressed turtles. The holder of assist a commercial~~  
16 28 ~~turtle license may sell live or dressed turtles fisher in~~  
16 29 ~~operating commercial turtle fishing gear, and in taking,~~  
16 30 ~~attempting to take, possessing, processing, or transporting~~  
16 31 ~~commercial turtles, turtle eggs, or turtle parts. A~~  
16 32 ~~commercial turtle helper is not permitted to buy, sell,~~  
16 33 ~~barter, or trade commercial turtles, turtle eggs, or turtle~~  
16 34 ~~parts. A commercial turtle helper license is not required for~~  
16 35 ~~a person under sixteen years of age to assist a commercial~~



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17 1 turtle fisher as provided in this paragraph "b".

17 2 c. A commercial turtle buyer license is required to engage  
17 3 in the business of buying, selling, bartering, or trading  
17 4 commercial turtles, turtle eggs, or turtle parts. This  
17 5 provision does not apply to restaurants; licensed premises  
17 6 where alcoholic beverages, wine, or beer are sold or consumed  
17 7 under authority of a liquor control license, wine permit, or  
17 8 beer permit; and public benefit corporations exempt from  
17 9 federal income taxation under section 501 of the Internal  
17 10 Revenue Code, or any successor section, that buy commercial  
17 11 turtles, turtle eggs, or turtle parts for retail sale and  
17 12 human consumption on their premises.

17 13 ~~e. d. A commercial fishing fisher license or a designated~~  
17 14 ~~operator's license entitles commercial fishers to operate any~~  
17 15 ~~licensed commercial fishing gear ~~for taking, possessing, or~~~~  
17 16 ~~selling and to take, attempt to take, possess, process, and~~  
17 17 ~~sell, barter, or trade turtles, turtle eggs, or turtle parts,~~  
17 18 ~~taken with such commercial fishing gear.~~

17 19 ~~d. An individual possessing a valid commercial turtle~~  
17 20 ~~license may have the assistance of one unlicensed individual~~  
17 21 ~~in the commercial taking of turtles.~~

17 22 3. The method of taking turtles shall only be by hand,  
17 23 hook-and-line, turtle hook, turtle trap, licensed commercial  
17 24 fishing gear, or other means designated by commission rules.  
17 25 ~~Sport fishers may also use hook-and-line in catching turtles.~~

17 26 Sec. 26. Section 482.11, subsection 4, Code 2009, is  
17 27 amended by striking the subsection.

17 28 Sec. 27. Section 482.12, subsection 1, Code 2009, is  
17 29 amended by striking the subsection and inserting in lieu  
17 30 thereof the following:

17 31 1. A commercial fisher licensee or commercial fish helper  
17 32 licensee is permitted to take or possess up to twenty-four  
17 33 whole freshwater mussels or forty-eight mussel shell halves.  
17 34 A commercial fisher licensee or commercial fish helper  
17 35 licensee is not permitted to buy, sell, barter, or trade



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18 1 freshwater mussels or mussel shells. Only mussels designated  
18 2 by the department, by rule, as a legal bait species, may be  
18 3 taken or possessed pursuant to this subsection.

18 4 Sec. 28. Section 482.14, Code 2009, is amended to read as  
18 5 follows:

18 6 482.14 REPORTS AND RECORDS REQUIRED == INSPECTIONS.

18 7 1. All commercial fishers, commercial turtle fishers,  
18 8 commercial ~~mussel fishers~~ roe harvesters, and commercial  
18 9 mussel roe buyers shall submit a monthly report supplying all  
18 10 information requested on forms furnished by the commission.  
18 11 Reports must be received by the commission no later than the  
18 12 fifteenth day of the following month.

18 13 2. Commercial fish buyers and commercial turtle buyers  
18 14 shall maintain accurate records of all transactions. The  
18 15 records shall contain the number, weight, and species of fish  
18 16 or turtles purchased, the name and address of the seller, and  
18 17 the county or pools where the fish or turtles were taken. The  
18 18 records shall be updated monthly. Such records shall be  
18 19 available for examination by employees of the department upon  
18 20 request.

18 21 3. Commercial roe buyers shall utilize a receipt with at  
18 22 least two parts, with one original and at least one copy of  
18 23 each receipt, for each purchase of commercial roe species and  
18 24 roe. The original of the receipt shall be kept by the  
18 25 commercial roe buyer and a copy of the receipt shall be given  
18 26 to the commercial roe harvester selling the commercial roe  
18 27 species or roe. Commercial roe buyers and commercial roe  
18 28 harvesters shall retain such receipts for five years following  
18 29 the date of the transaction.

18 30 4. Facilities and records of commercial fish buyers,  
18 31 commercial turtle buyers, commercial roe harvesters, and  
18 32 commercial roe buyers shall be open at all reasonable times  
18 33 for inspection by any conservation officer.

18 34 Sec. 29. Section 483A.1, subsection 1, Code 2009, is  
18 35 amended by adding the following new paragraph:





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20 1 mussels or shells taken pursuant to the fishing license.  
20 2 Sec. 33. Section 805.8B, subsection 3, paragraphs c and n,  
20 3 Code 2009, are amended to read as follows:

20 4 c. For violations of sections 481A.6, 481A.21, 481A.22,  
20 5 481A.26, 481A.50, 481A.56, 481A.60 through 481A.62, 481A.83,  
20 6 481A.84, 481A.92, 481A.123, 481A.145, subsection 3, sections  
20 7 482.7, 483A.7, 483A.8, 483A.23, ~~and 483A.24, and 483A.28~~, the  
20 8 scheduled fine is twenty-five dollars.

20 9 n. For violations of section 482.11 ~~relating to turtles~~,  
20 10 ~~the scheduled fine is one hundred dollars.~~

20 11 ~~(1) For commercial turtle violations, the scheduled fine~~  
20 12 ~~is one hundred dollars.~~

20 13 ~~(2) For sport turtle violations, the scheduled fine is~~  
20 14 ~~fifty dollars.~~

20 15 Sec. 34. Section 805.8B, subsection 3, paragraph o, Code  
20 16 2009, is amended by striking the paragraph and inserting in  
20 17 lieu thereof the following:

20 18 o. For violations of section 482.12 relating to mussels,  
20 19 the scheduled fine is one hundred dollars.

20 20 Sec. 35. Section 483A.25, Code 2009, is repealed.

20 21 EXPLANATION

20 22 This bill relates to various conservation and recreation  
20 23 activities under the purview of the department of natural  
20 24 resources, modifies fees, and makes penalties applicable.

20 25 SNOWMOBILES. Code section 321G.2(1) is amended to allow  
20 26 the natural resource commission to adopt rules for the  
20 27 establishment of a program of grants, subgrants, and contracts  
20 28 for the development, maintenance, and operation of designated  
20 29 snowmobile trails and grooming equipment by political  
20 30 subdivisions and incorporated private organizations; of a  
20 31 certified education course for the operation of snowmobile  
20 32 grooming equipment; of a certified education course for the  
20 33 safe use and operation of snowmobiles; and for certification  
20 34 of volunteer snowmobile education instructors.

20 35 Code section 321G.11 is amended to require that exhaust on



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21 1 internal combustion engines of snowmobiles must be muffled in  
21 2 accordance with rules adopted by the natural resource  
21 3 commission.

21 4 Code section 321G.21(9) is amended to allow the commission  
21 5 to adopt rules providing for the suspension or revocation of a  
21 6 snowmobile dealer's special registration certificate issued  
21 7 pursuant to this section.

21 8 Code section 321G.24(3) is amended to coordinate an  
21 9 internal reference with the changes in Code section 321G.2(1),  
21 10 to allow a person who completes a course of safety instruction  
21 11 to receive a safety certificate, and to delete a provision  
21 12 that allowed the commission to waive completion of the safety  
21 13 course if a person passed a written test instead.

21 14 ALL=TERRAIN VEHICLES. Code section 321I.1(1)(c) is amended  
21 15 by removing a provision requiring off=road utility vehicles to  
21 16 be considered all=terrain vehicles for the purposes of  
21 17 registration.

21 18 Code section 321I.1(16) is amended to provide that an  
21 19 off=road utility vehicle means a vehicle with not less than  
21 20 four and not more than eight tires, a bucket or bench seat,  
21 21 and a steering wheel or control levers. The amendment also  
21 22 allows an owner of an off=road utility vehicle to register and  
21 23 title an off=road utility vehicle in order to legally operate  
21 24 the vehicle on public ice, or on a designated riding area or  
21 25 riding trail but be exempt from certain dealer registration  
21 26 and titling requirements and safety instruction and  
21 27 certification program requirements. An operator of a  
21 28 registered or titled off=road utility vehicle shall not  
21 29 operate the vehicle on public ice or designated riding areas  
21 30 or trails unless the department has posted signage allowing  
21 31 such operation.

21 32 Code section 321I.2(1) is amended to allow the commission  
21 33 to adopt rules for the establishment of a program of grants,  
21 34 subgrants, and contracts for the development, maintenance, and  
21 35 operation of all=terrain vehicle riding areas and trails by



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22 1 political subdivisions and incorporated private organizations;  
22 2 of a certified education course for the safe use and operation  
22 3 of all-terrain vehicles; and for certification of volunteer  
22 4 all-terrain vehicle education instructors.

22 5 Code section 321I.22(9) is amended to allow the adoption of  
22 6 rules by the commission providing for the suspension or  
22 7 revocation of an all-terrain vehicle dealer's special  
22 8 registration certificate.

22 9 Code section 321I.26(3) is amended to coordinate an  
22 10 internal reference with the changes made in Code section  
22 11 321I.2(1), to allow a person to obtain a safety certificate by  
22 12 passing an examination including either a written test or the  
22 13 demonstration of adequate riding skills, and to delete a  
22 14 provision that allowed the commission to waive completion of  
22 15 the course of instruction upon passage of a written test  
22 16 instead.

22 17 WILDLIFE CONSERVATION. Code section 481A.122 is amended to  
22 18 exempt a person who is hunting with a raptor from certain  
22 19 requirements to wear blaze orange apparel.

22 20 Code section 481A.130 is amended to add a civil penalty of  
22 21 \$200 for the unlawful taking of a bobcat and to add a schedule  
22 22 of civil penalties for the unlawful taking of fish, dependent  
22 23 on the species of fish taken. The Code section is also made  
22 24 inapplicable to a person who is liable to pay restitution  
22 25 pursuant to Code section 481A.151 for injury to a wild animal  
22 26 caused by polluting a water of this state.

22 27 COMMERCIAL FISHING. Code section 482.1 is amended to  
22 28 provide that a licensee under the Code chapter shall not  
22 29 continue commercial fishing while a license issued by the  
22 30 commission is under revocation or suspension, to allow  
22 31 regulation of commercial mussel bait fishing, and to allow  
22 32 employees of the department of natural resources to examine  
22 33 gear, catches, and sale and purchase records of commercial  
22 34 licensees.

22 35 Code section 482.2 is amended to add definitions of new



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23 1 licenses for commercial fish buyers, commercial fish helpers,  
23 2 commercial roe buyers, commercial roe harvesters, commercial  
23 3 turtle buyers, commercial turtle helpers, and to define roe  
23 4 and roe species. References to commercial mussel fishing are  
23 5 deleted. References to water sport trotline licenses are  
23 6 deleted and moved to Code chapter 483A.  
23 7 Code section 482.4, concerning commercial licenses and gear  
23 8 tags, is amended to describe and set fees for the new licenses  
23 9 available. Annual license fees for some existing licenses are  
23 10 increased, and fees are added for the new licenses available.  
23 11 Code section 482.5, concerning commercial gear, is amended  
23 12 to include the harvest of commercial turtles with such gear.  
23 13 Code section 482.7, concerning gear attendance, is amended  
23 14 to apply to commercial turtle fishing and to require the  
23 15 presence of a commercial fisher or commercial turtle fisher  
23 16 when commercial gear is operated, including direct supervision  
23 17 of a commercial fish helper or commercial turtle helper who  
23 18 operates commercial gear. "Direct supervision" is defined to  
23 19 require being in the same boat, within hand=signal distance,  
23 20 or within vocal communication distance, without electronic or  
23 21 amplification devices of the person being supervised. The  
23 22 constant attendance requirement may be modified by the  
23 23 commission upon a request specifying why an extension of gear  
23 24 attendance intervals is needed.  
23 25 Code sections 482.8, concerning bait, and 482.9, concerning  
23 26 unlawful methods, are amended to coordinate with the new  
23 27 license designations.  
23 28 Code section 482.10, concerning commercial fish, is amended  
23 29 to describe the privileges associated with commercial fisher  
23 30 and fish helper licenses, and commercial roe harvester and roe  
23 31 buyer licenses. The license requirements do not apply to  
23 32 individuals who buy commercial fish or fish parts or roe or  
23 33 roe species for personal consumption or to restaurants, liquor  
23 34 control licensees, or public benefit corporations that buy  
23 35 commercial fish or fish parts, or roe or roe species for



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24 1 retail sale and human consumption on their premises. In  
24 2 addition, a person under 16 years of age is not required to  
24 3 have a commercial fish helper license to assist a commercial  
24 4 fisher.

24 5 Code section 482.11, concerning turtles, is amended to  
24 6 describe the privileges associated with the taking of turtles,  
24 7 particularly by commercial turtle fisher and turtle helper  
24 8 licensees. The commercial turtle license requirements do not  
24 9 apply to individuals who buy commercial turtles, turtle eggs,  
24 10 or turtle parts from a commercial fisher or commercial turtle  
24 11 fisher for personal consumption; or to restaurants, liquor  
24 12 control licensees, or public benefit corporations that buy  
24 13 commercial turtles, turtle eggs, or turtle parts for retail  
24 14 and human consumption on their premises. In addition, a  
24 15 commercial turtle helper license is not required for a person  
24 16 under 16 years of age to assist a commercial turtle fisher.

24 17 Code section 482.12, concerning freshwater mussels, is  
24 18 amended to allow a commercial fisher or commercial fish helper  
24 19 licensee to take or possess up to 24 whole freshwater mussels  
24 20 or 48 mussel shell halves, but not to buy, sell, barter, or  
24 21 trade the mussels or their shells. Only mussels designated by  
24 22 rule as legal bait species may be taken pursuant to this  
24 23 provision.

24 24 Code section 482.14 is amended to describe report,  
24 25 recordkeeping, and inspection requirements pertaining to  
24 26 commercial fishers, commercial turtle fishers, commercial fish  
24 27 buyers, commercial turtle buyers, commercial roe harvesters,  
24 28 and commercial roe buyers.

24 29 FISHING AND HUNTING LICENSES. Code section 483A.1 is  
24 30 amended to add the licenses for resident boundary waters sport  
24 31 trotline fishing and nonresident boundary waters sport  
24 32 trotline fishing.

24 33 Code section 483A.1A is amended to add a definition for  
24 34 "boundary waters".

24 35 New Code section 483A.28 describes the noncommercial



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25 1 harvest of aquatic species. The new boundary waters sport  
25 2 trotline license allows the use of trotlines only on boundary  
25 3 waters. A valid fishing license entitles the licensee to take  
25 4 specified amounts of live and dressed turtles and mussels, as  
25 5 set by rule, but not to sell, barter, or trade them. Code  
25 6 section 805.8B(3) is amended to provide that a violation of  
25 7 this new provision, other than a license violation, is  
25 8 punishable by a scheduled fine of \$25.  
25 9 Code section 805.8B(3)(n) is amended to strike a provision  
25 10 imposing a penalty for sport turtle violations to coordinate  
25 11 with changes made to Code section 482.11(3) and (4).  
25 12 Code section 805.8B(3)(o) is amended to remove the  
25 13 distinction between commercial mussel and sport mussel  
25 14 violations and to provide that any violations of Code section  
25 15 482.12, regulating mussels, are punishable by a scheduled fine  
25 16 of \$100.  
25 17 Code section 483A.25, concerning the pheasant and quail  
25 18 restoration program and related appropriations, is repealed.  
25 19 LSB 2094SC 83  
25 20 av/sc/8



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Senate Study Bill 1158

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
NATURAL RESOURCES BILL  
BY CHAIRPERSON DEARDEN)

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

A BILL FOR

1 An Act imposing a surcharge on automobile liability insurance  
2 policies for the benefit of deer herd population management,  
3 including the help us stop hunger program, and making an  
4 appropriation.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 2026SC 83  
7 av/nh/14



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1 1 Section 1. NEW SECTION. 515.52 AUTOMOBILE INSURANCE ==  
1 2 DEER POPULATION MANAGEMENT SURCHARGE == APPROPRIATION.  
1 3 1. A policy or contract of insurance against loss or  
1 4 expense arising or resulting from accidents occurring by  
1 5 reason of the ownership, maintenance, or use of an automobile  
1 6 is subject to a surcharge of twenty=five cents each time that  
1 7 such a policy or contract is delivered, issued for delivery,  
1 8 continued, or renewed in this state.  
1 9 2. The surcharge shall be collected by the insurer from  
1 10 the insured under such policy or contract and remitted to the  
1 11 department of natural resources for use as provided in  
1 12 subsection 3. An insurer, its agent, or a third=party  
1 13 administrator is not entitled to any portion of the surcharge  
1 14 as a fee or commission for its collection.  
1 15 3. The moneys collected pursuant to this section shall be  
1 16 used and are appropriated to the natural resource commission  
1 17 for the purpose of deer herd population management, including  
1 18 assisting with the cost of processing deer donated to the help  
1 19 us stop hunger program administered by the commission.

1 20 EXPLANATION

1 21 This bill imposes a 25=cent surcharge on each policy or  
1 22 contract of automobile liability insurance that is delivered,  
1 23 issued for delivery, continued, or renewed in this state. The  
1 24 surcharge is to be collected by insurers from their insureds  
1 25 under such policies, and no portion of the surcharge may be  
1 26 taken as a fee or commission for its collection.  
1 27 The moneys collected pursuant to the bill must be used and  
1 28 are appropriated to the natural resource commission for the  
1 29 purpose of deer herd population management, including  
1 30 assisting with the cost of processing deer donated to the help  
1 31 us stop hunger program.  
1 32 LSB 2026SC 83  
1 33 av/nh/14



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Senate Study Bill 1159

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
NATURAL RESOURCES BILL  
BY CHAIRPERSON DEARDEN)

Passed Senate, Date \_\_\_\_\_

Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved

A BILL FOR

- 1 An Act regulating various hunting, fishing, and trapping
- 2 activities under the jurisdiction of the department of natural
- 3 resources, modifying fees, and making penalties applicable.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2114SC 83
- 6 av/sc/8



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1 1 Section 1. Section 481C.2A, subsection 1, paragraph d,  
1 2 Code 2009, is amended to read as follows:  
1 3 d. A producer who enters into a depredation agreement with  
1 4 the department of natural resources shall be issued a set of  
1 5 authorization numbers. Each authorization number authorizes a  
1 6 resident hunter to obtain a depredation license that is valid  
1 7 only for taking antlerless deer on the land designated in the  
1 8 producer's depredation plan. A producer may transfer an  
1 9 authorization number issued to that producer to a resident  
1 10 hunter who has permission to hunt on the land for which the  
1 11 authorization number is valid. An authorization number shall  
1 12 be valid to obtain a depredation license in any season. The  
1 13 provisions of this paragraph shall be implemented by August  
1 14 15, 2008. A transferee who receives an authorization number  
1 15 pursuant to this paragraph "d" shall be otherwise qualified to  
1 16 hunt deer in this state, have a hunting license, pay the  
1 17 wildlife habitat fee, and pay ~~the one dollar~~ a fee of one  
1 18 dollar and fifty cents for the purpose of the deer herd  
1 19 population management program.

1 20 Sec. 2. Section 482.2, paragraphs 15 and 16, Code 2009,  
1 21 are amended to read as follows:

1 22 15. "Nonresident ~~or alien~~" means a person who does not  
1 23 qualify as a resident ~~of the state of Iowa either because of a~~  
1 24 ~~bona fide residence in another state or because of citizenship~~  
1 25 ~~of a country other than the United States. However, "alien"~~  
1 26 ~~does not include a person who has applied for naturalization~~  
1 27 ~~papers.~~

1 28 16. "Resident" means a person ~~who is legally subject to~~  
1 29 ~~motor vehicle registration and driver's license laws of this~~  
1 30 ~~state, or who is qualified to vote in an election of this~~  
1 31 ~~state as defined in section 483A.1A.~~

1 32 Sec. 3. Section 483A.1, Code 2009, is amended to read as  
1 33 follows:

1 34 483A.1 LICENSES == FEES.

1 35 1. Except as otherwise provided in this chapter, a ~~person~~



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2	1	<u>resident</u> shall not fish, trap, hunt, pursue, catch, kill, take	
2	2	in any manner, use, have possession of, sell, or transport all	
2	3	or a part of any wild animal, bird, game, or fish, the	
2	4	protection and regulation of which is desirable for the	
2	5	conservation of resources of the state, without first	
2	6	obtaining a license for that purpose and the payment of a fee	
2	7	as follows:	
2	8	<del>1. Residents:</del>	
2	9	a. Fishing license	\$ <del>17.00</del>
2	10		<u>23.50</u>
2	11	b. Fishing license, lifetime, sixty=five	
2	12	years or older	\$ 50.50
2	13	c. Hunting license	\$ <del>17.00</del>
2	14		<u>23.50</u>
2	15	d. Hunting license, lifetime, sixty=five	
2	16	years or older	\$ 50.50
2	17	e. Deer hunting license, <u>antlered or any</u>	
2	18	<u>sex deer</u>	\$ <del>25.50</del>
2	19		<u>35.50</u>
2	20	<u>f. Deer hunting license, antlerless deer only</u>	\$ 15.00
2	21	<del>f. g.</del> Wild turkey hunting license	\$ <del>22.50</del>
2	22		<u>27.50</u>
2	23	<del>g. h.</del> Fur harvester license, sixteen years	
2	24	or older	\$ <del>20.50</del>
2	25		<u>36.00</u>
2	26	<del>h. i.</del> Fur harvester license, under sixteen	
2	27	years of age	\$ 5.50
2	28	<del>i. j.</del> Fur dealer license	\$ 225.50
2	29	<del>j. k.</del> Aquaculture unit license	\$ 25.50
2	30	<del>k. l.</del> Retail bait dealer license	\$ 30.50
2	31	<del>l. m.</del> Fishing license, seven=day	\$ <del>11.50</del>
2	32		<u>15.00</u>
2	33	<del>m. n.</del> Trout fishing fee	\$ <del>10.50</del>
2	34		<u>13.00</u>
2	35	<del>n. o.</del> Game breeder license	\$ 15.50



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3 1	<del>o.</del> <u>p.</u>	Taxidermy license	\$ 15.50
3 2	<del>p.</del> <u>q.</u>	Falconry license	\$ 20.50
3 3	<del>q.</del> <u>r.</u>	Wildlife habitat fee	\$ <del>11.00</del>
3 4			<u>13.50</u>
3 5	<del>r.</del> <u>s.</u>	Migratory game bird fee	\$ <del>8.00</del>
3 6			<u>11.50</u>
3 7	<del>s.</del> <u>t.</u>	Fishing license, one=day	\$ <del>7.50</del>
3 8			<u>8.00</u>
3 9	<del>t.</del> <u>u.</u>	Wholesale bait dealer license	\$ 125.00
3 10	2.	<del>Nonresidents:</del> <u>Except as otherwise provided in this</u>	
3 11		<u>chapter, a nonresident shall not fish, trap, hunt, pursue,</u>	
3 12		<u>catch, kill, take in any manner, use, have possession of,</u>	
3 13		<u>sell, or transport all or a part of any wild animal, bird,</u>	
3 14		<u>game, or fish, the protection and regulation of which is</u>	
3 15		<u>desirable for the conservation of resources of the state,</u>	
3 16		<u>without first obtaining a license for that purpose and the</u>	
3 17		<u>payment of a fee as follows:</u>	
3 18	a.	Fishing license, annual	\$ <del>39.00</del>
3 19			<u>49.50</u>
3 20	b.	Fishing license, seven=day	\$ <del>30.00</del>
3 21			<u>35.50</u>
3 22	c.	Hunting license, eighteen years of	
3 23		age or older	\$ <del>80.00</del>
3 24			<u>110.00</u>
3 25	d.	Hunting license, under eighteen	
3 26		years of age	\$ 30.00
3 27	e.	Deer hunting license, antlered or	
3 28		any sex deer	\$ <del>220.00</del>
3 29			<u>295.00</u>
3 30	f.	Preference point issued under section	
3 31		<u>483A.7, subsection 3, paragraph "b", or section</u>	
3 32		<u>483A.8, subsection 3, paragraph "e"</u>	\$ 50.00
3 33	<del>f.</del> <u>g.</u>	Deer hunting license, antlerless	
3 34		deer only, required with the purchase	
3 35		of an antlered or any sex deer hunting	



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4	1	license	\$	<del>100.00</del>
4	2			<u>125.00</u>
4	3	<del>g.</del> <u>h.</u> Deer hunting license, antlerless		
4	4	deer only	\$	<del>150.00</del>
4	5			<u>200.00</u>
4	6	<u>i.</u> Holiday deer hunting license issued		
4	7	under section 483A.8, subsection 6, antlerless		
4	8	deer only	\$	75.00
4	9	<del>h.</del> <u>j.</u> Wild turkey hunting license	\$	<del>100.00</del>
4	10			<u>125.00</u>
4	11	<del>i.</del> <u>k.</u> Fur harvester license	\$	<del>200.00</del>
4	12			<u>275.00</u>
4	13	<del>j.</del> <u>l.</u> Fur dealer license	\$	501.00
4	14	<del>k.</del> <u>m.</u> Location permit for fur dealers	\$	56.00
4	15	<del>l.</del> <u>n.</u> Aquaculture unit license	\$	56.00
4	16	<del>m.</del> <u>o.</u> Retail bait dealer license	\$	125.00
4	17	or the amount for the same type of		
4	18	license in the nonresident's state,		
4	19	whichever is greater		
4	20	<del>n.</del> <u>p.</u> Trout fishing fee	\$	<del>13.00</del>
4	21			<u>17.50</u>
4	22	<del>o.</del> <u>q.</u> Game breeder license	\$	26.00
4	23	<del>p.</del> <u>r.</u> Taxidermy license	\$	26.00
4	24	<del>q.</del> <u>s.</u> Falconry license	\$	26.00
4	25	<del>r.</del> <u>t.</u> Wildlife habitat fee	\$	<del>11.00</del>
4	26			<u>13.50</u>
4	27	<del>s.</del> <u>u.</u> Migratory game bird fee	\$	<del>8.00</del>
4	28			<u>11.50</u>
4	29	<del>t.</del> <u>v.</u> Fishing license, three=day	\$	<del>15.50</del>
4	30			<u>21.00</u>
4	31	<del>u.</del> <u>w.</u> Wholesale bait dealer license	\$	250.00
4	32	or the amount for the same type of		
4	33	license in the nonresident's state,		
4	34	whichever is greater		
4	35	<del>v.</del> <u>x.</u> Fishing license, one=day	\$	<del>8.50</del>



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5 1 10.00

5 2 3. On or after January 10, 2013, and on or after January  
5 3 10 of each year thereafter, the fees in this section may be  
5 4 adjusted, pursuant to rules adopted under chapter 17A, in an  
5 5 amount less than or equal to the percentage of increase in the  
5 6 consumer price index for the midwest urban region, published  
5 7 in the federal register by the federal department of labor,  
5 8 bureau of labor statistics, for the twelve-month period ending  
5 9 June 30 of the year prior to the year that the increase will  
5 10 be effective.

5 11 4. The commission is authorized, pursuant to rules adopted  
5 12 under chapter 17A, to develop combination packages of licenses  
5 13 in order to offer incentives to residents to purchase  
5 14 additional licenses or for the specific purpose of increasing  
5 15 sales of licenses that will help to recruit or retain hunters,  
5 16 anglers, and trappers in the state. The total cost of each  
5 17 combination package of licenses offered shall be less than the  
5 18 total cost of the licenses if each was purchased separately.

5 19 Sec. 4. Section 483A.1A, Code 2009, is amended by adding  
5 20 the following new subsections:

5 21 NEW SUBSECTION. 6A. "Nonresident" means a person who is  
5 22 not a resident as defined in subsection 7.

5 23 NEW SUBSECTION. 6B. "Principal and primary residence or  
5 24 domicile" means the one and only place where a person has a  
5 25 true, fixed, and permanent home, and to where, whenever the  
5 26 person is briefly and temporarily absent, the person intends  
5 27 to return. Relevant factors in determining a person's  
5 28 principal and primary residence or domicile include but are  
5 29 not limited to proof of place of employment, mailing address,  
5 30 utility records, land ownership records, vehicle registration,  
5 31 and address listed on the person's state and federal income  
5 32 tax returns. A person shall submit documentation to establish  
5 33 the person's principal and primary residence or domicile to  
5 34 the department or its designee upon request. The department  
5 35 or its designee shall keep confidential any document received



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6 1 pursuant to such a request if the document is required to be  
6 2 kept confidential by state or federal law.

6 3 Sec. 5. Section 483A.1A, subsection 7, Code 2009, is  
6 4 amended to read as follows:

6 5 7. "Resident" means a natural person who meets any of the  
6 6 following criteria during each year in which the person claims  
6 7 status as a resident:

6 8 a. Has physically resided in this state at least thirty as  
6 9 the person's principal and primary residence or domicile for a  
6 10 period of not less than one hundred eighty consecutive days  
6 11 immediately before applying for or purchasing a resident  
6 12 license, tag, or permit under this chapter and has been issued  
6 13 an Iowa driver's license or an Iowa nonoperator's  
6 14 identification card. A person is not considered a resident  
6 15 under this paragraph if the person is residing in the state  
6 16 only for a special or temporary purpose including but not  
6 17 limited to engaging in hunting, fishing, or trapping.

6 18 b. Is a full-time student at either of the following:

6 19 (1) an accredited educational institution located in  
6 20 this state and resides in this state while attending the  
6 21 educational institution.

6 22 (2) An accredited educational institution located outside  
6 23 of this state, if the person is under the age of twenty-five  
6 24 and has at least one parent or legal guardian who maintains a  
6 25 principal and primary residence or domicile in this state.

6 26 c. A Is a student who qualifies as a resident pursuant to  
6 27 this paragraph "b" only for the purpose of purchasing any  
6 28 resident license specified in section 483A.1 or 484A.2.

6 29 ~~e.~~ d. Is a nonresident under eighteen years of age whose  
6 30 parent is a resident of this state.

6 31 ~~d.~~ e. Is a member of the armed forces of the United States  
6 32 who is serving on active duty, claims residency in this state,  
6 33 and has filed a state individual income tax return as a  
6 34 resident pursuant to chapter 422, division II, for the  
6 35 preceding tax year, or is stationed in this state.



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7 1 ~~e. Is registered to vote in this state.~~  
7 2 Sec. 6. Section 483A.2, Code 2009, is amended to read as  
7 3 follows:  
7 4 483A.2 DUAL RESIDENCY.  
7 5 A resident license shall be limited to persons who do not  
7 6 claim any resident privileges, except as defined in section  
7 7 483A.1A, subsection 7, paragraphs "b", "c", ~~and "d", and "e",~~  
7 8 in another state or country. A person shall not purchase or  
7 9 apply for any resident license or permit if that person has  
7 10 claimed residency in any other state or country.  
7 11 Sec. 7. Section 483A.3, subsection 1, Code 2009, is  
7 12 amended to read as follows:  
7 13 1. A resident or nonresident person required to have a  
7 14 hunting or fur harvester license shall not hunt or trap unless  
7 15 the person has paid the wildlife habitat fee. This section  
7 16 shall not apply to residents who have permanent disabilities  
7 17 or who are younger than sixteen or older than sixty-five years  
7 18 of age. Wildlife habitat fees shall be administered in the  
7 19 same manner as hunting and fur harvester licenses except all  
7 20 revenue derived from wildlife habitat fees shall be used  
7 21 within the state of Iowa for habitat development and shall be  
7 22 deposited in the state fish and game protection fund, except  
7 23 as provided in subsection 2. The revenue may be used for the  
7 24 matching of federal funds. The revenues and any matched  
7 25 federal funds shall be used for acquisition of land, leasing  
7 26 of land to provide hunting or trapping access, or obtaining of  
7 27 easements from willing sellers for use as wildlife habitats.  
7 28 Notwithstanding the exemption provided by section 427.1, any  
7 29 land acquired with the revenues and matched federal funds  
7 30 shall be subject to the full consolidated levy of property  
7 31 taxes which shall be paid from those revenues. In addition  
7 32 the revenue may be used for the development and enhancement of  
7 33 wildlife lands and habitat areas. Not less than fifty percent  
7 34 of all revenue from wildlife habitat fees shall be used by the  
7 35 commission to enter into agreements with county conservation



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8 1 boards or other public agencies in order to carry out the  
8 2 purposes of this section. The state share of funding of those  
8 3 agreements provided by the revenue from wildlife habitat fees  
8 4 shall not exceed seventy-five percent.

8 5 Sec. 8. Section 483A.3, Code 2009, is amended by adding  
8 6 the following new subsection:

8 7 NEW SUBSECTION. 4. Any increase in revenues received on  
8 8 or after July 1, 2009, pursuant to this section as a result of  
8 9 increases in the wildlife habitat fee enacted in the section  
8 10 of this Act amending section 483A.1 shall be used by the  
8 11 commission only for the purposes set forth in subsections 1  
8 12 and 2 of this section.

8 13 Sec. 9. Section 483A.7, subsection 3, Code 2009, is  
8 14 amended to read as follows:

8 15 3. a. A nonresident wild turkey hunter is required to  
8 16 have a nonresident hunting license and a nonresident wild  
8 17 turkey hunting license and pay the wildlife habitat fee. The  
8 18 commission shall annually ~~limit to two thousand three hundred~~  
~~8 19 licenses~~ determine the number of nonresidents allowed to have  
8 20 wild turkey hunting licenses. Of the ~~two thousand three~~  
~~8 21 hundred~~ predetermined number of licenses, one hundred fifty  
~~8 22 licenses~~ issued, six percent shall be valid for hunting with  
8 23 muzzle loading shotguns only. The commission shall allocate  
8 24 the nonresident wild turkey hunting licenses issued among the  
8 25 zones based on the populations of wild turkey. A nonresident  
8 26 applying for a wild turkey hunting license must exhibit proof  
8 27 of having successfully completed a hunter safety and ethics  
8 28 education program as provided in section 483A.27 or its  
8 29 equivalent as determined by the department before the license  
8 30 is issued.

8 31 b. The commission shall assign one preference point to a  
8 32 nonresident whose application for a nonresident wild turkey  
8 33 hunting license is denied due to limitations on the number of  
8 34 nonresident wild turkey hunting licenses available for  
8 35 issuance that year. An additional preference point shall be



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9 1 assigned to that person each subsequent year the person's  
9 2 license application is denied for that reason. A nonresident  
9 3 may purchase additional preference points pursuant to section  
9 4 481A.1, subsection 2, paragraph "f". The first nonresident  
9 5 wild turkey hunting license drawing each year shall be made  
9 6 from the pool of applicants with the most preference points  
9 7 and continue to pools of applicants with successively fewer  
9 8 preference points until all available nonresident wild turkey  
9 9 hunting licenses have been issued. If a nonresident applicant  
9 10 receives a wild turkey hunting license, all of the applicant's  
9 11 assigned preference points at that time shall be removed.

9 12 Sec. 10. Section 483A.8, subsections 1, 3, 4, 5, and 6,  
9 13 Code 2009, are amended to read as follows:

9 14 1. A resident hunting deer who is required to have a  
9 15 hunting license must have a resident hunting license in  
9 16 addition to the deer hunting license and must pay the wildlife  
9 17 habitat fee. In addition, a resident who purchases a deer  
9 18 hunting license shall pay a ~~one dollar~~ fee of one dollar and  
9 19 fifty cents that shall be used and is appropriated for the  
9 20 purpose of deer herd population management, including  
9 21 assisting with the cost of processing deer donated to the help  
9 22 us stop hunger program administered by the commission.

9 23 3. a. A nonresident hunting deer is required to have a  
9 24 nonresident hunting license and a nonresident deer hunting  
9 25 license and must pay the wildlife habitat fee. In addition, a  
9 26 nonresident who purchases a deer hunting license shall pay a  
9 27 ~~one dollar~~ fee of one dollar and fifty cents that shall be  
9 28 used and is appropriated for the purpose of deer herd  
9 29 population management, including assisting with the cost of  
9 30 processing deer donated to the help us stop hunger program  
9 31 administered by the commission.

9 32 b. A nonresident who purchases an antlered or any sex deer  
9 33 hunting license pursuant to section 483A.1, subsection 2,  
9 34 paragraph "e", is required to purchase an antlerless deer only  
9 35 deer hunting license at the same time, pursuant to section



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10 1 483A.1, subsection 2, paragraph "~~f~~" "g".  
10 2 c. The commission shall annually ~~limit to six thousand~~  
10 3 determine the number of ~~nonresidents allowed to have~~  
10 4 nonresident antlered or any sex deer hunting licenses that  
10 5 will be available for issuance. Of the ~~six thousand~~  
10 6 nonresident antlered or any sex deer hunting licenses issued,  
10 7 not more than thirty-five percent of the licenses shall be bow  
10 8 season licenses. After the ~~six thousand~~ predetermined number  
10 9 of antlered or any sex nonresident deer hunting licenses have  
10 10 been issued, all additional licenses shall be issued for  
10 11 antlerless deer only. The commission shall annually determine  
10 12 the number of nonresident antlerless deer only deer hunting  
10 13 licenses that will be available for issuance.  
10 14 d. The commission shall allocate all resident and  
10 15 nonresident deer hunting licenses issued among the zones based  
10 16 on the populations of deer using a county-by-county system.  
10 17 However, a nonresident applicant may request one or more  
10 18 hunting zones, in order of preference, in which the applicant  
10 19 wishes to hunt. If the request cannot be fulfilled, the  
10 20 applicable fees shall be returned to the applicant. A  
10 21 nonresident applying for a deer hunting license must exhibit  
10 22 proof of having successfully completed a hunter safety and  
10 23 ethics education program as provided in section 483A.27 or its  
10 24 equivalent as determined by the department before the license  
10 25 is issued.  
10 26 e. The commission shall assign one preference point to a  
10 27 nonresident whose application for a nonresident antlered or  
10 28 any sex deer hunting license is denied due to limitations on  
10 29 the number of nonresident antlered or any sex deer hunting  
10 30 licenses available for issuance that year. An additional  
10 31 preference point shall be assigned to that person each  
10 32 subsequent year the person's license application is denied for  
10 33 that reason. A nonresident may purchase additional preference  
10 34 points pursuant to section 483A.1, subsection 2, paragraph  
10 35 "f". The first nonresident antlered or any sex deer hunting



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11 1 license drawing each year shall be made from the pool of  
11 2 applicants with the most preference points and continue to  
11 3 pools of applicants with successively fewer preference points  
11 4 until all available nonresident antlered or any sex deer  
11 5 hunting licenses have been issued. If a nonresident applicant  
11 6 receives an antlered or any sex deer hunting license, all of  
11 7 the applicant's assigned preference points at that time shall  
11 8 be removed.

11 9 4. The commission may provide, by rule, for the issuance  
11 10 of an additional antlerless deer hunting license to a person  
11 11 who has been issued an antlerless deer hunting license. The  
11 12 rules shall specify the number of additional antlerless deer  
11 13 hunting licenses which may be issued, and the season and zone  
11 14 in which the license is valid. The fee for an additional  
11 15 antlerless deer hunting license shall be ~~ten~~ fifteen dollars  
11 16 for residents.

11 17 5. A nonresident owning land in this state may apply for a  
11 18 nonresident antlered or any sex deer hunting license, and the  
11 19 provisions of subsection 3 shall apply. However, if a  
11 20 nonresident owning land in this state is unsuccessful in  
11 21 obtaining one of the nonresident antlered or any sex deer  
11 22 hunting licenses, the landowner shall be given preference for  
11 23 one of the antlerless deer only nonresident deer hunting  
11 24 licenses available pursuant to subsection 3. A nonresident  
11 25 owning land in this state shall pay the fee for a nonresident  
11 26 antlerless only deer hunting license and the license shall be  
11 27 valid to hunt on the nonresident's land only. If one or more  
11 28 parcels of land have multiple nonresident owners, only one of  
11 29 the nonresident owners is eligible for a nonresident  
11 30 antlerless only deer hunting license. If a nonresident  
11 31 jointly owns land in this state with a resident, the  
11 32 nonresident shall not be given preference for a nonresident  
11 33 antlerless only deer hunting license. The department may  
11 34 require proof of land ownership from a nonresident landowner  
11 35 applying for a nonresident antlerless only deer hunting



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12 1 license.

12 2 6. The commission shall provide by rule for the annual  
12 3 issuance to a nonresident of a nonresident antlerless deer  
12 4 hunting license that is valid for use only during the period  
12 5 beginning on December 24 and ending at sunset on January 2 of  
12 6 the following year, and costs ~~fifty~~ seventy-five dollars. A  
12 7 nonresident hunting deer with a license issued under this  
12 8 subsection shall be otherwise qualified to hunt deer in this  
12 9 state and shall have a nonresident hunting license, pay the  
12 10 wildlife habitat fee, and pay ~~the one dollar~~ a fee of one  
12 11 dollar and fifty cents for the purpose of deer herd population  
12 12 management as provided in subsection 3. Pursuant to this  
12 13 subsection, the commission shall make available for issuance  
12 14 only the remaining nonresident antlerless deer hunting  
12 15 licenses allocated under subsection 3 that have not yet been  
12 16 issued for the current year's nonresident antlerless deer  
12 17 hunting seasons.

12 18 Sec. 11. Section 483A.8A, Code 2009, is amended to read as  
12 19 follows:

12 20 483A.8A DEER AND WILD TURKEY HARVEST REPORTING SYSTEM.

12 21 1. The commission shall provide, by rule, for the  
12 22 establishment of a deer and wild turkey harvest reporting  
12 23 system for the purpose of collecting information from ~~deer~~  
12 24 hunters concerning the deer and wild turkey population in this  
12 25 state. Each person who is issued a deer or wild turkey  
12 26 hunting license in this state shall report such information  
12 27 pursuant to this section. Information collected by the  
12 28 commission pursuant to the deer and wild turkey harvest  
12 29 reporting system from a ~~deer~~ hunter who takes a deer or wild  
12 30 turkey shall be limited to the following:

12 31 a. The county where the deer or wild turkey was taken.

12 32 b. The season during which the deer or wild turkey was  
12 33 taken.

12 34 c. The sex of the deer or wild turkey taken.

12 35 d. The age of the deer or wild turkey taken.



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- 13 1 e. The type of weapon used.  
13 2 f. The hunting license number of the hunter.  
13 3 g. The number of days the hunter hunted.  
13 4 h. The total number of deer or wild turkey taken by the  
13 5 hunter.  
13 6 2. The deer and wild turkey harvest reporting system  
13 7 established by the commission shall utilize and is limited to  
13 8 utilizing one or more of the following methods of reporting  
13 9 deer or wild turkey taken by hunters:  
13 10 a. A toll-free telephone number.  
13 11 b. A postcard.  
13 12 c. Reporting at an electronic licensing location.  
13 13 d. Electronic internet communication.  
13 14 Sec. 12. Section 483A.10, Code 2009, is amended to read as  
13 15 follows:  
13 16 483A.10 ISSUANCE OF LICENSES.  
13 17 1. The licenses and combination packages of licenses  
13 18 issued pursuant to this chapter shall be issued by the  
13 19 department or the license agents as specified by rules of the  
13 20 commission. A county recorder may issue licenses or  
13 21 combination packages of licenses subject to the rules of the  
13 22 commission.  
13 23 2. The rules shall include the application procedures as  
13 24 necessary. The licenses and combination packages of licenses  
13 25 shall show the total cost of the license or combination  
13 26 package of licenses, including a writing fee to be retained by  
13 27 the license agent and any administrative fees to be forwarded  
13 28 to the department, if applicable. A person authorized to  
13 29 issue a license or combination package of licenses or collect  
13 30 a fee pursuant to this chapter or chapter 484A shall charge  
13 31 the fee specified in this chapter or chapter 484A only plus a  
13 32 writing fee and administrative fee, if applicable.  
13 33 Sec. 13. Section 483A.12, Code 2009, is amended to read as  
13 34 follows:  
13 35 483A.12 FEES.



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14 1 1. The license agent shall be responsible for all fees for  
14 2 the issuance of hunting, fishing, ~~and~~ fur harvester licenses,  
14 3 and combination packages of licenses sold by the license  
14 4 agent. All unused license blanks shall be surrendered to the  
14 5 department upon the department's demand.

14 6 2. A license agent shall retain a writing fee of ~~fifty~~  
14 7 seventy-five cents from the sale of each license or  
14 8 combination package of licenses except that the writing fee  
14 9 for a free deer or wild turkey license as authorized under  
14 10 section 483A.24, subsection 2, shall be one dollar and  
14 11 twenty-five cents. If a county recorder is a license agent,  
14 12 the writing fees retained by the county recorder shall be  
14 13 deposited in the general fund of the county.

14 14 Sec. 14. Section 483A.14, Code 2009, is amended to read as  
14 15 follows:

14 16 483A.14 DUPLICATE LICENSES AND PERMITS.

14 17 1. When any license for which a fee has been set has been  
14 18 lost, destroyed, or stolen, the director or a license agent  
14 19 may issue a replacement license, if evidence is available to  
14 20 demonstrate issuance of the original license and a fee of two  
14 21 dollars and twenty-five cents is paid, to be placed in the  
14 22 fish and game protection fund. If, on examination of the  
14 23 evidence, the director or the license agent, as the case may  
14 24 be, is satisfied that the license has been lost, destroyed, or  
14 25 stolen, the director or the license agent shall issue a  
14 26 duplicate license which shall be plainly marked "duplicate"  
14 27 and the duplicate shall serve in lieu of the original license  
14 28 and it shall contain the same information and signature as the  
14 29 original.

14 30 2. The license agent shall charge a writing fee of one  
14 31 dollar and twenty-five cents and the departmental  
14 32 administrative fee for each duplicate license issued pursuant  
14 33 to this section. The license agent shall retain the writing  
14 34 fee.

14 35 Sec. 15. Section 483A.24, subsection 2, paragraphs c and



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15 1 d, Code 2009, are amended to read as follows:

15 2 c. Upon written application on forms furnished by the  
15 3 department, the department shall issue annually without fee  
15 4 two deer hunting licenses, one antlered or any sex deer  
15 5 hunting license and one antlerless deer only deer hunting  
15 6 license, to the owner of a farm unit or a member of the  
15 7 owner's family, but only a total of two licenses for both, and  
15 8 to the tenant of a farm unit or a member of the tenant's  
15 9 family, but only a total of two licenses for both. The deer  
15 10 hunting licenses issued shall be valid only for use on the  
15 11 farm unit for which the applicant applies pursuant to this  
15 12 paragraph. The owner or the tenant need not reside on the  
15 13 farm unit to qualify for the free deer hunting licenses to  
15 14 hunt on that farm unit. The free deer hunting licenses issued  
15 15 pursuant to this paragraph shall be valid and may be used  
15 16 during any shotgun deer season. The licenses may be used to  
15 17 harvest deer in two different seasons. In addition, a person  
15 18 who receives a free deer hunting license pursuant to this  
15 19 paragraph shall pay a ~~one-dollar~~ fee of one dollar and fifty  
15 20 cents for each license that shall be used and is appropriated  
15 21 for the purpose of deer herd population management, including  
15 22 assisting with the cost of processing deer donated to the help  
15 23 us stop hunger program administered by the commission.

15 24 d. In addition to the free deer hunting licenses received  
15 25 pursuant to paragraph "c", an owner of a farm unit or a member  
15 26 of the owner's family and the tenant or a member of the  
15 27 tenant's family may purchase a deer hunting license for any  
15 28 option offered to paying deer hunting licensees. An owner of  
15 29 a farm unit or a member of the owner's family and the tenant  
15 30 or a member of the tenant's family may also purchase two  
15 31 additional antlerless deer hunting licenses which are valid  
15 32 only on the farm unit for a fee of ~~ten~~ fifteen dollars each.

15 33 Sec. 16. Section 483A.24, subsections 3 and 4, Code 2009,  
15 34 are amended to read as follows:

15 35 3. The director shall provide up to seventy=five



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16 1 nonresident deer hunting licenses for allocation as requested  
16 2 by a majority of a committee consisting of the majority leader  
16 3 of the senate, speaker of the house of representatives, and  
16 4 director of the department of economic development, or their  
16 5 designees. The licenses provided pursuant to this subsection  
16 6 shall be in addition to the number of nonresident licenses  
16 7 ~~authorized~~ determined pursuant to section 483A.8. The purpose  
16 8 of the special nonresident licenses is to allow state  
16 9 officials and local development groups to promote the state  
16 10 and its natural resources to nonresident guests and  
16 11 dignitaries. Photographs, videotapes, or any other form of  
16 12 media resulting from the hunting visitation shall not be used  
16 13 for political campaign purposes. The nonresident licenses  
16 14 shall be issued without application upon payment of the  
16 15 nonresident deer hunting license fee and the wildlife habitat  
16 16 fee. The licenses are valid in all zones open to deer  
16 17 hunting. The hunter safety and ethics education certificate  
16 18 requirement pursuant to section 483A.27 is waived for a  
16 19 nonresident issued a license pursuant to this subsection.  
16 20 4. The director shall provide up to twenty-five  
16 21 nonresident wild turkey hunting licenses for allocation as  
16 22 requested by a majority of a committee consisting of the  
16 23 majority leader of the senate, speaker of the house of  
16 24 representatives, and director of the department of economic  
16 25 development, or their designees. The licenses provided  
16 26 pursuant to this subsection shall be in addition to the number  
16 27 of nonresident licenses ~~authorized~~ determined pursuant to  
16 28 section 483A.7. The purpose of the special nonresident  
16 29 licenses is to allow state officials and local development  
16 30 groups to promote the state and its natural resources to  
16 31 nonresident guests and dignitaries. Photographs, videotapes,  
16 32 or any other form of media resulting from the hunting  
16 33 visitation shall not be used for political campaign purposes.  
16 34 The nonresident licenses shall be issued without application  
16 35 upon payment of the nonresident wild turkey hunting license



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17 1 fee and the wildlife habitat fee. The licenses are valid in  
17 2 all zones open to wild turkey hunting. The hunter safety and  
17 3 ethics education certificate requirement pursuant to section  
17 4 483A.27 is waived for a nonresident issued a license pursuant  
17 5 to this subsection.

17 6 Sec. 17. Section 483A.24, subsection 10, paragraph b, Code  
17 7 2009, is amended to read as follows:

17 8 b. The licenses provided pursuant to this subsection shall  
17 9 be in addition to the number of nonresident turkey hunting  
17 10 licenses ~~authorized~~ determined pursuant to section 483A.7 and  
17 11 nonresident deer hunting licenses ~~authorized~~ determined  
17 12 pursuant to section 483A.8.

17 13 Sec. 18. Section 805.8B, subsection 3, paragraph c, Code  
17 14 2009, is amended to read as follows:

17 15 c. For violations of sections 481A.6, 481A.21, 481A.22,  
17 16 481A.26, 481A.50, 481A.56, 481A.60 through 481A.62, 481A.83,  
17 17 481A.84, 481A.92, 481A.123, 481A.145, subsection 3, sections  
17 18 482.7, 483A.7, 483A.8, ~~483A.8A~~, 483A.23, and 483A.24, the  
17 19 scheduled fine is twenty=five dollars.

17 20 EXPLANATION

17 21 This bill regulates various hunting, fishing, and trapping  
17 22 activities under the jurisdiction of the department of natural  
17 23 resources, modifies fees, and makes penalties applicable.

17 24 WILDLIFE CONSERVATION. Code section 481C.2A is amended to  
17 25 provide that a person who hunts antlerless deer pursuant to a  
17 26 depredation agreement must pay an increased fee of \$1.50 for  
17 27 the purpose of the deer herd population management program.

17 28 FISHING AND HUNTING LICENSES. Code section 483A.1 is  
17 29 amended to increase fees for certain resident and nonresident  
17 30 hunting and fishing licenses. New licenses are added for  
17 31 resident antlerless only deer hunting and for nonresident  
17 32 holiday antlerless only deer hunting. Nonresidents are also  
17 33 permitted to purchase preference points issued under Code  
17 34 section 483A.7(3)(b) to purchase wild turkey hunting licenses,  
17 35 and under Code section 483A.8(3)(e) to purchase antlered or



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18 1 any sex deer hunting licenses. The wildlife habitat fee is  
18 2 increased from \$11 to \$13.50.  
18 3 Code section 483A.1 is also amended to provide that on or  
18 4 after January 10, 2013, and on or after each January 10  
18 5 thereafter, the license fees may be adjusted, by rule, in an  
18 6 amount equal to or less than the percentage of increase in the  
18 7 consumer price index for the midwest urban region, published  
18 8 in the federal register by the federal department of labor,  
18 9 bureau of labor statistics, for the 12-month period ending  
18 10 June 30 of the year prior to the year that the increase will  
18 11 be effective.  
18 12 The natural resource commission is also authorized to adopt  
18 13 rules to develop combination packages of licenses for the  
18 14 purpose of encouraging residents to purchase additional  
18 15 licenses, to increase sales of licenses, and to retain  
18 16 hunters, anglers, and trappers in the state. The combination  
18 17 packages must cost less than the total cost of purchasing the  
18 18 licenses separately.  
18 19 Code section 483A.1A is amended to add definitions for  
18 20 "nonresident" and "principal and primary residence or  
18 21 domicile". The definition of "resident" is modified to  
18 22 include a determination of whether a person's principal and  
18 23 primary residence or domicile is in the state and to allow a  
18 24 full-time student at an institution outside the state to be  
18 25 considered a resident if at least one parent or guardian has a  
18 26 principal and primary residence or domicile in the state.  
18 27 Code section 483A.2 is amended to make a coordinating change.  
18 28 Code section 483A.3 is amended to allow revenue raised from  
18 29 the wildlife habitat fee and any matched federal funds to be  
18 30 used to lease land to provide hunting and trapping access.  
18 31 Code section 483A.3 is also amended to provide that any  
18 32 increase in revenues received on or after July 1, 2009, as a  
18 33 result of increases in the wildlife habitat fee enacted in the  
18 34 bill shall be used by the commission only for the purposes of  
18 35 acquisition of land, leasing of land for hunting and trapping



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19 1 access, obtaining easements for use as wildlife habitats, and  
19 2 credits to the wildlife habitat bond fund.  
19 3 Code section 483A.7 is amended to allow the natural  
19 4 resource commission to annually determine how many nonresident  
19 5 wild turkey hunting licenses will be issued instead of the  
19 6 current limit of 2,300 licenses and to require the commission  
19 7 to assign a preference point to a nonresident for each year  
19 8 that the nonresident's application for a wild turkey hunting  
19 9 license is denied due to limitations on the number of licenses  
19 10 available. Drawings for licenses are made from pools of  
19 11 applicants based on who has the most preference points. A  
19 12 nonresident may purchase additional preference points for \$50  
19 13 each.  
19 14 Code section 483A.8 is amended to increase the deer herd  
19 15 population management fee paid by purchasers of deer hunting  
19 16 licenses from \$1 to \$1.50. The section is also amended to  
19 17 allow the natural resource commission to annually determine  
19 18 how many nonresident antlered or any sex deer hunting licenses  
19 19 will be issued instead of the current limit of 6,000 licenses  
19 20 and to allocate resident and nonresident deer hunting licenses  
19 21 among the zones using a county=by=county system.  
19 22 Code section 483A.8 is also amended to require the  
19 23 commission to assign a preference point to a nonresident for  
19 24 each year that the nonresident's application for an antlered  
19 25 or any sex deer hunting license is denied due to limitations  
19 26 on the number of licenses available. Drawings for licenses  
19 27 are to be made from pools of applicants based on who has the  
19 28 most preference points. A nonresident may purchase additional  
19 29 preference points for \$50 each.  
19 30 Code section 483A.8 is also amended to increase the fee for  
19 31 additional antlerless deer hunting licenses issued to  
19 32 residents from \$10 to \$15 and to increase the fee for the  
19 33 special nonresident holiday antlerless deer hunting license  
19 34 from \$50 to \$75.  
19 35 Code section 483A.8A is amended to expand the deer harvest



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20 1 reporting system to include wild turkey harvest reporting.  
20 2 Code section 805.8B(3)(c) is amended to provide that a  
20 3 violation of the deer and turkey harvest reporting requirement  
20 4 is punishable by a scheduled fine of \$25.  
20 5 Code sections 483A.10 and 483A.12, relating to the issuance  
20 6 of licenses and fees collected by license agents, are amended  
20 7 to allow for the sale of combination packages of licenses, to  
20 8 increase the writing fee from 50 to 75 cents, and to increase  
20 9 the writing fee for free deer or wild turkey licenses from \$1  
20 10 to \$1.25. Code section 483A.14 is amended to increase the fee  
20 11 for issuance of duplicate licenses from \$2 to \$2.25 and the  
20 12 writing fee from \$1 to \$1.25.  
20 13 Code section 483A.24(2)(c) and (d) are amended to reflect  
20 14 the increase in the deer herd population management fee from  
20 15 \$1 to \$1.50 and the increase in the fee for additional  
20 16 landowner antlerless deer only deer hunting licenses from \$10  
20 17 to \$15.  
20 18 Code section 483A.24(3), (4), and (10) are amended to  
20 19 coordinate with the changes made in Code sections 483A.7 and  
20 20 483A.8.  
20 21 LSB 2114SC 83  
20 22 av/sc/8



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**Senate Study Bill 1160**

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

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

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

**A BILL FOR**

- 1 An Act relating to the department of elder affairs and services
- 2 provided to older Iowans.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1339XD 83
- 5 rh/nh/5



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PAG LIN

1 1 Section 1. Section 7E.5, subsection 1, paragraph k, Code  
1 2 2009, is amended to read as follows:  
1 3 k. The department ~~of elder affairs~~ on aging, created in  
1 4 section 231.21, which has primary responsibility for  
1 5 leadership and program management for programs which serve the  
1 6 ~~senior citizens~~ older individuals of the state.  
1 7 Sec. 2. Section 10A.402, subsection 5, Code 2009, is  
1 8 amended to read as follows:  
1 9 5. Investigations relative to the operations of the  
1 10 department ~~of elder affairs~~ on aging.  
1 11 Sec. 3. Section 16.100, subsection 8, Code 2009, is  
1 12 amended to read as follows:  
1 13 8. A homelessness advisory committee is created consisting  
1 14 of the executive director or the executive director's  
1 15 designee, the directors or their designees from the  
1 16 departments of economic development, ~~elder affairs~~, human  
1 17 services, and human rights, the director of the department on  
1 18 aging or the director's designee, and at least three  
1 19 individuals from the private sector to be selected by the  
1 20 executive director. The advisory committee shall advise the  
1 21 authority in coordinating programs that provide for the  
1 22 homeless.  
1 23 Sec. 4. Section 16.100A, subsection 2, paragraph b,  
1 24 subparagraph (7), Code 2009, is amended to read as follows:  
1 25 (7) The director of the department ~~of elder affairs~~ on  
1 26 aging or the director's designee.  
1 27 Sec. 5. Section 16.183, subsection 3, Code 2009, is  
1 28 amended to read as follows:  
1 29 3. The authority, in cooperation with the department ~~of~~  
1 30 ~~elder affairs~~ on aging, shall annually allocate moneys  
1 31 available in the home and community-based services revolving  
1 32 loan program fund to develop and expand facilities and  
1 33 infrastructure that provide adult day services, respite  
1 34 services, congregate meals, and programming space for health  
1 35 and wellness, health screening, and nutritional assessments



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2 1 that address the needs of persons with low incomes.

2 2 Sec. 6. Section 22.7, Code 2009, is amended by adding the  
2 3 following new subsections:

2 4 NEW SUBSECTION. 62. Records of the department on aging  
2 5 pertaining to clients served by the office of substitute  
2 6 decision maker.

2 7 NEW SUBSECTION. 63. Records of the department on aging  
2 8 pertaining to clients served by the elder abuse prevention  
2 9 initiative.

2 10 Sec. 7. Section 84B.1, unnumbered paragraph 1, Code 2009,  
2 11 is amended to read as follows:

2 12 The department of workforce development, in consultation  
2 13 with the departments of economic development, education, ~~elder~~  
~~2 14 affairs,~~ human services, and human rights, the department on  
2 15 aging, and the department for the blind, shall establish  
2 16 guidelines for colocating state and federal employment and  
2 17 training programs in centers providing services at the local  
2 18 level. The centers shall be known as workforce development  
2 19 centers. The departments shall also jointly establish an  
2 20 integrated management information system for linking the  
2 21 programs within a local center to the same programs within  
2 22 other local centers and to the state. The guidelines shall  
2 23 provide for local design and operation within the guidelines.  
2 24 The core services available at a center shall include but are  
2 25 not limited to all of the following:

2 26 Sec. 8. Section 135.27A, subsection 1, Code 2009, is  
2 27 amended to read as follows:

2 28 1. A governor's council on physical fitness and nutrition  
2 29 is established consisting of twelve members appointed by the  
2 30 governor who have expertise in physical activity, physical  
2 31 fitness, nutrition, and promoting healthy behaviors. At least  
2 32 one member shall be a representative of elementary and  
2 33 secondary physical education professionals, at least one  
2 34 member shall be a health care professional, at least one  
2 35 member shall be a registered dietician, at least one member



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3 1 shall be recommended by the department ~~of elder affairs~~ on  
3 2 aging, and at least one member shall be an active nutrition or  
3 3 fitness professional. In addition, at least one member shall  
3 4 be a member of a racial or ethnic minority. The governor  
3 5 shall select a chairperson for the council. Members shall  
3 6 serve terms of three years beginning and ending as provided in  
3 7 section 69.19. Appointments are subject to sections 69.16 and  
3 8 69.16A. Members are entitled to receive reimbursement for  
3 9 actual expenses incurred while engaged in the performance of  
3 10 official duties. A member of the council may also be eligible  
3 11 to receive compensation as provided in section 7E.6.

3 12 Sec. 9. Section 135C.20A, subsection 2, Code 2009, is  
3 13 amended to read as follows:

3 14 2. The report card form shall be developed by the  
3 15 department in cooperation with representatives of the  
3 16 department ~~of elder affairs~~ on aging, the state long-term care  
3 17 resident's advocate, representatives of resident advocate  
3 18 committees, representatives of protection and advocacy  
3 19 entities, consumers, and other interested persons.

3 20 Sec. 10. Section 135C.25, subsection 1, Code 2009, is  
3 21 amended to read as follows:

3 22 1. Each health care facility shall have a resident  
3 23 advocate committee whose members shall be appointed by the  
3 24 director of the department ~~of elder affairs~~ on aging or the  
3 25 director's designee. A person shall not be appointed a member  
3 26 of a resident advocate committee for a health care facility  
3 27 unless the person is a resident of the service area where the  
3 28 facility is located. The resident advocate committee for any  
3 29 facility caring primarily for persons with mental illness,  
3 30 mental retardation, or a developmental disability shall only  
3 31 be appointed after consultation with the administrator of the  
3 32 division of mental health and disability services of the  
3 33 department of human services on the proposed appointments.  
3 34 Recommendations to the director or the director's designee for  
3 35 membership on resident advocate committees are encouraged from



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4 1 any agency, organization, or individual. The administrator of  
4 2 the facility shall not be appointed to the resident advocate  
4 3 committee and shall not be present at committee meetings  
4 4 except upon request of the committee.

4 5 Sec. 11. Section 227.2, subsection 2, Code 2009, is  
4 6 amended to read as follows:

4 7 2. A copy of the written report prescribed by subsection 1  
4 8 shall be furnished to the county board of supervisors, to the  
4 9 county mental health and mental retardation coordinating board  
4 10 or to its advisory board if the county board of supervisors  
4 11 constitutes ex officio the coordinating board, to the  
4 12 administrator of the county care facility inspected and to its  
4 13 resident advocate committee, and to the department ~~of elder~~  
4 14 ~~affairs on aging.~~

4 15 Sec. 12. Section 231.1, Code 2009, is amended to read as  
4 16 follows:

4 17 231.1 SHORT TITLE.

4 18 This chapter, entitled the "~~Elder~~ Older Iowans Act", sets  
4 19 forth the state's commitment to its ~~elders~~ older individuals,  
4 20 their dignity, independence, and rights.

4 21 Sec. 13. Section 231.2, Code 2009, is amended to read as  
4 22 follows:

4 23 231.2 LEGISLATIVE FINDINGS AND DECLARATION.

4 24 The general assembly finds and declares that:

4 25 1. Iowa's ~~elders~~ older individuals constitute a  
4 26 fundamental resource which has been undervalued, and the means  
4 27 must be found to recognize and use the competence, wisdom, and  
4 28 experience of ~~our elders~~ such older individuals for the  
4 29 benefit of all Iowans.

4 30 2. The number of persons in this state age sixty and older  
4 31 is increasing rapidly, and of these ~~elders~~ older individuals,  
4 32 the number of women, minorities, and persons eighty-five years  
4 33 of age or older is increasing at an even greater rate.

4 34 3. The social and health problems of older ~~people~~  
4 35 individuals and their caregivers are compounded by a lack of



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5 1 access to existing services and by the unavailability of a  
5 2 complete range of services in all areas of the state.

5 3 4. The ability of older ~~people~~ individuals to maintain  
5 4 self-sufficiency and to live their lives with dignity,  
5 5 productivity, and creativity is a matter of profound  
5 6 importance and concern for this state.

5 7 Sec. 14. Section 231.3, Code 2009, is amended to read as  
5 8 follows:

5 9 231.3 STATE POLICY AND OBJECTIVES.

5 10 The general assembly declares that it is the policy of the  
5 11 state to work toward attainment of the following objectives  
5 12 for Iowa's ~~elders~~ older individuals:

5 13 1. An adequate income.

5 14 2. Access to physical and mental health care without  
5 15 regard to economic status.

5 16 3. Suitable housing that reflects the needs of older  
5 17 people.

5 18 4. Full restorative services for those who require  
5 19 institutional care, and a comprehensive array of home and  
5 20 community-based, long-term care services adequate to sustain  
5 21 older people in their communities and, whenever possible, in  
5 22 their homes, including support for caregivers.

5 23 5. Pursuit of meaningful activity within the widest range  
5 24 of civic, cultural, educational, recreational, and employment  
5 25 opportunities.

5 26 6. Suitable community transportation systems to assist in  
5 27 the attainment of independent movement.

5 28 7. Freedom, independence, and the free exercise of  
5 29 individual initiative in planning and managing their own  
5 30 lives.

5 31 8. Freedom from abuse, neglect, and exploitation.

5 32 Sec. 15. Section 231.4, subsections 2, 3, 4, 5, and 10,  
5 33 Code 2009, are amended to read as follows:

5 34 2. "Commission" means the commission ~~of elder affairs~~ on  
5 35 aging.



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6 1 3. "Department" means the department ~~of elder affairs~~ on  
6 2 aging.

6 3 4. "Director" means the director of the department ~~of~~  
~~6 4 elder affairs~~ on aging.

6 5 5. ~~"Elder"~~ "Older individual" means an individual who is  
6 6 sixty years of age or older.

6 7 10. "Resident's advocate program" means the state  
6 8 long-term care resident's advocate program ~~operated~~  
6 9 administered by the department ~~of elder affairs~~ and  
~~6 10 administered by the long-term care resident's advocate~~ on  
6 11 aging.

6 12 Sec. 16. Section 231.11, Code 2009, is amended to read as  
6 13 follows:

6 14 231.11 COMMISSION ESTABLISHED.

6 15 The commission ~~of elder affairs~~ on aging is established  
6 16 which shall consist of eleven members. One member each shall  
6 17 be appointed by the president of the senate, after  
6 18 consultation with the majority leader of the senate, and by  
6 19 the minority leader of the senate, from the members of the  
6 20 senate to serve as ex officio, nonvoting members. One member  
6 21 each shall be appointed by the speaker of the house of  
6 22 representatives and by the minority leader of the house of  
6 23 representatives, from the members of the house of  
6 24 representatives to serve as ex officio, nonvoting members.  
6 25 Seven members shall be appointed by the governor subject to  
6 26 confirmation by the senate. Not more than a simple majority  
6 27 of the governor's appointees shall belong to the same  
6 28 political party. At least four of the seven members appointed  
6 29 by the governor shall be fifty-five years of age or older when  
6 30 appointed.

6 31 Sec. 17. Section 231.14, subsections 3, 4, 6, 7, and 8,  
6 32 Code 2009, are amended to read as follows:

6 33 3. Serve as an effective and visible advocate for ~~elders~~  
6 34 older individuals by establishing policies for reviewing and  
6 35 commenting upon all state plans, budgets, and policies which



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7 1 affect ~~elders~~ older individuals and for providing technical  
7 2 assistance to any agency, organization, association, or  
7 3 individual representing the needs of ~~elders~~ older individuals.

7 4 4. Divide the state into distinct planning and service  
7 5 areas after considering the geographical distribution of  
7 6 ~~elders~~ older individuals in the state, the incidence of the  
7 7 need for supportive services, nutrition services, multipurpose  
7 8 senior centers, and legal services, the distribution of ~~elders~~  
7 9 older individuals who have low incomes residing in such areas,  
7 10 the distribution of resources available to provide such  
7 11 services or centers, the boundaries of existing areas within  
7 12 the state which are drawn for the planning or administration  
7 13 of supportive services programs, the location of units of  
7 14 general purpose, local government within the state, and any  
7 15 other relevant factors.

7 16 6. Adopt policies to assure that the department will take  
7 17 into account the views of ~~elders~~ older individuals in the  
7 18 development of policy.

7 19 7. Adopt a formula for the distribution of federal Act,  
7 20 state ~~elder~~ services for older individuals, and senior living  
7 21 program funds taking into account, to the maximum extent  
7 22 feasible, the best available data on the geographic  
7 23 distribution of ~~elders~~ older individuals in the state, and  
7 24 publish the formula for review and comment.

7 25 8. Adopt policies and measures to assure that preference  
7 26 will be given to providing services to ~~elders~~ older  
7 27 individuals with the greatest economic or social needs, with  
7 28 particular attention to low-income minority ~~elders~~ older  
7 29 individuals.

7 30 Sec. 18. Section 231.21, Code 2009, is amended to read as  
7 31 follows:

7 32 231.21 DEPARTMENT ~~OF ELDER AFFAIRS~~ ON AGING.

7 33 An Iowa department ~~of elder affairs~~ on aging is established  
7 34 which shall administer this chapter under the policy direction  
7 35 of the commission ~~of elder affairs~~ on aging. The department



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8 1 ~~of elder affairs~~ on aging shall be administered by a director.

8 2 Sec. 19. Section 231.22, Code 2009, is amended to read as  
8 3 follows:

8 4 231.22 DIRECTOR.

8 5 1. The governor, subject to confirmation by the senate,  
8 6 shall appoint a director of the department ~~of elder affairs~~ on  
8 7 aging who shall, subject to chapter 8A, subchapter IV, employ

8 8 and direct staff as necessary to carry out the powers and  
8 9 duties created by this chapter. The director shall serve at  
8 10 the pleasure of the governor. However, the director is  
8 11 subject to reconfirmation by the senate as provided in section  
8 12 2.32, subsection 4. The governor shall set the salary for the  
8 13 director within the range set by the general assembly.

8 14 2. The director shall have the following qualifications  
8 15 and training:

8 16 a. Training in the field of gerontology, social work,  
8 17 public health, public administration, or other related fields.

8 18 b. Direct experience or extensive knowledge of programs  
8 19 and services related to ~~elders~~ older individuals.

8 20 c. Demonstrated understanding and concern for the welfare  
8 21 of ~~elders~~ older individuals.

8 22 d. Demonstrated competency and recent working experience  
8 23 in an administrative, supervisory, or management position.

8 24 Sec. 20. Section 231.23, unnumbered paragraph 1, Code  
8 25 2009, is amended to read as follows:

8 26 The department ~~of elder affairs~~ on aging director shall:

8 27 Sec. 21. Section 231.23, subsections 4, 7, 9, and 11, Code  
8 28 2009, are amended to read as follows:

8 29 4. Advocate for ~~elders~~ older individuals by reviewing and  
8 30 commenting upon all state plans, budgets, laws, rules,  
8 31 regulations, and policies which affect ~~elders~~ older  
8 32 individuals and by providing technical assistance to any  
8 33 agency, organization, association, or individual representing  
8 34 the needs of ~~the elders~~ older individuals.

8 35 7. Pursuant to commission policy, take into account the



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9 1 views of ~~elder~~ older Iowans.

9 2 9. Assist the commission in assuring that preference will  
9 3 be given to providing services to ~~elders~~ older individuals  
9 4 with the greatest economic or social needs, with particular  
9 5 attention to low-income minority ~~elders~~ older individuals.

9 6 11. Apply for, receive, and administer grants ~~and,~~  
9 7 devises, donations, gifts, or bequests of real or personal  
9 8 property from any source to conduct projects consistent with  
9 9 the purposes of ~~this chapter~~ the department. Notwithstanding  
9 10 section 8.33, moneys received by the department pursuant to  
9 11 this section are not subject to reversion to the general fund  
9 12 of the state.

9 13 Sec. 22. Section 231.23A, Code 2009, is amended to read as  
9 14 follows:

9 15 231.23A PROGRAMS AND SERVICES.

9 16 The department ~~of elder affairs~~ on aging shall provide or  
9 17 administer, but is not limited to providing or administering,  
9 18 all of the following programs and services:

9 19 1. ~~Elder services~~ Services for older individuals including  
9 20 but not limited to home and community-based services such as  
9 21 adult day, assessment and intervention, transportation, chore,  
9 22 counseling, homemaker, material aid, personal care,  
9 23 reassurance, respite, visitation, caregiver support, emergency  
9 24 response system, mental health outreach, and home repair,  
9 25 ~~meals, and nutrition counseling.~~

9 26 2. The senior internship program.

9 27 3. The case management program for frail elders.

9 28 4. The aging and disability resource center program.

9 29 5. The legal assistance development program.

9 30 6. The nutrition program.

9 31 ~~4.~~ 7. Administration relating to the long-term care  
9 32 resident's advocate program and training for resident advocate  
9 33 committees.

9 34 ~~5.~~ 8. Administration relating to the area agencies on  
9 35 aging.



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10 1 9. Elder abuse prevention, detection, intervention, and  
10 2 awareness including neglect and exploitation.

10 3 ~~6.~~ 10. Other programs and services authorized by law.

10 4 Sec. 23. Section 231.31, Code 2009, is amended to read as  
10 5 follows:

10 6 231.31 STATE PLAN ON AGING.

10 7 The department ~~of elder affairs on aging~~ shall develop, and  
10 8 submit to the commission ~~of elder affairs on aging~~ for  
10 9 approval, a multiyear state plan on aging. The state plan on  
10 10 aging shall meet all applicable federal requirements.

10 11 Sec. 24. Section 231.32, subsection 2, paragraph d,  
10 12 unnumbered paragraph 1, Code 2009, is amended to read as  
10 13 follows:

10 14 Any public or nonprofit private agency in a planning and  
10 15 service area or any separate organizational unit within such  
10 16 agency which is under the supervision or direction for this  
10 17 purpose of the department ~~of elder affairs on aging~~ and which  
10 18 can engage in the planning or provision of a broad range of  
10 19 supportive services or nutrition services within the planning  
10 20 and service area.

10 21 Sec. 25. Section 231.33, subsections 2, 7, 8, 9, 11, 14,  
10 22 15, 16, 17, 18, 19, and 21, Code 2009, are amended to read as  
10 23 follows:

10 24 2. Assess the types and levels of services needed by older  
10 25 ~~persons~~ individuals and their caregivers in the planning and  
10 26 service area, and the effectiveness of other public or private  
10 27 programs serving those needs.

10 28 7. Give preference in the delivery of services under the  
10 29 area plan to ~~elders~~ older individuals with the greatest  
10 30 economic or social need.

10 31 8. Assure that ~~elders~~ older individuals and their  
10 32 caregivers in the planning and service area have reasonably  
10 33 convenient access to information and assistance services.

10 34 9. Provide adequate and effective opportunities for ~~elders~~  
10 35 older individuals to express their views to the area agency on



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11 1 policy development and program implementation under the area  
11 2 plan.  
11 3 11. Contact outreach efforts, with special emphasis on  
11 4 rural ~~elders~~ older individuals, to identify ~~elders~~ older  
11 5 individuals with greatest economic or social needs and inform  
11 6 them of the availability of services under the area plan.  
11 7 14. Monitor, evaluate, and comment on laws, rules,  
11 8 regulations, policies, programs, hearings, levies, and  
11 9 community actions which significantly affect the lives of  
11 10 ~~elders~~ older individuals.  
11 11 15. Conduct public hearings on the needs of ~~elders~~ older  
11 12 individuals and their caregivers.  
11 13 16. Represent the interests of ~~elders~~ older individuals  
11 14 and their caregivers to public officials, public and private  
11 15 agencies, or organizations.  
11 16 17. Coordinate planning with other agencies and  
11 17 organizations to promote new or expanded benefits and  
11 18 opportunities for ~~elders~~ older individuals.  
11 19 18. Coordinate planning with other agencies for assuring  
11 20 the safety of ~~elders~~ older individuals in a natural disaster  
11 21 or other safety threatening situation.  
11 22 19. Require the completion by board of directors members,  
11 23 annually, of four hours of training, provided by the  
11 24 department ~~of elder affairs~~ on aging.  
11 25 21. Provide the opportunity for ~~elders~~ older individuals  
11 26 residing in the planning and service area to offer substantive  
11 27 suggestions regarding the employment practices of the area  
11 28 agency on aging.  
11 29 Sec. 26. Section 231.41, Code 2009, is amended to read as  
11 30 follows:  
11 31 231.41 PURPOSE.  
11 32 The purpose of this subchapter is to establish the  
11 33 long-term care resident's advocate program operated by the  
11 34 Iowa commission ~~of elder affairs~~ on aging in accordance with  
11 35 the requirements of the federal Act, and to adopt the



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12 1 supporting federal regulations and guidelines for its  
12 2 implementation. In accordance with chapter 17A, the  
12 3 ~~commission of elder affairs~~ on aging shall adopt and enforce  
12 4 rules for the implementation of this subchapter.

12 5 Sec. 27. Section 231.42, unnumbered paragraph 1, Code  
12 6 2009, is amended to read as follows:

12 7 The Iowa ~~commission of elder affairs~~ on aging, in  
12 8 accordance with section 712 of the federal Act, as codified at  
12 9 42 U.S.C. } 3058g, shall establish the office of long-term  
12 10 care resident's advocate within the department. The long-term  
12 11 care resident's advocate shall administer and monitor local  
12 12 long-term care resident's advocate programs. The long-term  
12 13 care resident's advocate and local long-term care resident's  
12 14 advocates shall:

12 15 Sec. 28. Section 231.42, subsection 6, Code 2009, is  
12 16 amended to read as follows:

12 17 6. Administer the resident advocate committee volunteer  
12 18 program.

12 19 Sec. 29. Section 231.42, unnumbered paragraph 2, Code  
12 20 2009, is amended to read as follows:

12 21 The long-term care resident's advocate and local long-term  
12 22 care resident's advocates shall have access to long-term care  
12 23 facilities, private access to residents, access to residents'  
12 24 personal and medical records, and access to other records  
12 25 maintained by the facilities or governmental agencies  
12 26 pertaining only to the person on whose behalf a complaint is  
12 27 being investigated.

12 28 Sec. 30. Section 231.43, Code 2009, is amended to read as  
12 29 follows:

12 30 231.43 AUTHORITY AND RESPONSIBILITIES OF THE COMMISSION.

12 31 To ensure compliance with the federal Act the commission ~~of~~  
12 32 ~~elder affairs~~ on aging shall establish the following:

12 33 1. Procedures to protect the confidentiality of a  
12 34 resident's records and files.

12 35 2. A statewide uniform reporting system.



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13 1 3. Procedures to enable the long-term care resident's  
13 2 advocate to elicit, receive, and process complaints regarding  
13 3 administrative actions which may adversely affect the health,  
13 4 safety, welfare, or rights of ~~elders~~ older individuals in  
13 5 long-term care facilities.

13 6 Sec. 31. Section 231.44, subsections 1 and 4, Code 2009,  
13 7 are amended to read as follows:

13 8 1. The resident advocate committee volunteer program is  
13 9 administered by the long-term care resident's advocate  
13 10 program.

13 11 4. The state, any resident advocate committee member, and  
13 12 any ~~resident advocate coordinator~~ local long-term care  
13 13 resident's advocate are not liable for an action undertaken by  
13 14 a resident advocate committee member or a ~~resident advocate~~  
13 15 ~~committee coordinator~~ local long-term care resident's advocate  
13 16 in the performance of duty, if the action is undertaken and  
13 17 carried out reasonably and in good faith.

13 18 Sec. 32. Section 231.52, subsections 1 and 3, Code 2009,  
13 19 are amended to read as follows:

13 20 1. The department shall ~~establish~~ administer the senior  
13 21 internship program in ~~coordination~~ consultation with the  
13 22 department of workforce development to encourage and promote  
13 23 ~~the meaningful employment of older Iowans~~ work training  
13 24 programs leading to the employment of older individuals.

13 25 3. The department shall require such uniform reporting and  
13 26 financial accounting by ~~area agencies on aging and local~~  
13 27 ~~projects~~ contractors as may be necessary to fulfill the  
13 28 purposes of this section.

13 29 Sec. 33. Section 231.53, Code 2009, is amended to read as  
13 30 follows:

13 31 231.53 COORDINATION WITH WORKFORCE INVESTMENT ACT.

13 32 The ~~employment and training program administered by the~~  
13 33 ~~department~~ senior internship program shall be coordinated with  
13 34 the ~~training program for older individuals~~ federal Workforce  
13 35 Investment Act administered by the department of workforce



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14 1 development ~~under the federal Workforce Investment Act.~~

14 2 Sec. 34. Section 231.56, Code 2009, is amended to read as  
14 3 follows:

14 4 231.56 ELDER SERVICES PROGRAM AND PROGRAMS.

14 5 The department shall administer ~~an elder services program~~  
14 6 and programs to reduce institutionalization and encourage  
14 7 community involvement to help ~~elders~~ older individuals remain  
14 8 in their own homes. Funds appropriated for this purpose shall  
14 9 be instituted based on administrative rules adopted by the  
14 10 commission. The department shall require such records as  
14 11 needed to administer this section.

14 12 Sec. 35. Section 231.56A, subsections 1 through 5, Code  
14 13 2009, are amended to read as follows:

14 14 1. Through the state's service contract process adopted  
14 15 pursuant to section 8.47, the department shall identify ~~area~~  
~~14 16 agencies on aging entities~~ that have demonstrated the ability  
14 17 to provide a collaborative response to the immediate needs of  
14 18 ~~elders in the area agency on aging service area older~~  
14 19 individuals for the purpose of implementing elder abuse  
14 20 initiative, emergency shelter, and support services projects.  
14 21 The projects shall be ~~implemented only in the counties within~~  
~~14 22 an area agency on aging~~ coordinated in service area areas that  
14 23 have a multidisciplinary team established pursuant to section  
14 24 235B.1, where available.

14 25 2. The target population of the projects shall be any  
14 26 ~~elder older individual residing in the service area of an area~~  
~~14 27 agency on aging Iowa who meets both of the following~~  
~~14 28 conditions:~~

14 29 a. Is is at risk of or who is experiencing abuse, neglect,  
14 30 or exploitation which may include but is not limited to an  
14 31 older individual who is the subject of a report of suspected  
14 32 dependent adult abuse pursuant to chapter 235B. This  
14 33 subsection shall not apply to an older individual who is  
14 34 receiving assistance under a county management plan approved  
14 35 pursuant to section 331.439.



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15 1     ~~b. Is not receiving assistance under a county management~~  
~~15 2 plan approved pursuant to section 331.439.~~  
15 3     3. The ~~area agencies on aging~~ contractor implementing the  
15 4 projects shall identify allowable emergency shelter and  
15 5 support services, state funding, outcomes, reporting  
15 6 requirements, and approved community resources from which  
15 7 services may be obtained under the projects. ~~The area agency~~  
~~15 8 on aging shall identify at least one provider of case~~  
~~15 9 management services for the project area.~~  
15 10    4. The ~~area agencies on aging~~ contractor shall implement  
15 11 the projects and shall coordinate the provider network through  
15 12 the use of referrals or other engagement of community  
15 13 resources to provide services to ~~elders~~ older individuals.  
15 14    5. The department shall award funds to the ~~area agencies~~  
~~15 15 on aging~~ contractor in accordance with the state's service  
15 16 contract process and department rule. Receipt and  
15 17 expenditures of moneys under the projects are subject to  
15 18 examination, including audit, by the department.  
15 19    Sec. 36. Section 231.57, Code 2009, is amended to read as  
15 20 follows:  
15 21    231.57 COORDINATION OF ADVOCACY.  
15 22    The department shall ~~establish~~ administer a program for the  
15 23 coordination of information and assistance provided within the  
15 24 state to assist ~~elders~~ older individuals and their caregivers  
15 25 in obtaining and protecting their rights and benefits. State  
15 26 and local agencies providing information and assistance to  
15 27 ~~elders~~ older individuals and their caretakers in seeking their  
15 28 rights and benefits shall cooperate with the department in  
15 29 ~~developing and implementing~~ administering this program.  
15 30    Sec. 37. Section 231.58, subsection 1, Code 2009, is  
15 31 amended to read as follows:  
15 32    1. A senior living coordinating unit is created within the  
15 33 department ~~of elder affairs~~ on aging. The membership of the  
15 34 coordinating unit consists of:  
15 35    a. The director of human services.



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16 1     b. The director of the department ~~of elder affairs~~ on  
16 2 aging.

16 3     c. The director of public health.

16 4     d. The director of the department of inspections and  
16 5 appeals.

16 6     e. Two members appointed by the governor.

16 7     f. Four members of the general assembly, as ex officio,  
16 8 nonvoting members.

16 9     Sec. 38. Section 231.58, subsection 4, paragraphs b and i,  
16 10 Code 2009, are amended to read as follows:

16 11     b. Develop common intake and release procedures for the  
16 12 purpose of determining eligibility at one point of intake and  
16 13 determining eligibility for programs administered by the  
16 14 departments of human services, and public health, and elder  
16 15 affairs the department on aging, such as the medical  
16 16 assistance program, federal food stamp program, homemaker=home  
16 17 health aide programs, and the case management program for  
16 18 frail elders administered by the department ~~of elder affairs~~  
16 19 on aging.

16 20     i. Consult with the state universities and other  
16 21 institutions with expertise in the area of ~~elder issues~~ older  
16 22 Iowans and the long-term care continua.

16 23     Sec. 39. NEW SECTION. 231.64 AGING AND DISABILITY  
16 24 RESOURCE CENTER PROGRAM.

16 25     The aging and disability resource center program shall be  
16 26 administered by the department in accordance with the  
16 27 requirements of the federal Act. The purpose of the program  
16 28 is to provide a coordinated local system of information and  
16 29 access in order to minimize confusion, enhance individual  
16 30 choice, and support informed decision making for older  
16 31 individuals, persons with disabilities age eighteen or older,  
16 32 and people who inquire about, or request assistance on behalf  
16 33 of, members of these groups as they seek long-term care  
16 34 services and supports.

16 35     Sec. 40. NEW SECTION. 231.65 LEGAL ASSISTANCE



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17 1 DEVELOPMENT PROGRAM.

17 2 A legal assistance development program shall be  
17 3 administered by the department in accordance with the  
17 4 requirements of the federal Act. The purpose of the program  
17 5 is to provide leadership for improving the quality and  
17 6 quantity of legal advocacy assistance as a means of ensuring a  
17 7 comprehensive elder rights system for Iowa's older  
17 8 individuals. The extent of implementation of this program  
17 9 shall be based on available resources.

17 10 Sec. 41. NEW SECTION. 231.66 NUTRITION PROGRAM.

17 11 A nutrition program shall be administered by the  
17 12 department, in accordance with the requirements of the federal  
17 13 Act, including congregate and home-delivered nutrition  
17 14 programs, nutrition education, nutrition counseling, and  
17 15 evidence-based health promotion programs to promote health and  
17 16 well-being, reduce food insecurity, promote socialization, and  
17 17 maximize independence of older individuals.

17 18 Sec. 42. Section 231B.19, Code 2009, is amended to read as  
17 19 follows:

17 20 231B.19 RESIDENT ADVOCATE COMMITTEES.

17 21 The commission ~~of elder affairs~~ on aging shall adopt by  
17 22 rule procedures for appointing members of resident advocate  
17 23 committees for elder group homes.

17 24 Sec. 43. Section 231E.3, subsections 2, 6, and 7, Code  
17 25 2009, are amended to read as follows:

17 26 2. "Commission" means the commission ~~of elder affairs~~ on  
17 27 aging.

17 28 6. "Department" means the department ~~of elder affairs~~ on  
17 29 aging established in section 231.21.

17 30 7. "Director" means the director of the department ~~of~~  
17 31 ~~elder affairs~~ on aging.

17 32 Sec. 44. Section 231E.4, subsection 2, Code 2009, is  
17 33 amended to read as follows:

17 34 2. The director shall appoint an administrator of the  
17 35 state office who shall serve as the state substitute decision



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18 1 maker. The state substitute decision maker shall be qualified  
18 2 for the position by training and expertise in substitute  
18 3 decision-making law and shall be licensed to practice law in  
18 4 Iowa. The state substitute decision maker shall also have  
18 5 knowledge of social services available to meet the needs of  
18 6 persons adjudicated incompetent or in need of substitute  
18 7 decision making.

18 8 Sec. 45. Section 231E.4, subsection 3, paragraph j, Code  
18 9 2009, is amended to read as follows:

18 10 j. Develop, in cooperation with the judicial council as  
18 11 established in section 602.1202, a substitute decision-maker  
18 12 education and training program. The program may be offered to  
18 13 both public and private substitute decision makers. The state  
18 14 office shall establish a curriculum committee, which includes  
18 15 but is not limited to probate judges, to develop the education  
18 16 and training program. The state office shall be the sole  
18 17 authority for certifying additional curriculum trainers.

18 18 Sec. 46. Section 231E.4, subsection 4, paragraphs a and b,  
18 19 Code 2009, are amended to read as follows:

18 20 a. Accept and receive gifts, grants, or donations from any  
18 21 public or private entity in support of the state office. Such  
18 22 gifts, grants, or donations shall be appropriated pursuant to  
18 23 section 231E.9. Notwithstanding section 8.33, moneys retained  
18 24 by the department pursuant to this section shall not be  
18 25 subject to reversion to the general fund of the state.

18 26 b. Accept the services of individual volunteers and  
18 27 volunteer organizations. Volunteers and volunteer  
18 28 organizations utilized by the state office shall not provide  
18 29 direct substitute decision-making services.

18 30 Sec. 47. Section 231E.6, Code 2009, is amended to read as  
18 31 follows:

18 32 231E.6 COURT=INITIATED OR PETITION=INITIATED APPOINTMENT  
18 33 OF STATE OR LOCAL SUBSTITUTE DECISION MAKER == GUARDIANSHIP OR  
18 34 CONSERVATORSHIP == DISCHARGE.

18 35 1. The court may appoint on its own motion or upon



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19 1 petition of any person, the state office or local office of  
19 2 substitute decision maker, to serve as guardian or conservator  
19 3 for any proposed ward in cases in which the court determines  
19 4 that the proceeding will establish the least restrictive form  
19 5 of substitute decision making suitable for the proposed ward  
19 6 and if the proposed ward meets all of the following criteria:

19 7 ~~1.~~ a. Is a resident of the planning and service area in  
19 8 which the local office is located from which services would be  
19 9 provided or is a resident of the state, if the state office  
19 10 would provide the services.

19 11 ~~2.~~ b. Is eighteen years of age or older.

19 12 ~~3.~~ c. Does not have suitable family or another  
19 13 appropriate entity willing and able to serve as guardian or  
19 14 conservator.

19 15 ~~4.~~ d. Is incompetent.

19 16 ~~5.~~ e. Is an individual for whom guardianship or  
19 17 conservatorship services are the least restrictive means of  
19 18 meeting the individual's needs.

19 19 2. For all appointments made pursuant to this section,  
19 20 notice shall be provided to the state office or local office  
19 21 of substitute decision maker prior to appointment. For  
19 22 appointments made pursuant to this section, the state office  
19 23 or local office of substitute decision maker shall only accept  
19 24 appointments made pursuant to the filing of an involuntary  
19 25 petition for appointment of a conservator or guardianship  
19 26 pursuant to chapter 633.

19 27 Sec. 48. Section 231E.7, Code 2009, is amended to read as  
19 28 follows:

19 29 231E.7 SUBSTITUTE DECISION MAKER=INITIATED APPOINTMENT ==  
19 30 INTERVENTIONS.

19 31 The state office or local office may on its own motion or  
19 32 at the request of the court intervene in a guardianship or  
19 33 conservatorship proceeding if the state office or local office  
19 34 or the court considers the intervention to be justified  
19 35 because of any of the following:



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20 1 1. An appointed guardian or conservator is not fulfilling  
20 2 prescribed duties or is subject to removal under section  
20 3 633.65.

20 4 2. A willing and qualified guardian or conservator is not  
20 5 available.

20 6 3. The best interests of the ward require the  
20 7 intervention.

20 8 Sec. 49. Section 231E.8, Code 2009, is amended by adding  
20 9 the following new subsections:

20 10 NEW SUBSECTION. 6. The state or a local substitute  
20 11 decision maker may petition to be removed as guardian or  
20 12 conservator. A petition for removal shall be granted for any  
20 13 of the following reasons:

20 14 a. The ward displays assaultive or aggressive behavior  
20 15 that causes the substitute decision maker to fear for their  
20 16 personal safety.

20 17 b. The ward refuses the services of the substitute  
20 18 decision maker.

20 19 c. The ward refuses to have contact with the substitute  
20 20 decision maker.

20 21 d. The ward moves out of Iowa.

20 22 NEW SUBSECTION. 7. An appointment nominating the state  
20 23 office or a local office under a power of attorney shall not  
20 24 take effect unless the nominated state or local office has  
20 25 consented to the appointment in writing.

20 26 Sec. 50. Section 235B.1, subsection 4, paragraph b,  
20 27 subparagraph (1), Code 2009, is amended to read as follows:

20 28 (1) The advisory council shall consist of twelve members.  
20 29 Six members shall be appointed by and serve at the pleasure of  
20 30 the governor. Four of the members appointed shall be  
20 31 appointed on the basis of knowledge and skill related to  
20 32 expertise in the area of dependent adult abuse including  
20 33 professionals practicing in the disciplines of medicine,  
20 34 public health, mental health, long-term care, social work,  
20 35 law, and law enforcement. Two of the members appointed shall



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21 1 be members of the general public with an interest in the area  
21 2 of dependent adult abuse and two of the members appointed  
21 3 shall be members of the Iowa caregivers association. In  
21 4 addition, the membership of the council shall include the  
21 5 director or the director's designee of the department of human  
21 6 services, the department ~~of elder affairs~~ on aging, the Iowa  
21 7 department of public health, and the department of inspections  
21 8 and appeals.

21 9 Sec. 51. Section 235B.6, subsection 2, paragraph e,  
21 10 subparagraph (11), Code 2009, is amended to read as follows:

21 11 (11) The state office or a local office of substitute  
21 12 decision maker as defined in section 231E.3, ~~appointed by the~~  
~~21 13 court as a guardian or conservator of the adult named in a~~  
~~21 14 report as the victim of abuse or the person designated to be~~  
~~21 15 responsible for performing or obtaining protective services on~~  
~~21 16 behalf of a dependent adult pursuant to section 235B.18 if the~~  
21 17 information relates to the provision of legal services for a  
21 18 client served by the state or local office of substitute  
21 19 decision maker.

21 20 Sec. 52. Section 235B.6, subsection 2, paragraph e, Code  
21 21 2009, is amended by adding the following new subparagraph:

21 22 NEW SUBPARAGRAPH. (14) The department on aging for the  
21 23 purposes of conducting background checks of applicants for  
21 24 employment with the department on aging.

21 25 Sec. 53. Section 235B.16, subsections 1 and 2, Code 2009,  
21 26 are amended to read as follows:

21 27 1. The department ~~of elder affairs~~ on aging, in  
21 28 cooperation with the department, shall conduct a public  
21 29 information and education program. The elements and goals of  
21 30 the program include but are not limited to:

21 31 a. Informing the public regarding the laws governing  
21 32 dependent adult abuse and the reporting requirements for  
21 33 dependent adult abuse.

21 34 b. Providing caretakers with information regarding  
21 35 services to alleviate the emotional, psychological, physical,



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22 1 or financial stress associated with the caretaker and  
22 2 dependent adult relationship.

22 3 c. Affecting public attitudes regarding the role of a  
22 4 dependent adult in society.

22 5 2. The department, in cooperation with the department of  
~~22 6 elder affairs~~ on aging and the department of inspections and  
22 7 appeals, shall institute a program of education and training  
22 8 for persons, including members of provider groups and family  
22 9 members, who may come in contact with dependent adult abuse.  
22 10 The program shall include but is not limited to instruction  
22 11 regarding recognition of dependent adult abuse and the  
22 12 procedure for the reporting of suspected abuse.

22 13 Sec. 54. Section 235B.16, subsection 5, paragraph d,  
22 14 subparagraph (3), Code 2009, is amended to read as follows:

22 15 (3) A training program using such an approved curriculum  
22 16 offered by the department of human services, the department of  
~~22 17 elder affairs~~ on aging, the department of inspections and  
22 18 appeals, the Iowa law enforcement academy, or a similar public  
22 19 agency.

22 20 Sec. 55. Section 249A.4B, subsection 2, paragraph d, Code  
22 21 2009, is amended to read as follows:

22 22 d. The director of the department of ~~elder affairs~~ on  
22 23 aging, or the director's designee.

22 24 Sec. 56. Section 249H.3, subsections 1 and 12, Code 2009,  
22 25 are amended to read as follows:

22 26 1. "Affordable" means rates for payment of services which  
22 27 do not exceed the rates established for providers of medical  
22 28 and health services under the medical assistance program with  
22 29 eligibility for an individual equal to the eligibility for  
22 30 medical assistance pursuant to section 249A.3. In relation to  
22 31 services provided by a provider of services under a home and  
22 32 community-based services waiver, "affordable" means that the  
22 33 total monthly cost of the services provided under the home and  
22 34 community-based services waiver does not exceed the cost for  
22 35 that level of care as established by rule by the department of



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23 1 human services, pursuant to chapter 17A, in consultation with  
23 2 the department ~~of elder affairs~~ on aging.

23 3 12. "Senior living coordinating unit" means the senior  
23 4 living coordinating unit created within the department ~~of~~  
~~23 5 elder affairs~~ on aging pursuant to section 231.58, or its  
23 6 designee.

23 7 Sec. 57. Section 249H.5, subsection 1, Code 2009, is  
23 8 amended to read as follows:

23 9 1. Moneys deposited in the senior living trust fund  
23 10 created in section 249H.4 shall be used only as provided in  
23 11 appropriations from the trust fund to the department of human  
23 12 services and the department ~~of elder affairs~~ on aging, and for  
23 13 purposes, including the awarding of grants, as specified in  
23 14 this chapter.

23 15 Sec. 58. Section 249H.5, subsection 2, paragraph b, Code  
23 16 2009, is amended to read as follows:

23 17 b. To the department ~~of elder affairs~~ on aging, an amount  
23 18 necessary, annually, for expenses incurred in implementation  
23 19 and administration of the long-term care alternatives programs  
23 20 and for delivery of long-term care services to seniors with  
23 21 low or moderate incomes.

23 22 Sec. 59. Section 249H.7, Code 2009, is amended to read as  
23 23 follows:

23 24 249H.7 HOME AND COMMUNITY-BASED SERVICES FOR SENIORS.

23 25 1. Beginning October 1, 2000, the department ~~of elder~~  
~~23 26 affairs~~ on aging, in consultation with the senior living  
23 27 coordinating unit, shall use funds appropriated from the  
23 28 senior living trust fund for activities related to the design,  
23 29 maintenance, or expansion of home and community-based services  
23 30 for seniors, including but not limited to adult day services,  
23 31 personal care, respite, homemaker, chore, and transportation  
23 32 services designed to promote the independence of and to delay  
23 33 the use of institutional care by seniors with low and moderate  
23 34 incomes. At any time that moneys are appropriated, the  
23 35 department ~~of elder affairs~~ on aging, in consultation with the



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24 1 senior living coordinating unit, shall disburse the funds to  
24 2 the area agencies on aging.

24 3 2. The department ~~of elder affairs~~ on aging shall adopt  
24 4 rules, in consultation with the senior living coordinating  
24 5 unit and the area agencies on aging, pursuant to chapter 17A,  
24 6 to provide all of the following:

24 7 a. (1) The criteria and process for disbursement of  
24 8 funds, appropriated in accordance with subsection 1, to area  
24 9 agencies on aging.

24 10 (2) The criteria shall include, at a minimum, all of the  
24 11 following:

24 12 (a) A distribution formula that triple weights all of the  
24 13 following:

24 14 (i) Individuals seventy-five years of age and older.

24 15 (ii) Individuals aged sixty and older who are members of a  
24 16 racial minority.

24 17 (iii) Individuals sixty years of age and older who reside  
24 18 in rural areas as defined in the federal Older Americans Act.

24 19 (iv) Individuals who are sixty years of age and older who  
24 20 have incomes at or below the poverty level as defined in the  
24 21 federal Older Americans Act.

24 22 (b) A distribution formula that single weights individuals  
24 23 sixty years of age and older who do not meet the criteria  
24 24 specified in subparagraph ~~subdivision~~ division (a).

24 25 b. The criteria for long-term care providers to receive  
24 26 funding as subcontractors of the area agencies on aging.

24 27 c. Other procedures the department ~~of elder affairs~~ on  
24 28 aging deems necessary for the proper administration of this  
24 29 section, including but not limited to the submission of  
24 30 progress reports, on a bimonthly basis, to the senior living  
24 31 coordinating unit.

24 32 3. This section does not create an entitlement to any  
24 33 funds available for disbursement under this section and the  
24 34 department ~~of elder affairs~~ on aging may only disburse moneys  
24 35 to the extent funds are available and, within its discretion,



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25 1 to the extent requests for funding are approved.

25 2 4. Long-term care providers that receive funding under  
25 3 this section shall submit annual reports to the appropriate  
25 4 area agency on aging. The department ~~of elder affairs~~ on  
25 5 aging shall develop the report to be submitted, which shall  
25 6 include, but is not limited to, units of service provided, the  
25 7 number of service recipients, costs, and the number of units  
25 8 of service identified as necessitated but not provided.

25 9 5. The department ~~of elder affairs~~ on aging, in  
25 10 cooperation with the department of human services, shall  
25 11 provide annual reports to the governor and the general  
25 12 assembly concerning the impact of moneys disbursed under this  
25 13 section on the availability of long-term care services in  
25 14 Iowa. The reports shall include the types of services funded,  
25 15 the outcome of those services, and the number of individuals  
25 16 receiving those services.

25 17 Sec. 60. Section 249H.9, Code 2009, is amended to read as  
25 18 follows:

25 19 249H.9 SENIOR LIVING PROGRAM INFORMATION == ELECTRONIC  
25 20 ACCESS == EDUCATION == ADVISORY COUNCIL.

25 21 1. The department ~~of elder affairs~~ on aging and the area  
25 22 agencies on aging, in consultation with the senior living  
25 23 coordinating unit, shall create, on a county basis, a database  
25 24 directory of all health care and support services available to  
25 25 seniors. The department ~~of elder affairs~~ on aging shall make  
25 26 the database electronically available to the public, and shall  
25 27 update the database on at least a monthly basis.

25 28 2. The department ~~of elder affairs~~ on aging shall seek  
25 29 foundation funding to develop and provide an educational  
25 30 program for individuals aged twenty-one and older which  
25 31 assists participants in planning for and financing health care  
25 32 services and other supports in their senior years.

25 33 3. The department of human services shall develop and  
25 34 distribute an informational packet to the public that  
25 35 explains, in layperson terms, the law, regulations, and rules



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26 1 under the medical assistance program relative to health care  
26 2 services options for seniors, including but not limited to  
26 3 those relating to transfer of assets, prepaid funeral  
26 4 expenses, and life insurance policies.

26 5 4. The director of human services, the director of the  
26 6 department ~~of elder affairs~~ on aging, the director of public  
26 7 health, the director of the department of inspections and  
26 8 appeals, the director of revenue, and the commissioner of  
26 9 insurance shall constitute a senior advisory council to  
26 10 provide oversight in the development and operation of all  
26 11 informational aspects of the senior living program under this  
26 12 section.

26 13 Sec. 61. Section 249H.10, Code 2009, is amended to read as  
26 14 follows:

26 15 249H.10 CAREGIVER SUPPORT == ACCESS AND EDUCATION  
26 16 PROGRAMS.

26 17 The department of human services and the department ~~of~~  
~~26 18 elder affairs~~ on aging, in consultation with the senior living  
26 19 coordinating unit, shall implement a caregiver support program  
26 20 to provide access to respite care and to provide education to  
26 21 caregivers in providing appropriate care to seniors and  
26 22 persons with disabilities. The program shall be provided  
26 23 through the area agencies on aging or other appropriate  
26 24 agencies.

26 25 Sec. 62. Section 324A.4, subsection 2, unnumbered  
26 26 paragraph 1, Code 2009, is amended to read as follows:

26 27 Upon request, the department shall provide assistance to  
26 28 political subdivisions, state agencies, and organizations  
26 29 affected by this chapter for federal aid applications for  
26 30 urban and rural transit system program aid. The department,  
26 31 in cooperation with the regional planning agencies, shall  
26 32 maintain current information reflecting the amount of federal,  
26 33 state, and local aid received by the public and private  
26 34 nonprofit organizations providing public transit services and  
26 35 the purpose for which the aid is received. The department



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27 1 shall annually prepare a report to be submitted to the general  
27 2 assembly, the department of management, and to the governor,  
27 3 prior to February 1 of each year, stating the receipts and  
27 4 disbursements made during the preceding fiscal year and the  
27 5 adequacy of programs financed by federal, state, local, and  
27 6 private aid in the state. The department shall analyze the  
27 7 programs financed and recommend methods of avoiding  
27 8 duplication and increasing the efficacy of programs financed.  
27 9 The department shall receive comments from the department of  
27 10 human services, department ~~of elder affairs~~ on aging, and the  
27 11 officers and agents of the other affected state and local  
27 12 government units relative to the department's analysis. The  
27 13 department shall use the following criteria to adopt rules to  
27 14 determine compliance with and exceptions to subsection 1:

27 15 Sec. 63. Section 324A.5, unnumbered paragraph 1, Code  
27 16 2009, is amended to read as follows:

27 17 The department of human services, department ~~of elder~~  
~~27 18 affairs on aging~~, and the officers and agents of other state  
27 19 and local governmental units shall assist the department in  
27 20 carrying out section 324A.4, subsections 1 and 2, insofar as  
27 21 the functions of these respective officers and departments are  
27 22 concerned with the health, welfare and safety of any recipient  
27 23 of transportation services.

27 24 EXPLANATION

27 25 This bill relates to the department of elder affairs and  
27 26 services for older Iowans.

27 27 The bill changes references to the "department of elder  
27 28 affairs", "the commission of elder affairs", and "elders" to  
27 29 the "department on aging" (department), the "commission on  
27 30 aging", and "older individuals", respectively, in Code chapter  
27 31 231 (department of elder affairs), and makes conforming  
27 32 changes to these terms throughout the Code.

27 33 The bill provides that records of the department pertaining  
27 34 to clients served by the office of substitute decision maker  
27 35 and the elder abuse initiative shall be confidential unless



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28 1 otherwise ordered by a court, by the lawful custodian, or by  
28 2 another authorized person pursuant to Iowa's open records law  
28 3 (Code chapter 22).

28 4 The bill expands the state's policies and objectives in  
28 5 regard to older individuals to include freedom from abuse,  
28 6 neglect, and exploitation.

28 7 The bill expands the duties and authority of the department  
28 8 to apply for, receive, and administer, in addition to grants,  
28 9 gifts, and devises, bequests of real and personal property  
28 10 from any source. Moneys received by the department from such  
28 11 sources are not subject to reversion to the general fund of  
28 12 the state.

28 13 The bill authorizes the department to administer local  
28 14 long-term care resident's advocate programs and allows local  
28 15 long-term care resident's advocates to carry out the same  
28 16 duties as the state long-term care resident's advocate,  
28 17 including but not limited to investigating and resolving  
28 18 complaints, monitoring and developing laws and regulations,  
28 19 and providing certain information to other agencies. Local  
28 20 long-term care resident's advocates are also allowed access to  
28 21 long-term care facilities, private access to residents, access  
28 22 to residents' personal and medical records, and access to  
28 23 other records maintained by the facilities or governmental  
28 24 agencies pertaining only to the person on whose behalf a  
28 25 complaint is investigated. The bill provides that a local  
28 26 long-term care resident's advocate is not liable for any  
28 27 actions taken by the local long-term care resident's advocate  
28 28 in the performance of duties if undertaken reasonably and in  
28 29 good faith.

28 30 The bill provides that, in accordance with the state's  
28 31 service contract process, the department shall identify and  
28 32 award funds to contractors, in addition to area agencies on  
28 33 aging, that have demonstrated the ability to provide a  
28 34 collaborative response to the immediate needs of older  
28 35 individuals at risk of or experiencing abuse, neglect, or



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29 1 exploitation, for the purpose of implementing elder abuse  
29 2 initiative, emergency shelter, and support service projects.  
29 3     The bill provides that the department shall administer the  
29 4 aging and disability resource center program, the legal  
29 5 assistance development program, and the nutrition program.  
29 6 The purpose of the aging and disability resource center  
29 7 program is to provide a coordinated local system of  
29 8 information access for older individuals, persons with  
29 9 disabilities aged 18 and older, and people who inquire about,  
29 10 or request assistance on behalf of, members of these groups  
29 11 who seek long-term care and support. The purpose of the legal  
29 12 assistance development program is to provide leadership for  
29 13 improving legal advocacy assistance for Iowa's older  
29 14 individuals. The purpose of the nutrition program is to  
29 15 administer the federal Older Americans Act in regard to  
29 16 congregate and home-delivered nutrition programs, nutrition  
29 17 education, nutrition counseling, and health programs to  
29 18 promote health and well-being, reduce food insecurity, promote  
29 19 socialization, and maximize independence of older individuals.  
29 20     The bill requires the area agencies on aging to consider an  
29 21 older individual's caregiver in assessing the types, levels,  
29 22 and delivery of services available to older individuals.  
29 23     The bill provides that the state substitute decision maker  
29 24 shall be licensed to practice law in Iowa and shall be the  
29 25 sole authority for certifying additional curriculum trainers.  
29 26 Volunteers and volunteer organizations shall not provide  
29 27 direct substitute decision-making services. Gifts, grants, or  
29 28 donations received by the office of the substitute decision  
29 29 maker shall be deposited in the general fund of the state and  
29 30 the amounts received are appropriated to the department.  
29 31 Moneys retained by the department pursuant to these gifts,  
29 32 grants, or donations shall not be subject to reversion to the  
29 33 general fund of the state.  
29 34     The bill provides that for all state office or local office  
29 35 of substitute decision maker appointments by the court, notice



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30 1 shall be provided to the state office or local substitute  
30 2 decision maker prior to appointment. For such appointments,  
30 3 the state office or local substitute office of substitute  
30 4 decision maker shall only accept appointments made in  
30 5 circumstances where an involuntary petition for guardianship  
30 6 or conservatorship is filed.  
30 7 The bill provides that the state or local substitute  
30 8 decision maker may petition to be removed as guardian or  
30 9 conservator under certain circumstances, including if the ward  
30 10 displays assaultive or aggressive behavior that causes the  
30 11 substitute decision maker to fear for their personal safety,  
30 12 if the ward refuses the services of the substitute decision  
30 13 maker or refuses to have contact with the substitute decision  
30 14 maker, and if the ward moves out of Iowa. An appointment  
30 15 nominating the state office or a local office under a power of  
30 16 attorney will not be effective unless the nominated state or  
30 17 local office has consented to the appointment in writing.  
30 18 The bill authorizes the department access to dependent  
30 19 adult abuse information, other than unfounded dependent adult  
30 20 abuse information, for the purposes of conducting background  
30 21 checks of applicants for employment with the department.  
30 22 LSB 1339XD 83  
30 23 rh/nh/5.1



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Senate Study Bill 1161

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
LOCAL GOVERNMENT BILL  
BY CHAIRPERSON QUIRMBACH)

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

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

A BILL FOR

- 1 An Act providing that a city may adopt an ordinance regulating
- 2 the siting of certain confinement feeding operation structures
- 3 within an unincorporated area adjacent to the city limits.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2105XC 83
- 6 da/nh/8



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Senate Study Bill 1161 continued

PAG LIN

1 1 Section 1. NEW SECTION. 364.26 ANIMAL FEEDING OPERATIONS  
1 2 SITING ORDINANCE.  
1 3 1. As used in this section, unless the context otherwise  
1 4 requires:  
1 5 a. "Animal", "animal feeding operation", "animal feeding  
1 6 operation structure", "animal unit", "confinement feeding  
1 7 operation", and "small animal feeding operation" mean the same  
1 8 as defined in section 459.102.  
1 9 b. "Open feedlot operation" and "open feedlot operation  
1 10 structure" means the same as defined in section 459A.102.  
1 11 2. A city may adopt an animal feeding operations siting  
1 12 ordinance. The purpose of the ordinance is to allow the city  
1 13 to approve or disapprove the construction, including  
1 14 expansion, of an animal feeding operation within an  
1 15 unincorporated area up to two miles beyond the limits of the  
1 16 city. If an adjacent city has also adopted an animal feeding  
1 17 operations siting ordinance governing the same unincorporated  
1 18 area, each city's ordinance shall govern the unincorporated  
1 19 area extending to a line equidistant between the limits of the  
1 20 adjacent cities. The city shall exercise its authority to  
1 21 adopt the ordinance independently of its zoning authority  
1 22 under chapter 414.  
1 23 3. a. An animal feeding operations siting ordinance shall  
1 24 only apply to an animal feeding operation that is a  
1 25 confinement feeding operation or open feedlot operation.  
1 26 b. An animal feeding operations siting ordinance shall not  
1 27 apply to any of the following:  
1 28 (1) A small animal feeding operation. Two or more animal  
1 29 feeding operations are deemed to be a single animal feeding  
1 30 operation in the same manner as provided in section 459.201.  
1 31 (2) An animal feeding operation, other than a small animal  
1 32 feeding operation, established prior to the effective date of  
1 33 the ordinance. However, the ordinance may apply to the animal  
1 34 feeding operation if it expands on or after the effective date  
1 35 of the ordinance. An animal feeding operation expands by



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2 1 doing any of the following:

2 2       (a) Constructing or expanding an animal feeding operation  
2 3 structure.

2 4       (b) Using additional land to keep animals or store manure.

2 5       (c) Increasing the number of animal units by more than ten  
2 6 percent.

2 7

EXPLANATION

2 8       This bill provides that a city may adopt an ordinance which  
2 9 provides for the approval of the construction or expansion of  
2 10 a structure associated with an animal feeding operation which  
2 11 is a confinement feeding operation (see Code chapter 459) or  
2 12 open feedlot operation (see Code chapter 459A) within an  
2 13 unincorporated area up to two miles beyond the limits of the  
2 14 city. Such an ordinance would not apply to a small animal  
2 15 feeding operation having 500 or fewer animal units (see Code  
2 16 section 459.102) or an animal feeding operation, other than a  
2 17 small animal feeding operation, which exists prior to the  
2 18 effective date of the ordinance so long as it does not expand.

2 19 LSB 2105XC 83

2 20 da/nh/8



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Senate Study Bill 1162

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
COMMERCE BILL BY  
CHAIRPERSON WARNSTADT)

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

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

A BILL FOR

1 An Act allowing the waiver of certain administrative penalties  
2 for late annual reports concerning cemetery and funeral  
3 merchandise, and funeral services, upon a showing of good  
4 cause or financial hardship and providing an immediate  
5 effective date.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
7 TLSB 2110SC 83  
8 av/rj/14



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Senate Study Bill 1162 continued

PAG LIN

1 1 Section 1. Section 523A.204, subsection 4, Code 2009, is  
1 2 amended to read as follows:  
1 3 4. The commissioner shall levy an administrative penalty  
1 4 in the amount of five hundred dollars against a preneed seller  
1 5 that fails to file the annual report when due, payable to the  
1 6 state for deposit in the general fund of the state. However,  
1 7 the commissioner may waive the administrative penalty upon a  
1 8 showing of good cause or financial hardship.

1 9 Sec. 2. Section 523A.502A, subsection 3, Code 2009, is  
1 10 amended to read as follows:

1 11 3. The commissioner shall levy an administrative penalty  
1 12 in the amount of five hundred dollars against a sales agent  
1 13 who fails to file an annual report when due, payable to the  
1 14 state for deposit in the general fund. However, the  
1 15 commissioner may waive the administrative penalty upon a  
1 16 showing of good cause or financial hardship.

1 17 Sec. 3. EFFECTIVE DATE. This Act, being deemed of  
1 18 immediate importance, takes effect upon enactment.

1 19 EXPLANATION

1 20 This bill allows the commissioner of insurance to waive  
1 21 administrative penalties against sellers and sales agents of  
1 22 cemetery and funeral merchandise and funeral services for  
1 23 failure to timely file annual reports, upon a showing of good  
1 24 cause or financial hardship. The bill is effective upon  
1 25 enactment.

1 26 LSB 2110SC 83

1 27 av/rj/14



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**Senate Study Bill 1163**

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

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

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

**A BILL FOR**

- 1 An Act relating to the regulation of the business of debt
- 2 management and making penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1228DP 83
- 5 rn/nh/14



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Senate Study Bill 1163 continued

PAG LIN

1 1 Section 1. Section 533A.1, Code 2009, is amended to read  
1 2 as follows:  
1 3 533A.1 DEFINITIONS.  
1 4 As used in this chapter:  
1 5 ~~1. "Allowable cost" means an actual, identifiable~~  
~~1 6 third-party expense incurred by the licensee on behalf of a~~  
~~1 7 specific debtor, such as postage and long distance telephone~~  
~~1 8 charges, that may be itemized and charged against the debtor~~  
~~1 9 for payment.~~  
1 10 2. 1. "Creditor" means a person who grants credit, a  
1 11 person who takes assignment of the rights to payments of a  
1 12 person who grants credit, or a person for whose benefit moneys  
1 13 are being collected and distributed by licensees a licensee.  
1 14 ~~3. 2. "Debt management" means the planning and management~~  
~~1 15 of the financial affairs of a debtor and the receiving~~  
~~1 16 therefrom of money or evidences thereof for the purpose of~~  
~~1 17 distributing the same to the debtor's creditors in payment or~~  
~~1 18 partial payment of the debtor's obligations for a fee, when~~  
1 19 done for a fee, any of the following:  
1 20 a. Arranging or negotiating, or attempting to arrange or  
1 21 negotiate, the amount or terms of debt owed by a debtor to a  
1 22 creditor.  
1 23 b. Receiving from a debtor, directly or indirectly, money  
1 24 or evidences thereof for the purposes of distributing the same  
1 25 to one or more creditors of the debtor in payment or partial  
1 26 payment of the debtor's obligations.  
1 27 c. Serving as an intermediary between a debtor and one or  
1 28 more creditors of the debtor for the purpose of obtaining  
1 29 concessions from the creditors.  
1 30 d. Engaging in debt settlement.  
1 31 3. "Debt settlement" means seeking to settle the principal  
1 32 amount of a debtor's debts with creditors for less than the  
1 33 principal amounts owed on the debts.  
1 34 4. "Debtor" means any natural person.  
1 35 5. "Donation" means money given by the debtor to a



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2 1 licensee as a gift for debt management and outside of the debt  
2 2 management contract.

2 3 6. "Fee" means the moneys paid by the debtor to the  
2 4 licensee as payment for debt management and shall not include  
2 5 money paid to the licensee or held by the licensee for  
2 6 distribution to a creditor, ~~allowable costs~~, a distribution to  
2 7 the debtor as a refund, or a donation.

2 8 7. "Gratuitous debt-management service" means debt  
2 9 management without charging a fee.

2 10 8. "Licensee" means any person licensed under this  
2 11 chapter.

2 12 9. "Natural person" means an individual who is not an  
2 13 association, joint venture, or joint stock company,  
2 14 partnership, limited partnership, business corporation,  
2 15 nonprofit corporation, other business entity, or any group of  
2 16 individuals or business entities, however organized.

2 17 10. "Office" means each location by street number,  
2 18 building number, city, and state where any person engages in  
2 19 debt management.

2 20 11. "Person" means an individual, an association, joint  
2 21 venture or joint stock company, partnership, limited  
2 22 partnership, business corporation, nonprofit corporation, or  
2 23 any other group of individuals however organized.

2 24 12. "Superintendent" means the superintendent of banking.

2 25 Sec. 2. Section 533A.2, subsection 2, Code 2009, is  
2 26 amended by adding the following paragraph:

2 27 NEW PARAGRAPH. h. A person licensed under chapter 533C,  
2 28 including that person's authorized delegates as defined in  
2 29 section 533C.102, or a person exempt from licensing under  
2 30 section 533C.103, when engaging in money transmission or  
2 31 currency exchange as defined in chapter 533C.102.

2 32 Sec. 3. Section 533A.2, subsection 3, Code 2009 is amended  
2 33 to read as follows:

2 34 3. The application for a license shall be in the form  
2 35 prescribed by the superintendent. If the applicant is not a



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3 1 natural person, a copy of the legal documents creating the  
3 2 applicant shall be filed with the application. The  
3 3 application shall contain all of the following:

3 4 a. The name of the applicant.

3 5 b. If the applicant is not a natural person, the type of  
3 6 business entity of the applicant and the date the entity was  
3 7 organized.

3 8 c. If the applicant is a foreign corporation, both of the  
3 9 following:

3 10 (1) An irrevocable consent, duly acknowledged, that suits  
3 11 and actions may be commenced against the licensee in the  
3 12 courts of this state by service of process performed as  
3 13 provided in section 617.3 or as provided in the Iowa rules of  
3 14 civil procedure.

3 15 (2) Proof of authorization to do business in this state.

3 16 ~~e.~~ d. The address where the business is to be conducted,  
3 17 including information as to any branch office of the  
3 18 applicant.

3 19 ~~d.~~ e. The name and resident address of the applicant's  
3 20 owner or partners, or, if a corporation, association, or  
3 21 agency, of the members, shareholders, directors, trustees,  
3 22 principal officers, managers, and agents.

3 23 f. The name, physical address, and telephone number of the  
3 24 licensee's agent for service of process.

3 25 ~~e.~~ g. Other pertinent information as the superintendent  
3 26 may require, including a credit report.

3 27 Sec. 4. Section 533A.2, subsection 5, Code 2009, is  
3 28 amended to read as follows:

3 29 5. Each applicant shall furnish with the application a  
3 30 description of its proposed debt management program, a copy of  
3 31 the disclosures it will be providing debtors pursuant to  
3 32 section 533A.8, subsection 3, and a copy of the contract the  
3 33 applicant proposes to use between the applicant and the  
3 34 debtor, which shall contain a schedule of fees to be charged  
~~3 35 the debtor for the applicant's services pursuant to section~~



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4 1 533A.8, subsection 4.

4 2 Sec. 5. Section 533A.8, Code 2009, is amended by striking  
4 3 the section and inserting in lieu thereof the following:

4 4 533A.8 LICENSEE REQUIREMENTS.

4 5 1. A licensee shall describe the methodology of its debt  
4 6 management program to each potential debtor client so that the  
4 7 debtor can make an informed decision as to whether or not the  
4 8 licensee's program is an appropriate option for the debtor.

4 9 2. A licensee shall conduct a comprehensive review of a  
4 10 debtor's debts and monthly budget and make a determination  
4 11 that the licensee's program is an appropriate option for the  
4 12 debtor before entering into a contract with the debtor. A  
4 13 licensee shall not accept an account unless a written and  
4 14 thorough budget analysis has been performed which indicates  
4 15 that the debtor can meet the requirements determined by the  
4 16 budget analysis.

4 17 3. a. A licensee, including any third party who markets  
4 18 or sells a debt management program on behalf of a licensee,  
4 19 shall make the following disclosures to a debtor both verbally  
4 20 and in writing before the debtor signs a contract to enroll in  
4 21 the debt management program:

4 22 (1) The total estimated fee the debtor will pay for  
4 23 participating in the program if the debtor remains in the  
4 24 program for the entire term of the contract.

4 25 (2) That the licensee cannot guarantee any specific  
4 26 results from participation in the program.

4 27 (3) That the debtor may elect to discontinue participation  
4 28 in the program without penalty at any time during the program.

4 29 (4) If the program includes obtaining concessions  
4 30 regarding the principal amount of the debt from creditors,  
4 31 that any concessions may be considered income to the debtor  
4 32 subject to income tax.

4 33 (5) If the program is based on a model which does not  
4 34 require the licensee or another licensee to receive money or  
4 35 evidence thereof from the debtor to distribute to the debtor's



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5 1 creditors, the following:

5 2 (a) That payments are not made to creditors on the  
5 3 debtor's behalf, so the debtor is still obligated to make  
5 4 payments to creditors.

5 5 (b) That creditors may continue to try to collect the  
5 6 debtor's debts while the debtor is enrolled in the program.

5 7 (6) If the program is a debt settlement program, that the  
5 8 following may occur:

5 9 (a) The debtor's credit report and credit score may be  
5 10 harmed by participating in the program.

5 11 (b) Failure to make required minimum payments to the  
5 12 debtor's creditors may violate the debtor's agreement with the  
5 13 creditors and may result in additional charges, such as late  
5 14 fees, over limit fees, and penalties and creditors may raise  
5 15 the debtor's interest rate.

5 16 (c) The debtor may be sued by creditors if the debtor  
5 17 fails to make required minimum payments to the debtor's  
5 18 creditors.

5 19 b. The verbal disclosures required pursuant to this  
5 20 subsection shall be made at a normal rate of speech in a  
5 21 manner designed to ensure the debtor understands the  
5 22 disclosures. The written disclosures shall be provided in a  
5 23 separate document from the contract between the licensee and  
5 24 the debtor and shall be designed to ensure the debtor  
5 25 understands the disclosures. It is a violation of this  
5 26 chapter for a licensee, or any third party who markets or  
5 27 sells a debt management program on behalf of a licensee, to  
5 28 contradict these disclosures in any representation,  
5 29 advertising, or solicitation.

5 30 4. A licensee shall make a written contract with a debtor  
5 31 and shall immediately and before collecting any fee, furnish  
5 32 the debtor with a true copy of the contract. A contract shall  
5 33 not extend for a period longer than sixty months. The  
5 34 contract between a licensee and a debtor shall include all of  
5 35 the following:



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- 6 1     a. The total estimated charges agreed upon for the  
6 2 services of the licensee and any third parties providing  
6 3 services for or in conjunction with the licensee.
- 6 4     b. A statement of how and when the charges are to be paid.
- 6 5     c. A statement that the debtor may elect to discontinue  
6 6 participation in the program without penalty at any time  
6 7 during the program.
- 6 8     d. The beginning and expiration date of the contract.
- 6 9     e. The name, physical address, and telephone number of the  
6 10 licensee.
- 6 11     f. A description of the services to be provided by the  
6 12 licensee, which shall include educational and counseling  
6 13 services designed to assist the debtor in managing the  
6 14 debtor's borrowing, spending, and saving habits.
- 6 15     g. If the debt management program is a debt settlement  
6 16 program, the following:
- 6 17         (1) A comprehensive list of every debt at the time of  
6 18 enrollment that is to be negotiated for settlement by the  
6 19 licensee, including the creditors' names and identifying  
6 20 information.
- 6 21         (2) The estimated amount of money needed to fund  
6 22 settlements.
- 6 23     h. If the debt management program is based on a model  
6 24 which requires the licensee or any licensee to receive money  
6 25 or evidences thereof from the debtor to distribute to the  
6 26 debtor's creditors, the contract shall set forth the complete  
6 27 list of creditors who are to receive payments under the  
6 28 contract.
- 6 29     5. If the debt management program is based on a model  
6 30 which requires the licensee or any licensee to receive money  
6 31 or evidences thereof from the debtor to distribute to the  
6 32 debtor's creditors, the licensee who receives the money or  
6 33 evidences thereof from the debtor for distribution to the  
6 34 debtor's creditors shall do all of following:
- 6 35         a. Maintain a separate bank trust account in which all



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7 1 payments received from debtors for the benefit of creditors  
7 2 shall be deposited and in which all payments shall remain  
7 3 until a remittance is made to either the debtor or the  
7 4 creditor.  
7 5 b. Make remittances to creditors within forty-five days  
7 6 after initial receipt of funds, and thereafter remittances  
7 7 shall be made to creditors within thirty days of receipt, less  
7 8 fees, unless the reasonable payment of one or more of the  
7 9 debtor's obligations requires that such funds be held for a  
7 10 longer period so as to accumulate a sum certain.  
7 11 c. Provide each debtor a monthly written statement of  
7 12 disbursements made and fees deducted from the debtor's  
7 13 account. The licensee shall also provide a verbal accounting  
7 14 of disbursements made and fees deducted from the debtor's  
7 15 account at any time the debtor requests it during normal  
7 16 business hours.  
7 17 d. Not receive any fee, or have or cause any fee to be  
7 18 received by any other licensee, other than the initiation fee  
7 19 permitted in section 533A.9, subsection 2, unless the licensee  
7 20 has the consent of at least fifty percent of the total number  
7 21 of the creditors listed in the licensee's contract with the  
7 22 debtor, or such a like number of creditors have accepted a  
7 23 distribution of payment. The debtor shall be informed by the  
7 24 licensee of those creditors who have not agreed to the  
7 25 licensee's handling of the account.  
7 26 6. If the debt management program is not based on a model  
7 27 which requires the licensee or any licensee to receive money  
7 28 or evidences thereof from the debtor to distribute to the  
7 29 debtor's creditors, both of the following shall apply:  
7 30 a. The debtor shall maintain full control of and access to  
7 31 any moneys set aside for payment to creditors.  
7 32 b. The licensee may not receive consideration from any  
7 33 third party in connection with services rendered to a debtor.  
7 34 7. A licensee shall keep, and use in the licensee's  
7 35 business, books, accounts, and records which will enable the



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8 1 superintendent to determine whether such licensee is complying  
8 2 with the provisions of this chapter, any applicable state or  
8 3 federal laws or regulations, and the rules and regulations of  
8 4 the superintendent. A licensee shall preserve such books,  
8 5 accounts, and records for at least five years after making the  
8 6 final entry on any transaction recorded therein. Records  
8 7 shall contain complete information regarding all contracts,  
8 8 extensions thereof, payments, disbursements, and charges,  
8 9 which records shall be open to inspection by the  
8 10 superintendent and the superintendent's duly appointed agents  
8 11 during normal business hours.

8 12 8. In the event a compromise of a debt is arranged by a  
8 13 licensee with one or more creditors, the debtor shall have the  
8 14 full benefit of such compromise.

8 15 9. All licensee advertising content, and data supporting  
8 16 any claims made in the advertising, shall be maintained in  
8 17 retrievable format and available to the superintendent for  
8 18 inspection for a minimum of five years.

8 19 10. If the licensee maintains an internet website, the  
8 20 licensee shall make available on its internet website a  
8 21 physical address for its headquarters, a main telephone  
8 22 number, and an electronic mail contact address.

8 23 11. The superintendent may adopt additional requirements  
8 24 applicable to licensees pursuant to administrative rule.

8 25 Sec. 6. Section 533A.9, Code 2009, is amended to read as  
8 26 follows:

8 27 533A.9 FEE AGREED IN ADVANCE.

8 28 1. The fee of ~~the~~ a licensee charged to ~~the~~ a debtor shall  
8 29 be agreed upon in advance and stated in the contract and  
8 30 provision for settlement in case of cancellation ~~or prepayment~~  
8 31 shall also be clearly stated in the contract. ~~The fee of the~~  
~~8 32 licensee charged to the debtor shall not exceed fifteen~~  
~~8 33 percent of any payment made by the debtor and distributed to~~  
~~8 34 the creditors pursuant to the contract. In case of total~~  
~~8 35 payment of the contract before the contract period has~~



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~~9 1 expired, the licensee shall be entitled only to a fee of no  
9 2 more than three percent of the final payment.~~

~~9 3 2. A debtor may be charged a one-time initiation fee for  
9 4 debt management services, which shall not exceed fifty  
9 5 dollars.~~

~~9 6 3. If a debt management program is based on a model that  
9 7 required the licensee or any other licensee to receive money  
9 8 or evidences thereof from the debtor to distribute to the  
9 9 debtor's creditors, the debtor may not be charged a fee  
9 10 exceeding the initiation fee permitted in subsection 2 plus a  
9 11 fee not to exceed fifteen percent of amounts actually applied  
9 12 to the debtor's accounts with the creditors. Other than the  
9 13 initiation fee, the debtor shall at no time be required to pay  
9 14 fees exceeding fifteen percent of amounts actually applied to  
9 15 the debtor's accounts with the creditors.~~

~~9 16 4. a. If a debt management program is not based on a  
9 17 model that requires the licensee or another licensee to  
9 18 receive money or evidences thereof from the debtor to  
9 19 distribute to the debtor's creditors, a debtor may not be  
9 20 charged a fee exceeding the sum of the following:~~

~~9 21 (1) The initiation fee permitted in subsection 2.~~

~~9 22 (2) An additional fee not to exceed five percent of the  
9 23 total amount of the debtor's debts enrolled in the licensee's  
9 24 program at the time the debtor enrolled in the program.~~

~~9 25 (3) The fees permitted in subsection 6, if applicable.~~

~~9 26 b. A licensee shall collect the additional fee permitted  
9 27 in paragraph "a", subparagraph (2), in equal monthly  
9 28 installments spread over the entire term of the contract  
9 29 between the debtor and the licensee. The debtor may elect to  
9 30 discontinue participation in the program at any time during  
9 31 the program by providing written notice to the licensee. The  
9 32 debtor's obligation for future installments to the licensee  
9 33 ends upon the licensee's receipt of the notice, but the debtor  
9 34 remains liable for installments due the licensee prior to  
9 35 receipt of the notice.~~



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10 1 5. Any services provided by a third party, including lead  
10 2 generating, marketing, and selling services, shall be paid for  
10 3 by the licensee. Under no circumstances shall a debtor be  
10 4 required to pay a fee to a third party to obtain a licensee's  
10 5 services.

10 6 6. If the licensee's program is a debt settlement program  
10 7 and the program does not require the licensee or another  
10 8 licensee to receive money or evidences thereof from the debtor  
10 9 to distribute to the debtor's creditors, the debtor may be  
10 10 charged an additional fee not to exceed twenty percent of the  
10 11 difference between the amount of the debt at the time the  
10 12 debtor enrolled in the licensee's program and the amount paid  
10 13 to settle the debt in full. The licensee shall not collect  
10 14 this fee until the creditor provides a written certification  
10 15 or confirmation that the payment has been received and is in  
10 16 full settlement of the debt.

10 17 Sec. 7. Section 533A.11, Code 2009, is amended to read as  
10 18 follows:

10 19 533A.11 UNLAWFUL ACTS OF LICENSEE.

10 20 It ~~shall be~~ is unlawful and a violation of this chapter for  
10 21 the holder of any license issued under ~~the terms and~~  
10 22 ~~provisions hereto~~ this chapter:

10 23 1. To purchase from a creditor any obligation of a debtor.

10 24 2. To operate as a collection agent and as a licensee as  
10 25 to the same debtor's account without first disclosing in  
10 26 writing such fact to both the debtor and creditor.

10 27 3. To execute any contract or agreement to be signed by  
10 28 the debtor unless the contract or agreement is fully and  
10 29 completely filled in and finished.

10 30 4. To receive or charge any fee in the form of a  
10 31 promissory note or other promise to pay, or receive or accept  
10 32 any mortgage or other security for any fee, both as to real or  
10 33 personal property.

10 34 5. To pay any bonus or other consideration to any  
10 35 individual, agency, partnership, unincorporated association,



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11 1 or corporation for the referral of a debtor to the licensee's  
11 2 business, or to accept or receive any bonus, commission, or  
11 3 other consideration for referring any debtor to any  
11 4 individual, partnership, unincorporated association, agency,  
11 5 or corporation for any reason.

11 6 6. To advertise the licensee's services, display,  
11 7 distribute, broadcast, or televise, or permit to be displayed,  
11 8 advertised, distributed, broadcast, or televised the  
11 9 licensee's services in any manner inconsistent with the law.

11 10 7. To make, or facilitate the debtor in making, any false  
11 11 or misleading claim regarding a creditor's right to collect a  
11 12 debt.

11 13 8. To dispute, or facilitate the debtor in disputing, the  
11 14 validity of a debt absent a good faith belief by the debtor  
11 15 that the debt is not validly owing.

11 16 9. To challenge a debt without the written consent of the  
11 17 debtor.

11 18 10. To provide or offer to provide legal advice or legal  
11 19 services unless the person providing or offering to provide  
11 20 legal advice is licensed to practice law in the state in which  
11 21 the debtor resides.

11 22 11. To execute a power of attorney or any other written  
11 23 agreement that extinguishes or limits the debtor's right to  
11 24 contact or communicate with any creditor.

11 25 12. To take a wage assignment, a lien of any type on real  
11 26 or personal property, or other security to secure the payment  
11 27 of compensation. Any such security is void and unenforceable.

11 28 13. To induce or attempt to induce a debtor to enter into  
11 29 a contract which does not comply in all respects with the  
11 30 requirements of this chapter.

11 31 14. Where applicable, to make any statements, or allow a  
11 32 third party marketing or selling the licensee's program to  
11 33 make any statements, in the course of advertising or  
11 34 solicitation that contradicts the disclosures required by  
11 35 section 533A.8.



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12 1 15. When the licensee's program is a debt settlement  
12 2 program, the following:  
12 3 a. To advise a debtor to stop making payments to  
12 4 creditors.  
12 5 b. To lead a debtor to believe that a payment to a  
12 6 creditor is in settlement of a debt to the creditor unless the  
12 7 creditor provides a written certification or confirmation that  
12 8 the payment is in full settlement of the debt, or is part of a  
12 9 payment plan that is in full settlement of the debt.  
12 10 c. To make any of the following representations:  
12 11 (1) The licensee will furnish money to pay bills or  
12 12 prevent attachments.  
12 13 (2) Payment of a certain amount will guarantee  
12 14 satisfaction of a certain amount or range of indebtedness.  
12 15 (3) Participation in a program will prevent debt  
12 16 collection calls, litigation, garnishment, attachment,  
12 17 repossession, foreclosure, eviction, or loss of employment.  
12 18 (4) Participation in a program will not harm the debtor's  
12 19 credit report or credit score.  
12 20 (5) Participation in a program will prevent the debtor  
12 21 from having to declare bankruptcy.  
12 22 (6) That the licensee is authorized or competent to  
12 23 furnish legal advice or perform legal services.  
12 24 (7) That the licensee's negotiations with creditors will  
12 25 result in the elimination of adverse information on the  
12 26 debtor's credit report.  
12 27 Sec. 8. NEW SECTION. 533A.17 WAIVER NOT ALLOWED.  
12 28 A waiver by a debtor of the provisions of this chapter is  
12 29 void and unenforceable as contrary to public policy. An  
12 30 attempt by a licensee to induce a debtor to waive the debtor's  
12 31 rights is a violation of this chapter.  
12 32 Sec. 9. Section 533A.6, Code 2009, is repealed.  
12 33 EXPLANATION  
12 34 This bill relates to the regulation of the business of debt  
12 35 management pursuant to Code chapter 533A.



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13 1 The bill modifies definitions applicable to debt  
13 2 management. The bill adds to the definition of a "creditor" a  
13 3 person who grants credit or who takes assignment of the rights  
13 4 to payments of a person granting credit. The bill expands the  
13 5 definition of "debt management" to mean arranging or  
13 6 negotiating, or attempting to arrange or negotiate, for a fee,  
13 7 the amount or terms of debt owed by a debtor to a creditor;  
13 8 receiving from a debtor, directly or indirectly, money or  
13 9 evidences thereof for the purposes of distributing it to one  
13 10 or more creditors of the debtor in payment or partial payment  
13 11 of the debtor's obligations; serving as an intermediary  
13 12 between a debtor and one or more creditors of the debtor for  
13 13 the purpose of obtaining concessions from the creditors, or  
13 14 engaging in debt settlement. The bill defines "debt  
13 15 settlement" as seeking to settle the principal amount of a  
13 16 debtor's debts with creditors for less than the principal  
13 17 amounts owed on the debts. The bill additionally deletes a  
13 18 definition of "allowable cost" which was not utilized within  
13 19 the chapter.

13 20 The bill adds to the list of persons exempt from the  
13 21 chapter's licensing requirements a person licensed pursuant to  
13 22 Code chapter 533C in connection with money transmission or  
13 23 currency exchange and related persons as specified in the  
13 24 bill.

13 25 The bill requires additional information to be supplied on  
13 26 an application for licensure, including in the case of a  
13 27 foreign corporation applicant a duly acknowledged irrevocable  
13 28 consent that suits and actions may be commenced against the  
13 29 licensee by service of process performed as provided in Code  
13 30 section 617.3 or as provided in the Iowa rules of civil  
13 31 procedure, and proof of authorization to do business. The  
13 32 bill requires furnishing the name, physical address, and  
13 33 telephone number of the licensee's agent for service of  
13 34 process, which replaces a provision repealed by the bill which  
13 35 had designated the superintendent of banking as the agent for



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14 1 service of process. The bill also requires an applicant to  
14 2 furnish a description of their proposed debt management  
14 3 program and a copy of disclosures required in the chapter to  
14 4 be provided to debtors.  
14 5 The bill replaces current Code section 533A.8 specifying  
14 6 written contract requirements with a new list of requirements  
14 7 applicable to a licensee when dealing with a potential debtor  
14 8 client or otherwise engaging in the business of debt  
14 9 management. The requirements include describing the  
14 10 methodology of the debt management program so a debtor can  
14 11 make an informed decision regarding the appropriateness of the  
14 12 program, conducting a comprehensive review of the debtor's  
14 13 debts and the debtor's monthly budget, and performing a  
14 14 thorough written budget analysis.  
14 15 The bill provides additional requirements relating to  
14 16 disclosures required to be made by a licensee. The bill  
14 17 provides that a licensee, including any third party who  
14 18 markets or sells a debt management program on behalf of a  
14 19 licensee, must make a series of disclosures to a debtor both  
14 20 verbally and in writing before the debtor signs a contract to  
14 21 enroll in the debt management program. The disclosures  
14 22 include the total estimated fee the debtor will pay for  
14 23 participating in the program, that the licensee cannot  
14 24 guarantee any specific results, that the debtor may elect to  
14 25 discontinue participation in the program without penalty at  
14 26 any time, and that any concession obtained regarding the  
14 27 principal amount of debt may be considered income to the  
14 28 debtor subject to income tax. Disclosures are also specified  
14 29 applicable to debt management programs which do not require  
14 30 receipt of money from the debtor to distribute to the debtor's  
14 31 creditors, and to debt settlement programs. The bill contains  
14 32 requirements regarding the form and manner of verbal and  
14 33 written disclosures, and states that it is a violation of the  
14 34 Code chapter for a licensee, or any third party who markets or  
14 35 sells a debt management program on behalf of the licensee, to



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15 1 contradict the required disclosures in any representation,  
15 2 advertising, or solicitation.  
15 3 Further, the bill specifies the nature of the contents of a  
15 4 written contract entered into between a licensee and a debtor,  
15 5 including the duration of the contract, charges, termination  
15 6 options, licensee information, and a description of services  
15 7 to be performed. If the debt management program is based on a  
15 8 model which requires the licensee or any licensee to receive  
15 9 money or evidences thereof from the debtor to distribute to  
15 10 the debtor's creditors, the bill specifies procedures  
15 11 regarding such receipt and distribution. If it does not, the  
15 12 bill requires the debtor to maintain control of the funds.  
15 13 The licensee may not receive consideration from third parties  
15 14 in connection with services rendered to a debtor.  
15 15 Requirements relating to books, accounts, records,  
15 16 advertising, and internet website content are also provided.  
15 17 In addition, the bill addresses fees. The bill provides  
15 18 for a one-time initiation fee not to exceed \$50, and  
15 19 additional fees in amounts and at intervals which vary  
15 20 depending upon whether the debt management program requires  
15 21 distribution of money to the debtor's creditors.  
15 22 The bill adds several new licensee actions which are  
15 23 considered unlawful acts and a violation of the Code chapter.  
15 24 They include making, or facilitating the debtor in making, any  
15 25 false or misleading claim regarding a creditor's right to  
15 26 collect a debt; disputing, or facilitating the debtor to  
15 27 dispute, the validity of the debt absent a good faith belief  
15 28 by the debtor that the debt is not validly owing; challenging  
15 29 a debt without the written consent of the debtor; providing or  
15 30 offering to provide legal advice or legal services unless the  
15 31 person providing or offering to provide legal advice is  
15 32 licensed to practice law in the state in which the debtor  
15 33 resides; executing a power of attorney or any other oral or  
15 34 written express or implied agreement that extinguishes or  
15 35 limits the debtor's right at any time to contact or



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16 1 communicate with any creditor; taking a wage assignment or  
16 2 lien or other security to secure the payment of compensation;  
16 3 and inducing or attempting to induce a debtor to enter into a  
16 4 contract which does not comply in all respects with the  
16 5 requirements of Code chapter 533A. Additional unlawful acts  
16 6 specified in the bill relate to advertising and  
16 7 misrepresentation.  
16 8 Finally, the bill provides that a waiver of the provisions  
16 9 of Code chapter 533A is void and unenforceable as contrary to  
16 10 public policy, and prohibits the attempt by a licensee to  
16 11 induce a debtor to waive the debtor's rights.  
16 12 LSB 1228DP 83  
16 13 rn/nh/14.1



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**Senate Study Bill 1164**

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

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

**A BILL FOR**

1 An Act relating to various matters under the purview of the  
2 insurance division of the department of commerce including the  
3 uniform securities act; insurance division; examination of  
4 insurance companies; articles of incorporation filing  
5 requirements; viatical settlements contracts; life insurance  
6 companies and associations; long-term care insurance;  
7 long-term care asset disregard incentives; insurance other  
8 than life; insurance guaranty association; county mutual  
9 insurance associations; state mutual insurance associations;  
10 consolidation, merger, and reinsurance; and cemetery and  
11 funeral merchandise and funeral services; and providing for  
12 retroactive applicability.  
13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
14 TLSB 1321XD 83  
15 av/rj/14



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PAG LIN

1 1 Section 1. Section 20.4, Code 2009, is amended by adding  
1 2 the following new subsection:  
1 3 NEW SUBSECTION. 13. Full-time persons employed by the  
1 4 insurance division of the department of commerce who examine  
1 5 or analyze the accounts and affairs of persons subject to the  
1 6 supervision and regulation of the commissioner of insurance  
1 7 pursuant to chapter 507.

1 8 Sec. 2. Section 249A.35, Code 2009, is amended to read as  
1 9 follows:

1 10 249A.35 PURCHASE OF ~~CERTIFIED~~ QUALIFIED LONG-TERM CARE  
1 11 INSURANCE POLICY == COMPUTATION UNDER MEDICAL ASSISTANCE  
1 12 PROGRAM.

1 13 A computation for the purposes of determining eligibility  
1 14 under this chapter concerning an individual who is the  
1 15 beneficiary of a ~~certified~~ qualified long-term care insurance  
1 16 policy under chapter 514H shall include consideration of the  
1 17 asset disregard provided in section 514H.5.

1 18 Sec. 3. Section 502.409, subsection 1, Code 2009, is  
1 19 amended to read as follows:

1 20 1. WITHDRAWAL OF REGISTRATION. Withdrawal of registration  
1 21 by a broker-dealer, agent, investment adviser, or investment  
1 22 adviser representative becomes effective sixty days after the  
1 23 filing of the application to withdraw or within any shorter  
1 24 period as provided by rule adopted or order issued under this  
1 25 chapter unless a revocation or suspension proceeding is  
1 26 pending when the application is filed. If a proceeding is  
1 27 pending, withdrawal becomes effective when and upon such  
1 28 conditions as required by rule adopted or order issued under  
1 29 this chapter. The administrator may institute a ~~revocation or~~  
1 30 ~~suspension proceeding~~ disciplinary action under section  
1 31 502.412, including an action to revoke, suspend, condition, or  
1 32 limit the registration of a registrant, censure, impose a bar,  
1 33 or impose a civil penalty, within one year after the  
1 34 withdrawal became effective automatically and issue a  
1 35 ~~revocation or suspension~~ disciplinary order as of the last



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2 1 date on which registration was effective if a proceeding is  
2 2 not pending.

2 3 Sec. 4. Section 502.410, subsection 4, Code 2009, is  
2 4 amended to read as follows:

2 5 4. INVESTMENT ADVISER REPRESENTATIVES. The fee for an  
2 6 individual is ~~thirty~~ forty dollars when filing an application  
2 7 for registration as an investment adviser representative, a  
2 8 fee of ~~thirty~~ forty dollars when filing a renewal of  
2 9 registration as an investment adviser representative, and a  
2 10 fee of ~~thirty~~ forty dollars when filing a change of  
2 11 registration as an investment adviser representative. If the  
2 12 filing results in a denial or withdrawal, the administrator  
2 13 shall retain the ~~fee.~~

2 14 ~~However,~~ fee. ~~However,~~ an investment adviser  
2 15 representative is not required to pay a filing fee if the  
2 16 investment adviser is a sole proprietorship or the substantial  
2 17 equivalent and the investment adviser representative is the  
2 18 same individual as the investment adviser.

2 19 Sec. 5. Section 505.8, subsection 6, Code 2009, is amended  
2 20 to read as follows:

2 21 6. The commissioner shall provide assistance to the public  
2 22 and to consumers of insurance products and services in this  
2 23 state.

2 24 a. The commissioner shall accept inquiries and complaints  
2 25 from the public regarding the business of insurance. The  
2 26 commissioner may respond to inquiries and complaints, and may  
2 27 examine or investigate such inquiries and complaints to  
2 28 determine whether laws in this subtitle and rules adopted  
2 29 pursuant to such laws have been violated.

2 30 ~~a.~~ b. The commissioner shall establish a bureau, to be  
2 31 known as the "consumer advocate bureau", which shall be  
2 32 responsible for ensuring fair treatment of consumers ~~by~~  
2 33 ~~persons in the business of insurance~~ and for preventing unfair  
2 34 or deceptive trade practices in the ~~insurance~~ marketplace and  
2 35 by persons under the jurisdiction of the commissioner



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3 1 including the securities and regulated industries bureau of  
3 2 the insurance division of the department of commerce under  
3 3 chapter 502.

3 4 ~~b.~~ (1) The commissioner, with the advice of the governor,  
3 5 shall appoint a consumer advocate who shall be knowledgeable  
3 6 in the area of insurance and particularly in the area of  
3 7 consumer protection. The consumer advocate shall be the chief  
3 8 administrator of the consumer advocate bureau.

3 9 ~~c.~~ (2) The consumer advocate bureau ~~shall~~ may receive and  
3 10 may investigate consumer complaints and inquiries from the  
3 11 public, and ~~shall~~ may conduct investigations to determine  
3 12 whether any person has violated any provision of the insurance  
3 13 code, including chapters 507B and 522B, and any provisions  
3 14 related to the establishment of insurance rates.

3 15 ~~d. When necessary or appropriate to protect the public~~  
~~3 16 interest or consumers, the consumer advocate may request that~~  
~~3 17 the commissioner conduct administrative hearings as provided~~  
~~3 18 in section 505.29.~~

3 19 ~~e.~~ (3) The consumer advocate bureau shall perform other  
3 20 functions as may be assigned to it by the commissioner related  
3 21 to consumer advocacy.

3 22 ~~f.~~ (4) The consumer advocate bureau shall work in  
3 23 conjunction with other areas of the insurance division on  
3 24 matters of mutual interest. The insurance division shall  
3 25 cooperate with the consumer advocate in fulfilling the duties  
3 26 of the consumer advocate bureau. The consumer advocate may  
3 27 also seek assistance from other federal or state agencies or  
3 28 private entities for the purpose of assisting consumers.

3 29 ~~g.~~ (5) The commissioner, in cooperation with the consumer  
3 30 advocate, shall prepare and deliver a report to the general  
3 31 assembly by January 15 of each year that contains findings and  
3 32 recommendations regarding the activities of the consumer  
3 33 advocate bureau including but not limited to all of the  
3 34 following:

3 35 ~~(1)~~ (a) An overview of the functions of the bureau.



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4 1     ~~(2)~~ (b) The structure of the bureau including the number  
4 2 and type of staff positions.  
4 3     ~~(3)~~ (c) Statistics showing the number of complaints  
4 4 handled by the bureau, the nature of the complaints including  
4 5 the line of business involved and their disposition, and the  
4 6 disposition of similar issues in other states.  
4 7     ~~(4)~~ (d) Actions commenced by the consumer advocate.  
4 8     ~~(5)~~ (e) Studies performed by the consumer advocate.  
4 9     ~~(6)~~ (f) Educational and outreach efforts of the consumer  
4 10 advocate bureau.  
4 11     ~~(7)~~ (g) Recommendations from the commissioner and the  
4 12 consumer advocate about additional consumer protection  
4 13 functions that would be appropriate and useful for the bureau  
4 14 or the insurance division to fulfill based on observations and  
4 15 analysis of trends in complaints and information derived from  
4 16 national or other sources.  
4 17     ~~(8)~~ (h) Recommendations from the commissioner and the  
4 18 consumer advocate about any needs for additional funding,  
4 19 staffing, legislation, or administrative rules.  
4 20     c. When necessary or appropriate to protect the public  
4 21 interest or consumers, the commissioner may conduct, or the  
4 22 consumer advocate may request that the commissioner conduct  
4 23 administrative hearings as provided in this subtitle.  
4 24     d. The commissioner may adopt rules for the administration  
4 25 of this subsection.  
4 26     Sec. 6. Section 505.15, subsection 2, Code 2009, is  
4 27 amended to read as follows:  
4 28     2. The commissioner may, or at the request of the consumer  
4 29 advocate may, retain attorneys, appraisers, independent  
4 30 actuaries, independent certified public accountants, or other  
4 31 professionals or specialists to assist the division or the  
4 32 consumer advocate bureau in carrying out its duties in regard  
4 33 to rate filing reviews. The reasonable cost of retaining such  
4 34 professionals and specialists shall be borne by the insurer  
4 35 which is the subject of the rate filing review.



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5 1 Sec. 7. Section 507.4, subsection 2, Code 2009, is amended  
5 2 to read as follows:

5 3 2. The commissioner may, when in the commissioner's  
5 4 judgment it is advisable, appoint assistants to aid in  
5 5 conducting examinations. ~~The commissioner shall employ rates~~  
~~5 6 of compensation consistent with current standards in the~~  
~~5 7 industry for certified public accountants, attorneys, and~~  
~~5 8 skilled insurance examiners. The commissioner may use~~  
~~5 9 compensation rates suggested by the national association of~~  
~~5 10 insurance commissioners.~~ Insurance examiners employed under  
5 11 this section shall be exempt from the merit system provisions  
5 12 of chapter 8A, subchapter IV, under section 8A.412, subsection  
5 13 17. Pay plans which are substantially equivalent to those  
5 14 paid to examiners under section 524.208 shall be established  
5 15 for employees who examine or analyze the accounts and affairs  
5 16 of persons subject to the supervision and regulation of the  
5 17 commissioner. Compensation shall be paid from appropriations  
5 18 for such purposes upon certification of the commissioner,  
5 19 which shall be reimbursed as provided in sections 507.8 and  
5 20 507.9.

5 21 Sec. 8. Section 508.2, Code 2009, is amended by striking  
5 22 the section and inserting in lieu thereof the following:

5 23 508.2 ARTICLES == APPROVAL == BYLAWS.

5 24 The articles of incorporation, and any subsequent  
5 25 amendments, of a company shall be filed with and approved by  
5 26 the commissioner of insurance before filing with the secretary  
5 27 of state. A company shall file with the commissioner bylaws  
5 28 and subsequent amendments to the bylaws within thirty days of  
5 29 adoption of the bylaws and amendments.

5 30 Sec. 9. Section 508E.3, subsection 1, paragraph b,  
5 31 subparagraphs (1) and (2), Code 2009, are amended to read as  
5 32 follows:

5 33 (1) A life insurance producer who has been duly licensed  
5 34 as a resident insurance producer with a life line of authority  
5 35 in this state or the life insurance producer's home state for



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6 1 at least one year immediately prior to operating as a viatical  
6 2 settlement broker and is licensed as a nonresident producer in  
6 3 this state shall be deemed to meet the licensing requirements  
6 4 of this section and shall be permitted to operate as a  
6 5 viatical settlement broker.

6 6 (2) Not later than thirty days from the first day of  
6 7 operating as a viatical settlement broker, the life insurance  
6 8 producer shall notify the commissioner that the life insurance  
6 9 producer is acting as a viatical settlement broker on a form  
6 10 prescribed by the commissioner, and shall pay any applicable  
6 11 fee of up to one hundred dollars as provided by rules adopted  
6 12 by the commissioner. The notification shall include an  
6 13 acknowledgment by the life insurance producer that the life  
6 14 insurance producer will operate as a viatical settlement  
6 15 broker in accordance with this chapter. The notification  
6 16 shall also include proof that the life insurance producer is  
6 17 covered by an errors and omissions policy for an amount of not  
6 18 less than one hundred thousand dollars per occurrence and not  
6 19 less than one hundred thousand dollars total annual aggregate  
6 20 for all claims during the policy period.

6 21 Sec. 10. Section 508E.3, subsections 3 and 9, Code 2009,  
6 22 are amended to read as follows:

6 23 3. ~~A~~ The license ~~may be renewed from year to year on the~~  
6 24 ~~anniversary date~~ term shall be three years and the license may  
6 25 be renewed upon payment of the ~~annual~~ renewal fee of not more  
6 26 than one hundred dollars as provided by rules adopted by the  
6 27 commissioner. A failure to pay the fee by the renewal date  
6 28 results in expiration of the license.

6 29 9. An individual licensed as a viatical settlement broker  
6 30 shall complete on a ~~biennial basis fifteen hours~~ triennial  
6 31 basis running concurrent with the license term twenty credits  
6 32 of training related to viatical settlements and viatical  
6 33 settlement transactions, as required by the commissioner;  
6 34 provided, however, that a life insurance producer who is  
6 35 operating as a viatical settlement broker pursuant to



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7 1 subsection 1, paragraph "b", shall not be subject to the  
7 2 requirements of this subsection. Any person failing to meet  
7 3 the requirements of this subsection shall be subject to the  
7 4 penalties imposed by the commissioner.

7 5 Sec. 11. Section 511.8, subsection 18, paragraph b, Code  
7 6 2009, is amended to read as follows:

7 7 b. Common stocks or shares in a subsidiary corporation,  
7 8 the acquisition or purchase of which is authorized by section  
7 9 508.33 are eligible if the total investment in these stocks or  
7 10 shares does not exceed five percent of the legal reserve;  
7 11 provided, however, that common stocks or shares of stock in a  
7 12 direct or indirect subsidiary insurance company which is  
7 13 domiciled in the United States are eligible up to an  
7 14 additional two percent of the legal reserve upon application  
7 15 by the insurer to and upon approval by the commissioner.  
7 16 Stocks or shares of the insurer's subsidiary corporations are  
7 17 not eligible in total in excess of seven percent of the legal  
7 18 reserve and the stock or shares of any one subsidiary  
7 19 corporation are not eligible in excess of five percent of the  
7 20 legal reserve. These stocks or shares are eligible even if  
7 21 the stocks or shares are not listed or admitted to trading on  
7 22 a securities exchange in the United States and are not  
7 23 publicly held and have not been traded in the  
7 24 "over-the-counter market". The stocks or shares shall be  
7 25 valued at their book value; provided, however, that stocks or  
7 26 shares of a direct or indirect subsidiary insurance company  
7 27 held in the legal reserve of up to an additional two percent  
7 28 of the legal reserve shall be valued at their statutory book  
7 29 value, excluding approved permitted practices.

7 30 Sec. 12. Section 512A.10, subsection 1, Code 2009, is  
7 31 amended by striking the subsection and inserting in lieu  
7 32 thereof the following:

7 33 1. The articles of incorporation, and any subsequent  
7 34 amendments, of an organization shall be filed with and  
7 35 approved by the commissioner of insurance before filing with



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8 1 the secretary of state. An organization shall file bylaws and  
8 2 subsequent amendments to bylaws with the commissioner within  
8 3 thirty days of adoption of the bylaws and amendments.

8 4 Sec. 13. Section 514B.3A, Code 2009, is amended by  
8 5 striking the section and inserting in lieu thereof the  
8 6 following:

8 7 514B.3A ARTICLES == APPROVAL == BYLAWS.

8 8 The articles of incorporation, and any subsequent  
8 9 amendments, of a corporation shall be filed with and approved  
8 10 by the commissioner of insurance before filing with the  
8 11 secretary of state. A corporation shall file bylaws and  
8 12 subsequent amendments to the bylaws with the commissioner  
8 13 within thirty days of adoption of the bylaws and amendments.

8 14 Sec. 14. Section 514G.102, Code 2009, is amended to read  
8 15 as follows:

8 16 514G.102 SCOPE.

8 17 The requirements of this chapter apply to policies  
8 18 delivered or issued for delivery in this state on or after  
8 19 July 1, 2008. The requirements of this chapter related to  
8 20 independent review of benefit trigger determinations apply to  
8 21 all claims made on or after January 1, 2009. This chapter is

8 22 not intended to supersede the obligations of entities subject  
8 23 to this chapter to comply with the substance of other  
8 24 applicable insurance laws not in conflict with this chapter,  
8 25 except that laws and regulations designed and intended to  
8 26 apply to Medicare supplement insurance policies shall not be  
8 27 applied to long-term care insurance.

8 28 Sec. 15. Section 514G.104, Code 2009, is amended to read  
8 29 as follows:

8 30 514G.104 EXTRATERRITORIAL JURISDICTION == GROUP LONG-TERM  
8 31 CARE INSURANCE.

8 32 Group long-term care insurance coverage shall not be  
8 33 offered to a resident of this state under a group policy  
8 34 issued in another state unless either this state or another  
8 35 state with statutory and regulatory requirements for long-term



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9 1 care insurance that are substantially similar to those adopted  
9 2 in this state has made a determination that the group to which  
9 3 the policy is issued meets the requirements of section  
9 4 514G.103, subsection 9, paragraph "d".

9 5 Sec. 16. Section 514H.1, subsection 1, Code 2009, is  
9 6 amended by striking the subsection and inserting in lieu  
9 7 thereof the following:

9 8 1. "Deficit Reduction Act of 2005" means section  
9 9 6021(a)(1)(A) of Public Law 109=171 as it pertains to the  
9 10 expansion of state long=term care insurance partnership  
9 11 programs.

9 12 Sec. 17. Section 514H.1, Code 2009, is amended by adding  
9 13 the following new subsections:

9 14 NEW SUBSECTION. 3A. "Qualified long=term care insurance  
9 15 policy" means a long=term care insurance contract that is  
9 16 issued by an insurer or other person who complies with section  
9 17 514H.4.

9 18 NEW SUBSECTION. 5. "Qualified state long=term care  
9 19 insurance partnership" means an approved state plan amendment,  
9 20 according to the Deficit Reduction Act of 2005 that provides  
9 21 for the disregard of any assets or resources in an amount  
9 22 equal to the insurance benefit payments that are made to or on  
9 23 behalf of an individual who is a beneficiary.

9 24 Sec. 18. Section 514H.2, subsection 2, Code 2009, is  
9 25 amended to read as follows:

9 26 2. The insurance division of the department of commerce  
9 27 shall administer the program in cooperation with the division  
9 28 responsible for medical services within the department of  
9 29 human services. Each agency shall take ~~appropriate action to~~  
~~9 30 maintain the waiver granted by the centers for Medicare and~~  
~~9 31 Medicaid services of the United States department of health~~  
~~9 32 and human services under 42 U.S.C. } 1396 relating to~~  
~~9 33 providing medical assistance under chapter 249A, in effect~~  
~~9 34 prior to November 17, 2005 all necessary actions, including~~  
9 35 filing an appropriate medical assistance state plan amendment



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10 1 to the state Medicaid plan to take full advantage of the  
10 2 benefits and features of the Deficit Reduction Act of 2005.  
10 3 Sec. 19. Section 514H.3, Code 2009, is amended to read as  
10 4 follows:  
10 5 514H.3 ELIGIBILITY.  
10 6 An individual who is the beneficiary of a ~~certified~~  
10 7 qualified long-term care insurance policy approved by the  
10 8 insurance division may be eligible for assistance under the  
10 9 medical assistance program using the asset disregard  
10 10 provisions pursuant to section 514H.5.  
10 11 Sec. 20. Section 514H.4, Code 2009, subsections 1 and 2,  
10 12 are amended to read as follows:  
10 13 514H.4 INSURER REQUIREMENTS.  
10 14 ~~1. An insurer or other person who wishes to issue a~~  
10 15 ~~certified qualified long-term care insurance policy meeting~~  
~~10 16 the requirements of this chapter shall, at a minimum, offer to~~  
~~10 17 each policyholder or prospective policyholder a policy that~~  
~~10 18 provides both of the following:~~ in Iowa shall conform with all  
10 19 policy guidelines as expressed in the Deficit Reduction Act of  
10 20 2005 and in Iowa law and rules.  
10 21 ~~a. Facility coverage, including but not limited to~~  
~~10 22 long-term care facility coverage.~~  
10 23 ~~b. Nonfacility coverage, including but not limited to home~~  
~~10 24 and community-based care coverage.~~  
10 25 ~~2. An insurer or other person who complies with subsection~~  
~~10 26 1 may also elect to offer a certified long-term care insurance~~  
~~10 27 policy that provides only facility coverage.~~  
10 28 Sec. 21. Section 514H.5, Code 2009, is amended to read as  
10 29 follows:  
10 30 514H.5 ASSET DISREGARD ADJUSTMENT.  
10 31 1. As used in this section, "asset disregard" means a one  
10 32 dollar increase in the amount of assets an individual who is  
10 33 the beneficiary of a ~~certified~~ qualified long-term care  
10 34 insurance policy and meets the requirements of section 514H.3  
10 35 may retain under section 249A.35 for each one dollar of



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11 1 benefit paid out under the individual's ~~certified~~ qualified  
11 2 long-term care insurance policy for qualified long-term care  
11 3 services ~~if the policy meets all of the following criteria:~~.  
11 4 a. ~~If purchased prior to January 1, 2005, provides~~  
11 5 ~~benefits in an amount equal to at least seventy thousand~~  
11 6 ~~dollars as computed on January 1, 2005.~~  
11 7 b. ~~If purchased on or after January 1, 2005, provides~~  
11 8 ~~benefits in an amount equal to at least seventy thousand~~  
11 9 ~~dollars as computed on January 1, 2005, compounded annually by~~  
11 10 ~~at least five percent, or an amount equal to at least the~~  
11 11 ~~minimum face amount specified by the commissioner of insurance~~  
11 12 ~~pursuant to subsection 3, whichever amount is greater.~~  
11 13 e. ~~Includes a provision under which the total amount of~~  
11 14 ~~the benefit increases by at least five percent, compounded~~  
11 15 ~~annually.~~  
11 16 2. When the division responsible for medical services  
11 17 within the department of human services determines whether an  
11 18 individual is eligible for medical assistance under chapter  
11 19 249A, the division shall make an asset disregard adjustment  
11 20 for any individual who meets the requirements of section  
11 21 514H.3. The asset disregard shall be available after benefits  
11 22 of the ~~certified~~ qualified long-term care insurance policy  
11 23 have been applied to the cost of qualified long-term care  
11 24 services as required under this chapter.  
11 25 3. ~~Beginning September 1, 2006, or one year after November~~  
11 26 ~~17, 2005, whichever is later, the commissioner of insurance~~  
11 27 ~~shall issue a bulletin annually on that date, declaring the~~  
11 28 ~~minimum face amount for policies to qualify for the Iowa~~  
11 29 ~~long-term care asset disregard incentive program for the~~  
11 30 ~~following calendar year. In making this determination, the~~  
11 31 ~~commissioner shall consult with the division responsible for~~  
11 32 ~~collecting data on average nursing home costs in Iowa.~~  
11 33 ~~Additionally, in making this determination, the commissioner~~  
11 34 ~~shall consider the current average daily cost for three years~~  
11 35 ~~of nursing home care and other relevant information.~~



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12 1       Sec. 22. Section 514H.7, subsection 1, Code 2009, is  
12 2 amended to read as follows:  
12 3       1. If the Iowa long-term care asset disregard incentive  
12 4 program is discontinued, an individual who is covered by a  
12 5 ~~certified~~ qualified long-term care insurance policy prior to  
12 6 the date the program is discontinued is eligible to continue  
12 7 to receive an asset disregard as defined under section 514H.5.  
12 8       Sec. 23. Section 514H.8, Code 2009, is amended to read as  
12 9 follows:  
12 10       514H.8 RECIPROCAL AGREEMENTS TO EXTEND ASSET DISREGARD.  
12 11       The division responsible for medical services within the  
12 12 department of human services may enter into reciprocal  
12 13 agreements with other states to extend the asset disregard  
12 14 under section 514H.5 to Iowa residents who had purchased or  
12 15 were covered by ~~certified~~ qualified long-term care insurance  
12 16 policies in other states.  
12 17       Sec. 24. Section 514H.9, Code 2009, is amended to read as  
12 18 follows:  
12 19       514H.9 RULES.  
12 20       The insurance division of the department of commerce in  
12 21 cooperation with the department of human services shall adopt  
12 22 rules pursuant to chapter 17A as necessary to administer this  
12 23 chapter. ~~The insurance division shall consult with~~  
~~12 24 representatives of the insurance industry in adopting such~~  
~~12 25 rules. This delegation of rulemaking authority shall be~~  
~~12 26 construed narrowly.~~  
12 27       Sec. 25. Section 515.2, Code 2009, is amended by striking  
12 28 the section and inserting in lieu thereof the following:  
12 29       515.2 ARTICLES == APPROVAL == BYLAWS.  
12 30       The articles of incorporation, and any subsequent  
12 31 amendments, of an organization shall be filed with and  
12 32 approved by the commissioner of insurance before filing with  
12 33 the secretary of state. An organization shall file with the  
12 34 commissioner bylaws and subsequent amendments to the bylaws  
12 35 within thirty days of adoption of the bylaws and amendments.



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13 1 Sec. 26. Section 515.101, subsection 2, paragraph i, Code  
13 2 2009, is amended to read as follows:

13 3 i. ~~The fraud~~ Fraud, concealment, or misrepresentation of  
13 4 ~~the an insured in the procurement of the contract of~~  
~~13 5 insurance.~~

13 6 Sec. 27. Section 515.120, Code 2009, is amended to read as  
13 7 follows:

13 8 515.120 BUSINESS WITH NONADMITTED INSURERS.

13 9 This chapter does not prevent a licensed resident or  
13 10 nonresident producer of this state, qualified to write excess  
13 11 and surplus lines insurance, from procuring insurance ~~in~~ with  
13 12 certain nonadmitted insurers, if such insurance is restricted  
13 13 to the type and kind of insurance authorized by this chapter  
13 14 including individual disability insurance, but otherwise  
13 15 excluding the types of insurance authorized under section  
13 16 515.48, subsection 5, paragraph "a", and the producer makes  
13 17 oath to the commissioner of insurance ~~in the form prescribed~~  
~~13 18 by the commissioner~~ using the surplus lines certification  
13 19 report, which states that the producer has made a diligent  
13 20 effort to place the insurance in authorized insurers with an  
13 21 admitted insurer and has either exhausted the capacity of all  
13 22 ~~authorized~~ admitted insurers or has been unable to obtain the  
13 23 desired insurance ~~in insurers licensed to transact business in~~  
~~13 24 this state with an admitted insurer.~~ The procuring of a  
13 25 contract of insurance ~~in~~ with a nonadmitted insurer makes the  
13 26 insurer liable for, and the producer shall pay, the taxes on  
13 27 the premiums as if the insurer were duly authorized to  
13 28 transact business in the state. A sworn report of all  
13 29 business transacted by producers of this state ~~in~~ with  
13 30 nonadmitted insurers shall be made to the commissioner of  
13 31 insurance on or before March 1 of each year for the preceding  
13 32 calendar year, on the form required by the commissioner of  
13 33 insurance. The report shall be accompanied by a remittance to  
13 34 cover the taxes on the premiums. A producer who ~~makes the~~  
13 35 files the surplus lines certification report under oath, pays



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14 1 the taxes on the premiums, and files the transaction report  
14 2 has not written such contracts of insurance unlawfully, and is  
14 3 not personally liable for the contracts.

14 4 Sec. 28. Section 515B.1, subsection 9, Code 2009, is  
14 5 amended to read as follows:

14 6 9. Insurance provided by ~~or~~, guaranteed by, or reinsured  
14 7 by government.

14 8 Sec. 29. Section 515B.2, subsection 4, paragraph b,  
14 9 subparagraphs (4) and (7), Code 2009, are amended to read as  
14 10 follows:

14 11 (4) That is due an attorney, adjuster, or witness as fees  
14 12 for services rendered to the insolvent insurer or its insured.

14 13 (7) That would otherwise be a covered claim, but is an  
14 14 obligation to or on behalf of a person who has a net worth  
14 15 greater than that allowed by the guarantee fund law of the  
14 16 state of residence of the claimant person, and which state has  
14 17 denied coverage to that claimant person on that basis.

14 18 Sec. 30. Section 515B.5, subsection 1, paragraph a,  
14 19 subparagraph (3), Code 2009, is amended to read as follows:

14 20 (3) An amount not exceeding the lesser of the policy  
14 21 limits or three hundred thousand dollars ~~per claim~~ for all  
14 22 covered claims for all damages arising out of any one or  
14 23 series of accidents, occurrences, or incidents, regardless of  
14 24 the number of persons making claims or the number of  
14 25 applicable policies.

14 26 Sec. 31. Section 515B.5, subsection 1, paragraph b, Code  
14 27 2009, is amended by striking the paragraph and inserting in  
14 28 lieu thereof the following:

14 29 b. Be obligated to pay covered claims but not in excess of  
14 30 the obligation under the policy of the insolvent insurer,  
14 31 regardless of whether such claim is based on contract or tort.

14 32 Sec. 32. Section 515B.14, Code 2009, is amended to read as  
14 33 follows:

14 34 515B.14 IMMUNITY.

14 35 There is no liability, and no cause of action of any nature



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15 1 shall arise against any member insurer, the association, its  
15 2 agents or employees, the board of directors, the commissioner,  
15 3 or the commissioner's representatives, for any ~~reasonable~~  
15 4 action taken ~~by them~~ or failure to act in the performance of  
15 5 their duties and powers under this chapter.

15 6 Sec. 33. Section 518.2, Code 2009, is amended by striking  
15 7 the section and inserting in lieu thereof the following:

15 8 518.2 ARTICLES == APPROVAL == BYLAWS.

15 9 The articles of incorporation, and any subsequent  
15 10 amendments, of an organization shall be filed with and  
15 11 approved by the commissioner of insurance before filing with  
15 12 the secretary of state. The organization shall file with the  
15 13 commissioner bylaws and subsequent amendments to the bylaws  
15 14 within thirty days of adoption of the bylaws or amendments.

15 15 Sec. 34. Section 518.5, Code 2009, is amended to read as  
15 16 follows:

15 17 518.5 COMMENCEMENT OF BUSINESS == CONDITIONS.

15 18 ~~No~~ A county mutual insurance association formed on or after  
15 19 July 1, 2009, shall not issue policies until applications for  
15 20 insurance of not less than ~~fifty~~ one hundred thousand dollars,  
15 21 representing at least ~~fifty~~ two hundred applicants, have been  
15 22 received, and no application for insurance during the period  
15 23 of organization shall exceed two percent of the amount  
15 24 required for organization, any reinsurance taking effect  
15 25 simultaneously with the policy being deducted in determining  
15 26 such maximum single risk.

15 27 Sec. 35. Section 518.13, Code 2009, is amended to read as  
15 28 follows:

15 29 518.13 PREMIUM CHARGES.

15 30 Any association may by action of its board of directors  
15 31 establish premium charges for the purpose of payment of losses  
15 32 and expenses and for the establishment or maintenance of a  
15 33 reserve fund.

15 34 ~~Any policy shall stand suspended if any default shall be~~  
15 35 ~~made in the payment of any premium on or before the date~~



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~~16 1 specified in a written notice requiring the payment of such  
16 2 premium and mailed to the insured and directed to the  
16 3 insured's last known address not less than thirty days prior  
16 4 to such suspension date. Such notice shall specify the amount  
16 5 and due date of the premium. The association shall in no  
16 6 event be liable for any loss occurring during such period of  
16 7 suspension.~~

16 8 Sec. 36. Section 518.14, subsection 3, paragraph a,  
16 9 subparagraph (2), Code 2009, is amended by striking the  
16 10 subparagraph.

16 11 Sec. 37. Section 518.14, subsection 4, paragraph f,  
16 12 subparagraphs (1) and (2), Code 2009, are amended to read as  
16 13 follows:

16 14 (1) Stocks purchased under this lettered paragraph shall  
16 15 not exceed fifty percent of surplus.

16 16 (2) With the approval of the commissioner, an association  
16 17 may invest ~~any amount~~ in common stocks, preferred stocks, or  
16 18 other securities of one or more subsidiaries provided that  
16 19 after both of the following occur:

16 20 (a) After such investments the association's surplus as  
16 21 regards policyholders will be reasonable in relation to the  
16 22 association's outstanding liabilities and adequate to its  
16 23 financial needs.

16 24 (b) The association owns one hundred percent of the stock  
16 25 of the subsidiary.

16 26 ~~(2)~~ (3) An association shall not invest more than ten  
16 27 percent of its surplus in the stocks of any one corporation.

16 28 Sec. 38. Section 518.14, subsection 4, paragraph g, Code  
16 29 2009, is amended to read as follows:

16 30 g. HOME OFFICE REAL ESTATE. ~~Funds~~ With the prior approval  
16 31 of the commissioner, funds may be invested in a home office  
16 32 building real estate for the association or a subsidiary, at  
16 33 the direction of the board of directors and with the prior  
~~16 34 approval of the commissioner of insurance. An~~ The association  
16 35 or subsidiary shall obtain the approval of the commissioner



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17 1 prior to the sale or disposition of home office real estate  
17 2 owned by the association or subsidiary. Effective as to home  
17 3 office real estate acquired on or after July 1, 2009, an  
17 4 association shall not invest more than ~~twenty-five~~ twenty  
17 5 percent of its total admitted assets in such real estate.  
17 6 With the prior approval of the commissioner, an association  
17 7 may exceed the real estate investment limitation to effectuate  
17 8 a merger with, or the acquisition of, another association.  
17 9 Sec. 39. Section 518.17, Code 2009, is amended to read as  
17 10 follows:  
17 11 518.17 REINSURANCE.  
17 12 1. A county mutual insurance association may reinsure a  
17 13 part or all of its coverages written pursuant to this chapter  
17 14 with an association operating under this chapter, or with any  
17 15 other association or company licensed in this state and  
17 16 authorized to write the kinds of insurance enumerated in  
17 17 section 518.11.  
17 18 2. Reinsurance sufficient to protect the financial  
17 19 stability of the ~~state~~ county mutual insurance association is  
17 20 also required. In general, reinsurance coverage obtained by a  
17 21 county mutual insurance association shall not expose the  
17 22 association to losses from coverages written pursuant to this  
17 23 chapter of more than fifteen percent from surplus in any  
17 24 calendar year. The commissioner of insurance may require  
17 25 additional reinsurance if necessary to protect the  
17 26 policyholders of the association.  
17 27 Sec. 40. Section 518.19, Code 2009, is amended to read as  
17 28 follows:  
17 29 518.19 PROOF OF LOSS == ~~REQUIREMENT FOR REPORTING.~~  
17 30 ~~The insured shall give immediate written notice to the~~  
17 31 ~~association of any loss for which claim is made and shall then~~  
17 32 ~~furnish a written proof of loss to the association within~~  
17 33 ~~sixty days from the time the loss occurred, unless such time~~  
17 34 ~~is extended in writing by the association. The proof~~ A proof  
17 35 of loss shall contain such information as is required by the



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18 1 policy provisions of the association, which information shall  
18 2 be signed and sworn to by the insured.

18 3 Sec. 41. Section 518.22, Code 2009, is amended to read as  
18 4 follows:

18 5 518.22 LIMITATION OF ACTION.

18 6 ~~No~~ A suit or action on a policy for the recovery of any  
18 7 ~~loss shall be begun sooner than forty days after proof of loss~~  
~~18 8 has been given to the association claim shall not be~~  
18 9 sustainable in any court of law or equity unless all  
18 10 requirements of the policy have been complied with, and unless  
18 11 commenced within twelve months next after the inception of the  
18 12 loss.

18 13 Sec. 42. Section 518.23, subsections 1 and 4, Code 2009,  
18 14 are amended to read as follows:

18 15 1. CANCELLATION BY INSURED. A policy shall be canceled at  
18 16 any time at the request of the insured ~~upon the return of the~~  
~~18 17 policy to the home office of the association, and the payment~~  
~~18 18 of all premium charges against such policy.~~

18 19 4. NOTICE. Service of notice under subsection 2 or 3 may  
18 20 be delivered in person or mailed to the insured at the  
18 21 insured's post office address as given in or upon the policy,  
18 22 or to such other address as the insured shall have given to  
18 23 the association in writing. A post office department  
18 24 certificate of mailing shall be deemed proof of receipt of  
18 25 such mailing. If in either case the cash payments exceed the  
18 26 amount properly chargeable, the excess shall be refunded to  
18 27 the insured ~~upon the surrender of the policy to the~~  
~~18 28 association at its home office.~~

18 29 Sec. 43. Section 518.25, Code 2009, is amended to read as  
18 30 follows:

18 31 518.25 SURPLUS.

18 32 An association organized under this chapter before July 1,  
18 33 2009, shall at all times maintain a surplus of not less than  
18 34 fifty thousand dollars or one-tenth of one percent of the  
18 35 gross risk in force, whichever is greater. An association



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19 1 organized under this chapter on or after July 1, 2009, shall  
19 2 at all times maintain a surplus of not less than one hundred  
19 3 thousand dollars or one-tenth of one percent of the gross risk  
19 4 in force, whichever is greater.

19 5 Sec. 44. NEW SECTION. 518.31 RULEMAKING.

19 6 The commissioner may adopt rules pursuant to chapter 17A as  
19 7 necessary for the administration of this chapter.

19 8 Sec. 45. Section 518A.8, Code 2009, is amended by striking  
19 9 the section and inserting in lieu thereof the following:

19 10 518A.8 ARTICLES == APPROVAL == BYLAWS.

19 11 The articles of incorporation, and any subsequent  
19 12 amendments, to the articles of an organization shall be filed  
19 13 with and approved by the commissioner of insurance before  
19 14 filing with the secretary of state. The organization shall  
19 15 file with the commissioner bylaws and subsequent amendments to  
19 16 the bylaws within thirty days of adoption of the bylaws or  
19 17 amendments.

19 18 Sec. 46. Section 518A.9, Code 2009, is amended to read as  
19 19 follows:

19 20 518A.9 PREMIUM CHARGES.

19 21 An association, by action of its board of directors, may  
19 22 establish premium charges for the purpose of payment of losses  
19 23 and expenses and for the establishment or maintenance of a  
19 24 reserve fund.

~~19 25 A policy shall stand suspended if any default is made in  
19 26 the payment of any premium on or before the date specified in  
19 27 a written notice requiring the payment of such premium and  
19 28 mailed to the insured and directed to the insured's last known  
19 29 address not less than thirty days prior to such suspension  
19 30 date. The notice shall specify the amount and due date of the  
19 31 premium. The association is not liable for any loss occurring  
19 32 during such period of suspension.~~

19 33 Sec. 47. Section 518A.12, subsection 3, paragraph a,  
19 34 subparagraph (2), Code 2009, is amended by striking the  
19 35 subparagraph.



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20 1 Sec. 48. Section 518A.12, subsection 4, paragraph f,  
20 2 subparagraphs (1) and (2), Code 2009, are amended to read as  
20 3 follows:

20 4 (1) Stocks purchased under this lettered paragraph shall  
20 5 not exceed fifty percent of surplus.

20 6 (2) With the approval of the commissioner, an association  
20 7 may invest ~~any amount~~ in common stocks, preferred stocks, or  
20 8 other securities of one or more subsidiaries provided that  
20 9 ~~after both of the following occur:~~

20 10 (a) ~~After~~ such investments the association's surplus as  
20 11 regards policyholders will be reasonable in relation to the  
20 12 association's outstanding liabilities and adequate to its  
20 13 financial needs.

20 14 (b) The association owns one hundred percent of the stock  
20 15 of the subsidiary.

20 16 ~~(2)~~ (3) An association shall not invest more than ten  
20 17 percent of its surplus in the stocks of any one corporation.

20 18 Sec. 49. Section 518A.12, subsection 4, paragraph g, Code  
20 19 2009, is amended to read as follows:

20 20 g. HOME OFFICE REAL ESTATE. ~~Funds~~ With the prior approval  
20 21 of the commissioner, funds may be invested in a home office  
20 22 building real estate for the association or a subsidiary, at  
20 23 the direction of the board of directors and with the prior  
20 24 approval of the commissioner of insurance. An The association  
20 25 or subsidiary shall obtain the approval of the commissioner  
20 26 prior to the sale or disposition of home office real estate  
20 27 owned by the association or subsidiary. Effective as to home  
20 28 office real estate acquired on or after July 1, 2009, an  
20 29 association shall not invest more than ~~twenty-five~~ twenty

20 30 percent of its total admitted assets in such real estate.  
20 31 With the prior approval of the commissioner, an association  
20 32 may exceed the real estate investment limitation to effectuate  
20 33 a merger with, or the acquisition of, another association.

20 34 Sec. 50. Section 518A.19, Code 2009, is amended by  
20 35 striking the section and inserting in lieu thereof the



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21 1 following:

21 2 518A.19 PROOF OF LOSS.

21 3 A proof of loss shall contain such information as is  
21 4 required by the policy provisions of the association, which  
21 5 information shall be signed and sworn to by the insured.

21 6 Sec. 51. Section 518A.22, Code 2009, is amended to read as  
21 7 follows:

21 8 518A.22 LIMITATION OF ACTION.

21 9 ~~No A suit or action on any loss a policy for the recovery~~  
21 10 ~~of any claim shall not be begun until the date when such loss~~  
21 11 ~~becomes due in accordance with the articles of incorporation~~  
21 12 ~~or bylaws of such association and in no event sooner than~~  
21 13 ~~forty days after such proof has been given to the association~~  
21 14 ~~and no action can be started after one year from the date such~~  
21 15 ~~cause of action accrues~~ sustainable in any court of law or  
21 16 equity unless all requirements of the policy have been  
21 17 complied with, and unless commenced with twelve months next  
21 18 after the inception of the loss.

21 19 Sec. 52. Section 518A.29, subsections 1 and 4, Code 2009,  
21 20 are amended to read as follows:

21 21 1. CANCELLATION BY INSURED. A policy shall be canceled at  
21 22 any time at the request of the insured ~~upon the return of the~~  
21 23 ~~policy to the home office of the association and the payment~~  
21 24 ~~of all premium charges against such policy.~~

21 25 4. NOTICE. Service of notice under subsection 2 or 3 may  
21 26 be delivered in person or mailed to the insured at the  
21 27 insured's post office address as given in or upon the policy,  
21 28 or to such other address as the insured shall have given to  
21 29 the association in writing. A post office department  
21 30 certificate of mailing shall be deemed proof of receipt of  
21 31 such mailing. If in either case the cash payments exceed the  
21 32 amount properly chargeable, the excess shall be refunded ~~upon~~  
21 33 ~~the surrender of the policy to the association at its home~~  
21 34 ~~office to the insured.~~

21 35 Sec. 53. Section 518A.37, Code 2009, is amended to read as



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22 1 follows:

22 2 518A.37 SURPLUS.

22 3 An association organized under this chapter before July 1,

22 4 2009, shall at all times maintain a surplus of not less than

22 5 one hundred thousand dollars, or one-tenth of one percent of

22 6 the gross risk in force, whichever is greater. An association

22 7 organized under this chapter on or after July 1, 2009, shall

22 8 at all times maintain a surplus of not less than two hundred

22 9 thousand dollars or one-tenth of one percent of the gross risk

22 10 in force, whichever is greater.

22 11 Sec. 54. Section 518A.40, subsection 1, Code 2009, is

22 12 amended to read as follows:

22 13 1. Such associations shall pay the same fees for annual

22 14 reports and annual certificates of authority as are required

22 15 to be paid by domestic companies organized and doing business

22 16 under chapter 515, which certificates shall expire ~~May~~ June 1

22 17 of the year following the date of issue.

22 18 Sec. 55. NEW SECTION. 518A.56 RULEMAKING AUTHORITY.

22 19 The commissioner may adopt rules, pursuant to chapter 17A,

22 20 as necessary for the administration of this chapter.

22 21 Sec. 56. NEW SECTION. 518A.57 POWERS OF MEMBERS.

22 22 Members of the association shall have the power to make or

22 23 amend articles of incorporation at any membership meeting,

22 24 provided that notice of such proposed addition or amendment

22 25 has been mailed to each member of the association at least ten

22 26 days in advance of the meeting in which such proposed action

22 27 is to be considered, and provided that no such addition or

22 28 amendment shall become effective until approved by the

22 29 commissioner of insurance and recorded in the office of the

22 30 secretary of state.

22 31 Sec. 57. Section 519.3, Code 2009, is amended by striking

22 32 the section and inserting in lieu thereof the following:

22 33 519.3 ARTICLES == APPROVAL == BYLAWS.

22 34 The articles of incorporation, and any subsequent

22 35 amendments, of such mutual insurance corporation shall be



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23 1 filed with and approved by the commissioner of insurance  
23 2 before being filed with the secretary of state. A mutual  
23 3 insurance corporation shall file with the commissioner bylaws  
23 4 and subsequent amendments to the bylaws within thirty days of  
23 5 adoption of the bylaws or amendments.

23 6 Sec. 58. Section 521.2, subsection 1, Code 2009, is  
23 7 amended to read as follows:

23 8 1. One or more domestic mutual insurance companies  
23 9 organized under chapter 491 may merge or consolidate with a  
23 10 domestic or foreign mutual insurance company as provided in  
23 11 this chapter. Sections ~~491.101~~ 491.102 through 491.105 shall  
23 12 not be applicable to a merger or consolidation of a domestic  
23 13 mutual insurance company pursuant to this chapter.

23 14 Sec. 59. Section 521A.14, subsection 3, Code 2009, is  
23 15 amended to read as follows:

23 16 3. A mutual insurance holding company resulting from the  
23 17 reorganization of a domestic mutual insurance company  
23 18 organized under chapter 491 shall be incorporated pursuant to  
23 19 chapter 491. This requirement shall supersede any conflicting  
23 20 provisions of section 491.1. The articles of incorporation  
23 21 and any amendments to such articles of the mutual insurance  
23 22 holding company shall be subject to approval of the  
23 23 commissioner ~~and the attorney general~~ in the same manner as  
23 24 those of an insurance company.

23 25 Sec. 60. Section 523A.202, subsection 1, Code 2009, is  
23 26 amended to read as follows:

23 27 1. All funds held in trust pursuant to section 523A.201  
23 28 shall be deposited in a financial institution within fifteen  
23 29 days ~~after the close of the month a seller receives~~ following  
23 30 receipt of the funds. The financial institution shall hold  
23 31 the funds for the designated beneficiary until released.

23 32 Sec. 61. Sections 518A.4, 518A.7, and 518A.23, Code 2009,  
23 33 are repealed.

23 34 Sec. 62. IMMEDIATE EFFECTIVE DATE AND RETROACTIVE  
23 35 APPLICABILITY. The section of this Act amending Code section



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24 1 514G.102, being deemed of immediate importance, takes effect  
24 2 upon enactment, and is retroactively applicable to January 1,  
24 3 2009, and applicable on and after that date.

24 4 EXPLANATION

24 5 This bill amends various provisions under the purview of  
24 6 the insurance division of the department of commerce.

24 7 PUBLIC EMPLOYMENT RELATIONS (COLLECTIVE BARGAINING). Code  
24 8 section 20.4 is amended to exempt full-time persons employed  
24 9 by the insurance division of the department of commerce who  
24 10 examine or analyze the accounts and affairs of persons subject  
24 11 to the supervision and regulation of the commissioner of  
24 12 insurance pursuant to Code chapter 507, from the provisions of  
24 13 Code chapter 20 relating to public employee collective  
24 14 bargaining.

24 15 UNIFORM SECURITIES ACT. Code section 502.409 is amended to  
24 16 expand the types of disciplinary tools available to an  
24 17 administrator upon withdrawal of a registrant under the Act to  
24 18 include not only an action to revoke or suspend a license but  
24 19 also other enumerated actions.

24 20 Code section 502.410 is amended to increase the fee for  
24 21 license registration or renewal of investment adviser  
24 22 representatives from \$30 to \$40.

24 23 INSURANCE DIVISION. Code section 505.8 is amended to  
24 24 provide that the commissioner of insurance shall accept  
24 25 inquiries and complaints from the public and may respond,  
24 26 examine, or investigate such inquiries and complaints  
24 27 including conducting administrative hearings, in addition to  
24 28 overseeing the consumer advocate bureau, which may also  
24 29 receive and investigate consumer inquiries and complaints.  
24 30 The consumer advocate is the chief of the consumer advocate  
24 31 bureau. The consumer advocate bureau is given expanded  
24 32 responsibility for ensuring fair treatment of consumers in the  
24 33 marketplace and by persons under the jurisdiction of the  
24 34 commissioner or the securities and regulated industries bureau  
24 35 of the insurance division. For the purposes of investigations



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25 1 conducted by the commissioner or by the consumer advocate, the  
25 2 confidentiality provisions of the Code section are applicable.  
25 3 Code section 505.15 is amended to allow the commissioner,  
25 4 at the request of the consumer advocate, to retain various  
25 5 professionals and specialists to assist the consumer advocate  
25 6 bureau in carrying out its duties in regard to rate filing  
25 7 reviews.

25 8 EXAMINATION OF INSURANCE COMPANIES. Code section 507.4 is  
25 9 amended to require that pay plans be established which are  
25 10 substantially equivalent to those paid to bank examiners, for  
25 11 employees who examine or analyze the accounts and affairs of  
25 12 persons subject to the supervision and regulation of the  
25 13 commissioner.

25 14 FILING OF ARTICLES OF INCORPORATION == BYLAWS. Code  
25 15 sections 508.2, 512A.10(1), 514B.3A, 515.2, 518.2, 518A.8,  
25 16 519.3, and 521A.14(3), are amended to provide that articles of  
25 17 incorporation and their amendments, that are required to be  
25 18 filed with the commissioner of insurance, of certain life  
25 19 insurance companies, benevolent associations, health  
25 20 maintenance organizations, insurance other than life  
25 21 companies, county mutual insurance associations, state mutual  
25 22 insurance associations, professional liability insurance  
25 23 companies, and insurance holding company systems are no longer  
25 24 also required to be filed with the attorney general. Bylaws  
25 25 or subsequent amendments to bylaws are required to be filed  
25 26 with the commissioner within 30 days of adoption.

25 27 VIATICAL SETTLEMENT CONTRACTS. Code section  
25 28 508E.3(1)(b)(1) and (2) are amended to provide that a licensed  
25 29 life insurance producer meets the requirements for licensure  
25 30 as a viatical settlement broker only if the person was  
25 31 licensed as a life insurance producer for at least one year  
25 32 immediately prior to operating as a viatical settlement broker  
25 33 and the licensed life insurance producer provides proof of  
25 34 coverage by an errors and omissions policy of not less than  
25 35 \$100,000 per occurrence and not less than \$100,000 total



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26 1 annual aggregate for all claims during the policy period.  
26 2 Code section 508E.3(3) and (9) are amended to change the  
26 3 term of licensure for a viatical settlement provider or broker  
26 4 from one to three years and to require a viatical settlement  
26 5 broker to complete 20 credits of training related to viatical  
26 6 settlements and viatical settlement transactions every three  
26 7 years.  
26 8 LIFE INSURANCE COMPANIES AND ASSOCIATIONS. Code section  
26 9 511.8(18) is amended to provide that insurance companies may  
26 10 invest in additional percentages of common stocks or shares of  
26 11 stock in a direct or indirect subsidiary company domiciled in  
26 12 the United States upon application to the commissioner of  
26 13 insurance.  
26 14 LONG=TERM CARE INSURANCE. Code section 514G.102 is amended  
26 15 to provide that the requirements of Code chapter 514G related  
26 16 to independent review of benefit trigger determinations apply  
26 17 to all claims made on or after January 1, 2009. This  
26 18 provision is effective upon enactment and is retroactively  
26 19 applicable to January 1, 2009, and applicable on and after  
26 20 that date.  
26 21 Code section 514G.104 is amended to allow group long=term  
26 22 care insurance issued in another state to be offered in Iowa  
26 23 upon certain findings by the commissioner of insurance. This  
26 24 amendment makes the provision consistent with the national  
26 25 association of insurance commissioners' model Act.  
26 26 LONG=TERM CARE ASSET DISREGARD INCENTIVES. Code section  
26 27 514H.1 is amended by changing the terminology of "certified  
26 28 long=term care insurance policy" to "qualified long=term care  
26 29 insurance policy". Code sections 249A.35, 514H.3, 514H.4,  
26 30 514H.5, 514H.7, and 514H.8 are amended to reflect this change.  
26 31 Code section 514H.1 is also amended to include new definitions  
26 32 for the federal "Deficit Reduction Act of 2005" and "qualified  
26 33 state long=term care insurance partnership".  
26 34 Code section 514H.2(2) is amended to require the department  
26 35 of human services to take necessary actions, including filing



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27 1 an appropriate medical assistance state plan amendment to the  
27 2 state Medicaid plan to take full advantage of the benefits and  
27 3 features of the federal Deficit Reduction Act of 2005.

27 4 Code section 514H.4 is amended to require an insurer who  
27 5 issues qualified long-term care insurance policies in Iowa to  
27 6 conform with policy guidelines expressed in the federal  
27 7 Deficit Reduction Act of 2005.

27 8 Code section 514H.5, concerning the asset disregard  
27 9 adjustment, is amended by deleting previously specified  
27 10 eligibility criteria. The Code section is also amended to  
27 11 remove a requirement that the commissioner of insurance issue  
27 12 an annual bulletin about qualifying amounts for the Iowa  
27 13 long-term care asset disregard incentive program.

27 14 Code section 514H.9 is amended to remove requirements that  
27 15 the commissioner of insurance consult with the insurance  
27 16 industry before adopting rules concerning long-term care  
27 17 insurance and that such rulemaking power be construed  
27 18 narrowly.

27 19 INSURANCE OTHER THAN LIFE. Code section 515.101 is amended  
27 20 to provide that an application, policy, or contract of  
27 21 insurance may stipulate that fraud, concealment, or  
27 22 misrepresentation of an insured may make such application,  
27 23 policy, or contract void before a loss occurs.

27 24 Code section 515.120 is amended to allow a resident or  
27 25 nonresident insurance producer, qualified to write excess and  
27 26 surplus lines insurance, to procure insurance from certain  
27 27 nonadmitted insurers including individual disability  
27 28 insurance, upon filing a surplus lines certification report  
27 29 with the commissioner of insurance stating the producer has  
27 30 not been able to place the insurance with an admitted insurer.

27 31 INSURANCE GUARANTY ASSOCIATION. Code section 515B.1 is  
27 32 amended to make Code chapter 515B applicable to insurance  
27 33 reinsured by government.

27 34 Code section 515B.2 is amended to provide that a "covered  
27 35 claim" does not include payments on behalf of the insured of



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28 1 an insolvent insurer for attorney, adjuster, or witness fees.  
28 2 The Code section is also amended to specify that a "covered  
28 3 claim" does not include obligations to a nonresident person  
28 4 who has a net worth greater than that allowed by the person's  
28 5 state guarantee fund law and who has been denied that state's  
28 6 coverage.  
28 7 Code section 515B.5(1)(a) is amended to require the  
28 8 guaranty association to pay amounts not exceeding the lesser  
28 9 of the policy limits or \$300,000 for all covered claims rather  
28 10 than per claim, arising out of any one or series of accidents,  
28 11 occurrences, or incidents.  
28 12 Code section 515B.5(1)(b) is amended to limit the guaranty  
28 13 association's obligation to pay covered claims either in  
28 14 contract or tort to an amount not in excess of the obligation  
28 15 under the policy of the insolvent insurer.  
28 16 Code section 515B.14 is amended to provide there is no  
28 17 liability or cause of action against a member association, the  
28 18 guaranty association or its board, or the commissioner of  
28 19 insurance for failure to act in the performance of their  
28 20 duties. The change is consistent with the national  
28 21 association of insurance commissioners' and national  
28 22 conference of insurance legislatures' model Acts.  
28 23 COUNTY MUTUAL INSURANCE ASSOCIATIONS. Code section 518.5  
28 24 is amended to increase from \$50,000 to \$100,000 the amount of  
28 25 insurance and from 50 to 200 applicants from which a county  
28 26 mutual insurance association formed on or after July 1, 2009,  
28 27 must receive applications, before issuing policies.  
28 28 Code section 518.13 is amended to delete a requirement that  
28 29 a county mutual insurance association suspend a policy of an  
28 30 insured if there is a premium default.  
28 31 Code section 518.14(3)(a)(2), which allows a county mutual  
28 32 insurance association to loan stocks or obligations held by it  
28 33 to a registered broker-dealer or to a member bank, is  
28 34 stricken.  
28 35 Code section 518.14(4)(f)(1) and (2) are amended to provide



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29 1 that a county mutual insurance association may invest in  
29 2 common stocks, preferred stocks, or other securities of a  
29 3 subsidiary if such investments are reasonable as to the  
29 4 association's surplus, liabilities, and needs, and the  
29 5 association owns 100 percent of the subsidiary's stock.  
29 6 Code section 518.14(4)(g) is amended to provide that an  
29 7 association must receive prior approval of the commissioner of  
29 8 insurance before investing funds in a home office real estate  
29 9 for a subsidiary. As to all home office real estate acquired  
29 10 on or after July 1, 2009, an association is prohibited from  
29 11 investing more than 20 percent instead of 25 percent of its  
29 12 total admitted assets in such real estate. The amendment also  
29 13 requires an association or subsidiary to obtain prior approval  
29 14 of the commissioner before selling or disposing of home office  
29 15 real estate.  
29 16 Code section 518.17 is amended to correct an error in  
29 17 terminology and to number the unnumbered paragraphs.  
29 18 Code section 518.19 is amended to delete a requirement that  
29 19 an insured give notice of proof of loss within a statutorily  
29 20 specified time and to allow the requirements of the policy to  
29 21 control.  
29 22 Code section 518.22 is amended to eliminate a requirement  
29 23 that a suit or action on a policy for recovery of a claim  
29 24 cannot be brought until 40 days after proof of loss has been  
29 25 given to the association and to instead allow the requirements  
29 26 of the policy to control.  
29 27 Code section 518.23(1) is amended to require an association  
29 28 to cancel a policy at any time at the request of the insured  
29 29 without first requiring that the policy be returned to the  
29 30 home office of the association and all premium charges be  
29 31 paid.  
29 32 Code section 518.23(4) is amended to delete the requirement  
29 33 that a policy must be surrendered by the insured to the home  
29 34 office of the association before the insured can receive a  
29 35 refund of excess payments.



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30 1 Code section 518.25 is amended to provide that an  
30 2 association organized before July 1, 2009, must maintain a  
30 3 surplus of not less than \$50,000 or one-tenth of 1 percent of  
30 4 the gross risk in force, whichever is greater, while an  
30 5 association organized on or after July 1, 2009, must maintain  
30 6 a surplus of not less than \$100,000 or one-tenth of 1 percent  
30 7 of the gross risk in force, whichever is greater.

30 8 New Code section 518.31 provides that the commissioner of  
30 9 insurance may adopt administrative rules as necessary for the  
30 10 administration of the Code chapter.

30 11 STATE MUTUAL INSURANCE ASSOCIATIONS. Code section 518A.4,  
30 12 pertaining to the power of the association to make or amend  
30 13 articles of incorporation at an annual meeting, is repealed.

30 14 Code section 518A.7, pertaining to requirements for a state  
30 15 mutual insurance association to issue policies based on  
30 16 specified numbers of applications and dollar amounts of  
30 17 insurance coverage, is repealed.

30 18 Code section 518A.9 is amended by deleting a requirement  
30 19 that a state mutual insurance association suspend a policy if  
30 20 there is a premium default.

30 21 Code section 518A.12(2), which allows a state mutual  
30 22 insurance association to loan stocks or obligations held by it  
30 23 to a registered broker-dealer or to a member bank, is  
30 24 stricken.

30 25 Code section 518A.12(4)(f)(1) and (2) are amended to  
30 26 provide that a state mutual insurance association may invest  
30 27 in common stocks, preferred stocks, or other securities of a  
30 28 subsidiary if such investments are reasonable as to the  
30 29 association's surplus, liabilities, and needs, and the  
30 30 association owns 100 percent of the subsidiary's stock.

30 31 Code section 518A.12(4)(g) is amended to provide that an  
30 32 association must receive prior approval of the commissioner of  
30 33 insurance before investing funds in a home office real estate  
30 34 for a subsidiary. As to all home office real estate acquired  
30 35 on or after July 1, 2009, an association is prohibited from



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31 1 investing more than 20 percent instead of 25 percent of its  
31 2 total admitted assets in such real estate. The amendment also  
31 3 requires an association or subsidiary to obtain prior approval  
31 4 of the commissioner before selling or disposing of home office  
31 5 real estate.

31 6 Code section 518A.19 is amended to delete a requirement  
31 7 that an insured give notice of proof of loss within a  
31 8 statutorily specified time and allow proof of loss to contain  
31 9 such information as is required by the provisions of the  
31 10 policy.

31 11 Code section 518A.22 is amended to eliminate a requirement  
31 12 that a suit or action on a policy for recovery of a loss  
31 13 cannot be brought until 40 days after proof of loss has been  
31 14 given to the association and instead to allow the requirements  
31 15 of the policy to control so long as the suit or action is  
31 16 commenced within 12 months after the inception of the loss.

31 17 Code section 518A.23, pertaining to a presumption that the  
31 18 amount stated in the policy is prima facie evidence of the  
31 19 insurable value of a building lost, is repealed.

31 20 Code section 518A.29(1) is amended to require an  
31 21 association to cancel a policy at any time at the request of  
31 22 the insured without first requiring that the policy be  
31 23 returned to the home office of the association and all premium  
31 24 charges be paid.

31 25 Code section 518A.29(4) is amended to delete the  
31 26 requirement that a policy must be surrendered by the insured  
31 27 to the home office of the association before the insured can  
31 28 receive a refund of excess payments.

31 29 Code section 518A.37 is amended to provide that an  
31 30 association organized before July 1, 2009, must maintain a  
31 31 surplus of not less than \$100,000 or one-tenth of 1 percent of  
31 32 the gross risk in force, whichever is greater, while an  
31 33 association organized on or after July 1, 2009, must maintain  
31 34 a surplus of not less than \$200,000 or one-tenth of 1 percent  
31 35 of the gross risk in force, whichever is greater.



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32 1 Code section 518A.40(1) is amended to provide that  
32 2 certificates of authority expire on June 1 instead of May 1  
32 3 following the year of issue.  
32 4 New Code section 518A.56 provides that the commissioner of  
32 5 insurance may adopt administrative rules as necessary for the  
32 6 administration of the Code chapter.  
32 7 New Code section 518A.57 provides that members of a state  
32 8 mutual insurance association have the power to make or amend  
32 9 articles of incorporation at any membership meeting upon  
32 10 proper notice, with such changes becoming effective only after  
32 11 approval by the commissioner of insurance and recording in the  
32 12 office of the secretary of state.  
32 13 CONSOLIDATION, MERGER, AND REINSURANCE. Code section  
32 14 521.2(1) is amended to provide that Code sections 491.101,  
32 15 491.101A, and 491.101B, which provide definitions, authorize a  
32 16 poison pill defense, and allow consideration of community  
32 17 interests in consideration of acquisition proposals, are  
32 18 applicable to mergers or consolidations of domestic and  
32 19 foreign mutual insurance companies.  
32 20 CEMETERY AND FUNERAL MERCHANDISE AND FUNERAL SERVICES.  
32 21 Code section 523A.202(1) is amended to provide that funds  
32 22 required to be held in trust by a seller of cemetery and  
32 23 funeral merchandise, and funeral services, must be deposited  
32 24 in a financial institution within 15 days following receipt of  
32 25 the funds instead of within 15 days after the close of the  
32 26 month in which the seller receives the funds.  
32 27 LSB 1321XD 83  
32 28 av/rj/14.2