



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 16, 2009

House Amendment 1022

PAG LIN

1 1 Amend House File 257 as follows:

1 2 #1. Page 1, line 23, by inserting after the word
1 3 <shall> the following: <not>.

1 4 #2. Page 1, by inserting after line 31 the
1 5 following:

1 6 <Sec. _____. Section 331.302, subsection 2, Code
1 7 2009, is amended to read as follows:

1 8 2. ~~A~~ For a violation of an ordinance a county
1 9 shall not provide a penalty in excess of a five

~~1 10 hundred dollar the maximum fine or in excess of thirty~~
~~1 11 days and term of imprisonment for the violation of an~~
~~1 12 ordinance a simple misdemeanor under section 903.1,~~
1 13 subsection 1, paragraph "a". The criminal penalty
1 14 surcharged required by section 911.1 shall be added to
1 15 a county fine and is not a part of the county's
1 16 penalty.

1 17 Sec. _____. Section 331.302, subsection 4A,
1 18 paragraph a, subparagraph (2), Code 2009, is amended
1 19 to read as follows:

1 20 (2) A portion of the Code of Iowa may be adopted
1 21 by reference only if the criminal penalty provided by
1 22 the law adopted does not exceed ~~thirty days the~~
1 23 maximum fine and term of imprisonment and a five
1 24 hundred dollar fine for a simple misdemeanor under
1 25 section 903.1, subsection 1, paragraph "a".

1 26 Sec. _____. Section 364.3, subsection 2, Code 2009,
1 27 is amended to read as follows:

1 28 2. ~~A~~ For a violation of an ordinance a city shall
1 29 not provide a penalty in excess of a five hundred

~~1 30 dollar the maximum fine or in excess of thirty days'~~
~~1 31 and term of imprisonment for the violation of an~~
~~1 32 ordinance a simple misdemeanor under section 903.1,~~
1 33 subsection 1, paragraph "a". An amount equal to ten

1 34 percent of all fines collected by cities shall be
1 35 deposited in the account established in section
1 36 602.8108. However, one hundred percent of all fines
1 37 collected by a city pursuant to section 321.236,
1 38 subsection 1, shall be retained by the city. The
1 39 criminal penalty surcharge required by section 911.1
1 40 shall be added to a city fine and is not a part of the
1 41 city's penalty.>

1 42 #3. Page 2, by inserting after line 12 the
1 43 following:

1 44 <Sec. _____. Section 380.10, subsection 2, Code
1 45 2009, is amended to read as follows:

1 46 2. A portion of the Code of Iowa may be adopted by
1 47 reference only if the criminal penalty provided by the
1 48 law adopted does not exceed ~~thirty days'~~ the maximum
1 49 fine and term of imprisonment and a five hundred
~~1 50 dollar fine for a simple misdemeanor under section~~



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House Amendment 1022 continued

2 1 903.1, subsection 1, paragraph "a".>
2 2 #4. Title page, line 2, by inserting after the
2 3 word <violations,> the following: <city and county
2 4 penalties,>.
2 5
2 6
2 7
2 8 T. OLSON of Linn
2 9 HF 257.501 83
2 10 jm/rj/12423



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House File 312 - Introduced

HOUSE FILE
BY SCHUELLER

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

A BILL FOR

- 1 An Act requiring the school budget review committee to grant
- 2 transportation assistance aid to school districts under
- 3 certain circumstances and providing a statutory appropriation.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1106HH 83
- 6 kh/nh/14



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1 1 Section 1. Section 257.31, subsection 17, paragraph a,
1 2 Code 2009, is amended to read as follows:
1 3 a. If a district's average transportation costs per pupil
1 4 exceed the state average transportation costs per pupil
1 5 determined under paragraph "c" ~~by one hundred fifty percent,~~
1 6 the committee ~~may~~ shall grant transportation assistance aid to
1 7 the district in an amount up to, but not exceeding, one dollar
1 8 of transportation assistance for each dollar by which the
1 9 district's average transportation costs per pupil exceed the
1 10 state average transportation costs per pupil as determined
1 11 under paragraph "c". Such aid shall be miscellaneous income
1 12 and shall not be included in district cost.

1 13 Sec. 2. Section 257.31, subsection 17, Code 2009, is
1 14 amended by adding the following new paragraphs:

1 15 NEW PARAGRAPH. e. There is appropriated from the general
1 16 fund of the state to the committee, for the fiscal year
1 17 beginning July 1, 2009, and each succeeding fiscal year, up to
1 18 twenty-four million three hundred fifty-nine thousand four
1 19 hundred sixty-one dollars for transportation assistance aid to
1 20 school districts as provided in this subsection, which shall
1 21 supplement, not supplant, the moneys appropriated pursuant to
1 22 paragraph "d". If the amount appropriated under this
1 23 paragraph is insufficient to pay the amount of transportation
1 24 assistance aid determined under this subsection, the committee
1 25 shall prorate the amount of the transportation assistance aid
1 26 provided to each district.

1 27 NEW PARAGRAPH. f. The committee shall adopt rules
1 28 pursuant to chapter 17A for granting transportation assistance
1 29 aid and for otherwise administering this subsection.

1 30 EXPLANATION

1 31 This bill appropriates, beginning July 1, 2009, \$24,359,461
1 32 annually to the school budget review committee for
1 33 transportation assistance aid to school districts, in an
1 34 amount up to \$1 for each dollar by which the district's
1 35 average transportation costs exceed the state average



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House File 312 - Introduced continued

2 1 transportation costs per pupil.
2 2 If the amount appropriated is insufficient, the committee
2 3 is directed to prorate the amount of aid provided to school
2 4 districts.
2 5 The moneys appropriated are to supplement, not supplant,
2 6 moneys appropriated to the committee from the sale of vehicle
2 7 registration plates with an education emblem.
2 8 LSB 1106HH 83
2 9 kh/nh/14.2



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House File 313 - Introduced

HOUSE FILE
BY COMMITTEE ON ECONOMIC GROWTH

(SUCCESSOR TO HSB 109)

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

A BILL FOR

1 An Act relating to economic development by providing for an
2 innovation and commercialization development fund, making the
3 department of revenue responsible for approving certain tax
4 credits for third-party developers, making appropriations, and
5 providing an effective date.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 1231HV 83
8 tw/mg:sc/5



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1 1 DIVISION I
1 2 INNOVATION AND COMMERCIALIZATION DEVELOPMENT FUND
1 3 Section 1. Section 15.411, subsections 1 and 9, Code 2009,
1 4 are amended to read as follows:
1 5 1. As used in this ~~section~~ part, unless the context
1 6 otherwise requires:
1 7 a. "Internship" means temporary employment of a student
1 8 that focuses on providing the student with work experience in
1 9 the student's field of study.
1 10 b. "Targeted industries" means the industries of advanced
1 11 manufacturing, biosciences, and information technology.
1 12 9. In each fiscal year, the department may ~~expend~~ transfer
1 13 additional moneys that become available to the department from
1 14 sources such as loan repayments or recaptures of awards from
1 15 federal economic stimulus funds to the innovation and
1 16 commercialization development fund created in section 15.412
1 17 provided the department spends those moneys for the
1 18 implementation of the recommendations included in the separate
1 19 consultant reports on bioscience, advanced manufacturing,
1 20 information technology, and entrepreneurship submitted to the
1 21 department in calendar years 2004, 2005, and 2006.
1 22 Sec. 2. NEW SECTION. 15.412 INNOVATION AND
1 23 COMMERCIALIZATION DEVELOPMENT FUND.
1 24 1. a. An innovation and commercialization development
1 25 fund is created in the state treasury under the control of the
1 26 department. The fund shall consist of moneys appropriated to
1 27 the department and any other moneys available to, obtained, or
1 28 accepted by the department for placement in the fund.
1 29 b. Payments of interest, repayments of moneys loaned
1 30 pursuant to this section, and recaptures of financial
1 31 assistance shall be credited to the fund. Moneys in the fund
1 32 are not subject to section 8.33. Notwithstanding section
1 33 12C.7, interest or earnings on moneys in the fund shall be
1 34 credited to the fund.
1 35 2. Moneys in the fund are appropriated to the department



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2 1 and, with the approval of the board, shall be used to
2 2 facilitate agreements, enhance commercialization in the
2 3 targeted industries, and increase the availability of skilled
2 4 workers within the targeted industries.
2 5 3. Moneys in the fund, with the approval of the board, may
2 6 also be used for the following purposes:
2 7 a. For assistance to entities providing student internship
2 8 opportunities.
2 9 b. For increasing career awareness training.
2 10 c. For recruiting management talent.
2 11 d. For assistance to entities engaged in prototype and
2 12 concept development activities.
2 13 e. For developing a statewide commercialization network.
2 14 f. For deploying and maintaining an Iowa entrepreneur
2 15 website.
2 16 g. For funding asset mapping and supply chain initiatives,
2 17 including for identifying methods of supporting lean
2 18 manufacturing practices or processes.
2 19 h. For information technology training.
2 20 i. For networking events to facilitate the transfer of
2 21 technology among researchers and industries.
2 22 j. For funding student competition programs.
2 23 k. For the purchase of advanced equipment and software at
2 24 Iowa community colleges in order to support training and
2 25 coursework related to the targeted industries.
2 26 Sec. 3. Section 15G.111, subsection 8, Code 2009, is
2 27 amended to read as follows:
2 28 8. a. For the fiscal period beginning July 1, 2007, and
2 29 ending June 30, ~~2015~~ 2009, there is appropriated for each
2 30 fiscal year from the grow Iowa values fund created in section
2 31 15G.108 to the department of economic development three
2 32 million dollars for the purpose of providing the
2 33 commercialization services described in section 15.411,
2 34 subsections 2 and 3.
2 35 b. For the fiscal period beginning July 1, 2009, and



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3 1 ending June 30, 2015, there is appropriated each fiscal year
3 2 from the grow Iowa values fund created in section 15G.108 to
3 3 the department of economic development three million dollars
3 4 for transfer to the innovation and commercialization
3 5 development fund created in section 15.412.

3 6

DIVISION II

3 7

TAX CREDITS FOR THIRD-PARTY DEVELOPERS

3 8

3 8 Sec. 4. Section 15.331C, subsection 2, Code 2009, is
3 9 amended to read as follows:

3 10

3 10 2. A third-party developer shall state under oath, on
3 11 forms provided by the department of ~~economic development~~
3 12 revenue, the amount of taxes paid as described in subsection 1
3 13 and shall submit such forms to the department of revenue. The
3 14 taxes paid shall be itemized to allow identification of the
3 15 taxes attributable to racks, shelving, and conveyor equipment
3 16 to be used in a warehouse or distribution center. After
3 17 receiving the form from the third-party developer, the
3 18 department of revenue shall issue a tax credit certificate to
3 19 the eligible business equal to the sales and use taxes paid by
3 20 a third-party developer under chapter 423 for gas,
3 21 electricity, water, or sewer utility services, goods, wares,
3 22 or merchandise, or on services rendered, furnished, or
3 23 performed to or for a contractor or subcontractor and used in
3 24 the fulfillment of a written contract relating to the
3 25 construction or equipping of a facility. The department of
3 26 revenue shall also issue a tax credit certificate to the
3 27 eligible business equal to the taxes paid and attributable to
3 28 racks, shelving, and conveyor equipment to be used in a
3 29 warehouse or distribution center. The aggregate combined
3 30 total amount of tax refunds under section 15.331A for taxes
3 31 attributable to racks, shelving, and conveyor equipment to be
3 32 used in a warehouse or distribution center and of tax credit
3 33 certificates issued by the department of revenue for the taxes
3 34 paid and attributable to racks, shelving, and conveyor
3 35 equipment to be used in a warehouse or distribution center



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4 1 shall not exceed five hundred thousand dollars in a fiscal
4 2 year. If an applicant for a tax credit certificate does not
4 3 receive a certificate for the taxes paid and attributable to
4 4 racks, shelving, and conveyor equipment to be used in a
4 5 warehouse or distribution center, the application shall be
4 6 considered in succeeding fiscal years. The eligible business
4 7 shall not claim a tax credit under this section unless a tax
4 8 credit certificate issued by the department of ~~economic~~
~~4 9 development~~ revenue is attached to the taxpayer's tax return
4 10 for the tax year for which the tax credit is claimed. A tax
4 11 credit certificate shall contain the eligible business's name,
4 12 address, tax identification number, the amount of the tax
4 13 credit, and other information ~~required~~ deemed necessary by the
4 14 department of revenue.

4 15 DIVISION III

4 16 APPROPRIATIONS

4 17 Sec. 5. 2008 Iowa Acts, chapter 1190, section 4,
4 18 subsection 1, is amended by adding the following new
4 19 paragraph:

4 20 NEW PARAGRAPH. c. Notwithstanding section 8.33, moneys
4 21 appropriated in this subsection that remain unencumbered or
4 22 unobligated at the close of the fiscal year shall not revert
4 23 but shall remain available for expenditure for the purposes
4 24 designated until the close of the succeeding fiscal year.

4 25 Sec. 6. 2008 Iowa Acts, chapter 1190, section 26, is
4 26 amended to read as follows:

4 27 SEC. 26. 2007 Iowa Acts, chapter 207, section 13,
4 28 subsection 3, is amended to read as follows:

4 29 3. Notwithstanding section 8.33, moneys appropriated in
4 30 this section that remain unencumbered or unobligated at the
4 31 close of the fiscal year shall not revert but shall remain
4 32 available for expenditure for the purposes designated ~~until~~
~~4 33 the close of the fiscal year beginning July 1, 2008 for~~
4 34 succeeding fiscal years until expended.

4 35 Sec. 7. 2008 Iowa Acts, chapter 1190, section 27, is



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5 1 amended to read as follows:

5 2 SEC. 27. 2007 Iowa Acts, chapter 207, section 14,
5 3 unnumbered paragraph 3, is amended to read as follows:

5 4 Notwithstanding section 8.33, moneys appropriated in this
5 5 section that remain unencumbered or unobligated at the close
5 6 of the fiscal year shall not revert but shall remain available
5 7 for expenditure for the purposes designated ~~until the close of~~
~~5 8 the fiscal year beginning July 1, 2008~~ for succeeding fiscal
5 9 years until expended.

5 10 Sec. 8. 2008 Iowa Acts, chapter 1190, section 28, is
5 11 amended to read as follows:

5 12 SEC. 28. 2007 Iowa Acts, chapter 207, section 15,
5 13 subsection 4, is amended to read as follows:

5 14 4. Notwithstanding section 8.33, moneys appropriated in
5 15 this section that remain unencumbered or unobligated at the
5 16 close of the fiscal year shall not revert but shall remain
5 17 available for expenditure for the purposes designated ~~until~~
~~5 18 the close of the fiscal year beginning July 1, 2008~~ for
5 19 succeeding fiscal years until expended.

5 20 Sec. 9. 2008 Iowa Acts, chapter 1190, section 29, is
5 21 amended to read as follows:

5 22 SEC. 29. 2007 Iowa Acts, chapter 207, section 16,
5 23 unnumbered paragraph 4, is amended to read as follows:

5 24 Notwithstanding section 8.33, moneys appropriated in this
5 25 section that remain unencumbered or unobligated at the close
5 26 of the fiscal year shall not revert but shall remain available
5 27 for expenditure for the purposes designated ~~until the close of~~
~~5 28 the fiscal year beginning July 1, 2008~~ for succeeding fiscal
5 29 years until expended.

5 30 Sec. 10. EFFECTIVE DATE. This division of this Act
5 31 amending 2008 Iowa Acts, chapter 1190, being deemed of
5 32 immediate importance, takes effect upon enactment.

5 33 DIVISION IV
5 34 STRATEGIC PLAN

5 35 Sec. 11. Section 15.104, subsection 2, Code 2009, is



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6 1 amended by striking the subsection.

6 2 Sec. 12. Section 15.106, subsection 8, Code 2009, is

6 3 amended by striking the subsection.

6 4 Sec. 13. Section 15.318, subsection 11, unnumbered

6 5 paragraph 1, Code 2009, is amended to read as follows:

6 6 The impact to the state of the proposed project. In

6 7 measuring the economic impact, the department shall award more

6 8 points for projects which ~~have greater consistency with the~~

~~6 9 state strategic plan* than other projects. Greater~~

~~6 10 consistency may include any or all of can demonstrate the~~

~~6 11 existence of one or more of the following conditions:~~

6 12 Sec. 14. Section 15.329, subsection 5, paragraph c,

6 13 unnumbered paragraph 1, Code 2009, is amended to read as

6 14 follows:

6 15 The impact to the state of the proposed project. In

6 16 measuring the economic impact, the department shall place

6 17 greater emphasis on projects which ~~have greater consistency~~

~~6 18 with the state strategic plan* than other projects. Greater~~

~~6 19 consistency may include any or all of can demonstrate the~~

~~6 20 existence of one or more of the following conditions:~~

6 21 Sec. 15. Section 28H.2, subsection 2, Code 2009, is

6 22 amended by striking the subsection.

6 23 Sec. 16. Section 315.11, subsection 2, paragraph a, Code

6 24 2009, is amended by striking the paragraph.

6 25 EXPLANATION

6 26 This bill makes changes relating to economic development.

6 27 Division I of the bill creates an innovation and

6 28 commercialization development fund in the state treasury under

6 29 the control of the department of economic development,

6 30 consisting of moneys appropriated to the department and of any

6 31 other moneys the department is authorized to place in the

6 32 fund. The department is authorized to use the moneys in the

6 33 fund for purposes of facilitating agreements and enhancing

6 34 commercialization in the targeted industries, for increasing

6 35 the availability of skilled workers within those targeted



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7 1 industries, and other purposes specified in the bill. The
7 2 targeted industries are advanced manufacturing, biosciences,
7 3 and information technology.

7 4 Currently, the department is appropriated \$3 million from
7 5 the grow Iowa values fund for purposes of providing
7 6 commercialization services. The bill authorizes the
7 7 department to transfer that \$3 million to the innovation and
7 8 commercialization development fund.

7 9 Division II of the bill makes the department of revenue
7 10 responsible for issuing certain corporate tax credits for
7 11 sales and use taxes paid by third-party developers.
7 12 Currently, these tax credits are issued by the department of
7 13 economic development.

7 14 Division III of the bill provides for the nonreversion to
7 15 the general fund of certain moneys appropriated to the
7 16 department of economic development for purposes of general
7 17 administration and administration of the targeted small
7 18 business program for the fiscal year beginning July 1, 2008.
7 19 The moneys appropriated for general purposes are currently
7 20 being used by the department to fund the jumpstart disaster
7 21 assistance program, and providing for the nonreversion of the
7 22 moneys allows the department to continue funding the jumpstart
7 23 disaster assistance program during the fiscal year beginning
7 24 July 1, 2009. This nonreversion provision takes effect upon
7 25 enactment.

7 26 Division IV of the bill makes changes in conformance with
7 27 2008 Iowa Acts, chapter 1122, which struck a requirement that
7 28 the department prepare a three-year comprehensive, or state,
7 29 strategic plan. The bill strikes and amends a number of Code
7 30 provisions referencing the stricken plan.

7 31 LSB 1231HV 83

7 32 tw/mg:sc/5



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House File 314 - Introduced

HOUSE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 50)

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

A BILL FOR

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



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1 1 DIVISION I

1 2 LEAD=SAFE RENOVATORS AND CHILD=OCCUPIED FACILITIES

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

1 4 as follows:

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

1 6 RENOVATOR TRAINING AND CERTIFICATION PROGRAM ESTABLISHED ==

1 7 CIVIL PENALTY.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~1 30 basis.~~

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

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

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

1 34 required to obtain certification to perform these measures,

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



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

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

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

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

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



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3 1 135.105C RENOVATION, REMODELING, AND REPAINTING == LEAD
3 2 HAZARD NOTIFICATION PROCESS ESTABLISHED.
3 3 1. a. A person who performs renovation, remodeling, or
3 4 repainting services ~~of~~ for target housing or a child-occupied
3 5 facility for compensation shall provide an approved lead
3 6 hazard information pamphlet to the owner and occupant of the
3 7 housing or facility prior to commencing the services. The
3 8 department shall adopt rules to implement the renovation,
3 9 remodeling, and repainting lead hazard notification process
3 10 under this section.
3 11 b. The rules shall include but are not limited to an
3 12 authorization that the lead hazard notification to parents or
3 13 guardians of the children attending a child-occupied facility
3 14 may be completed by posting an informational sign and a copy
3 15 of the approved lead hazard information pamphlet. The rules
3 16 shall also address requirements for notification of parents or
3 17 guardians of the children visiting a child-occupied facility
3 18 when the facility is vacant for an extended period of time.
3 19 2. For the purpose of this section and section 135.105A,
3 20 ~~target~~ unless the context otherwise requires:
3 21 a. (1) "Child-occupied facility" means a building, or
3 22 portion of a building, constructed prior to 1978, that is
3 23 described by all of the following:
3 24 (a) The building is visited on a regular basis by the same
3 25 child, who is less than six years of age, on at least two
3 26 different days within any week. For purposes of this
3 27 paragraph "a", a week is a Sunday through Saturday period.
3 28 (b) Each day's visit by the child lasts at least three
3 29 hours, and the combined annual visits total at least sixty
3 30 hours.
3 31 (2) A child-occupied facility may include but is not
3 32 limited to a child care center, preschool, or kindergarten
3 33 classroom. A child-occupied facility also includes common
3 34 areas that are routinely used by children who are less than
3 35 six years of age, such as restrooms and cafeterias, and the



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5 1 shall screen every newborn delivered in the hospital for
5 2 hearing loss prior to discharge of the newborn from the
5 3 birthing hospital. A birthing hospital that transfers a
5 4 newborn for acute care prior to completion of the hearing
5 5 screening shall notify the receiving facility of the status of
5 6 the hearing screening. The receiving facility shall be
5 7 responsible for completion of the newborn hearing screening.

5 8 b. The birthing hospital or other facility completing the
5 9 hearing screening under this subsection shall report the
5 10 results of the screening to the parent or guardian of the
5 11 newborn and to the department in a manner prescribed by rule
5 12 of the department. The birthing hospital or other facility
5 13 shall also report the results of the hearing screening to the
5 14 primary care provider of the newborn or infant upon discharge
5 15 from the birthing hospital or other facility. If the newborn
5 16 or infant was not tested prior to discharge, the birthing
5 17 hospital or other facility shall report the status of the
5 18 hearing screening to the primary care provider of the newborn
5 19 or infant.

5 20 4. ~~Beginning January 1, 2004, a~~ A birth center shall refer
5 21 the newborn to a licensed audiologist, physician, or hospital
5 22 for screening for hearing loss prior to discharge of the
5 23 newborn from the birth center. The hearing screening shall be
5 24 completed within thirty days following discharge of the
5 25 newborn. The person completing the hearing screening shall
5 26 report the results of the screening to the parent or guardian
5 27 of the newborn and to the department in a manner prescribed by
5 28 rule of the department. Such person shall also report the
5 29 results of the screening to the primary care provider of the
5 30 newborn.

5 31 5. ~~Beginning January 1, 2004, if~~ If a newborn is delivered
5 32 in a location other than a birthing hospital or a birth
5 33 center, the physician or other health care professional who
5 34 undertakes the pediatric care of the newborn or infant shall
5 35 ensure that the hearing screening is performed within three



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6 1 months of the date of the newborn's or infant's birth. The
6 2 physician or other health care professional shall report the
6 3 results of the hearing screening to the parent or guardian of
6 4 the newborn or infant, to the primary care provider of the
6 5 newborn or infant, and to the department in a manner
6 6 prescribed by rule of the department.

6 7 6. A birthing hospital, birth center, physician, or other
6 8 health care professional required to report information under
6 9 subsection 3, 4, or 5 shall report all of the following
6 10 information to the department relating to a newborn's or
6 11 infant's hearing screening, as applicable:

6 12 a. The name, address, and telephone number, if available,
6 13 of the mother of the newborn or infant.

6 14 b. The primary care provider at the time of the newborn's
6 15 or infant's discharge from the birthing hospital or birth
6 16 center for the newborn or infant.

6 17 c. The results of the hearing screening.

6 18 d. Any rescreenings and the diagnostic audiological
6 19 assessment procedures used.

6 20 e. Any known risk indicators for hearing loss of the
6 21 newborn or infant.

6 22 f. Other information specified in rules adopted by the
6 23 department.

6 24 7. The department may share information with agencies and
6 25 persons involved with newborn and infant hearing screenings,
6 26 follow-up, and intervention services, including the local
6 27 birth-to-three coordinator or similar agency, the local area
6 28 education agency, and local health care providers. The
6 29 department shall adopt rules to protect the confidentiality of
6 30 the individuals involved.

6 31 8. ~~An area education agency with which information is~~
~~6 32 shared pursuant to subsection 7~~ audiologist who provides
6 33 services addressed by this section shall conduct diagnostic
6 34 audiological assessments of newborns and infants in accordance
6 35 with standards specified in rules adopted by the department.



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7 1 The audiologist shall report all of the following information
7 2 to the department relating to a newborn's or infant's hearing,
7 3 follow-up, diagnostic audiological assessment, and
7 4 intervention services, as applicable:

7 5 a. The name, address, and telephone number, if available,
7 6 of the mother of the newborn or infant.

7 7 b. The results of the hearing screening and any
7 8 rescreenings, including the diagnostic audiological assessment
7 9 procedures used.

7 10 c. The nature of any follow-up or other intervention
7 11 services provided to the newborn or infant.

7 12 d. Any known risk indicators for hearing loss of the
7 13 newborn or infant.

7 14 e. Other information specified in rules adopted by the
7 15 department.

7 16 9. This section shall not apply if the parent objects to
7 17 the screening. If a parent objects to the screening, the
7 18 birthing hospital, birth center, physician, or other health
7 19 care professional required to report information under
7 20 subsection 3, 4, or 5 to the department shall obtain a written
7 21 refusal from the parent, shall document the refusal in the
7 22 newborn's or infant's medical record, and shall report the
7 23 refusal to the department in the manner prescribed by rule of
7 24 the department.

7 25 10. A person who acts in good faith in complying with this
7 26 section shall not be civilly or criminally liable for
7 27 reporting the information required to be reported by this
7 28 section.

DIVISION III

PUBLIC HEALTH DISASTER AUTHORITY

7 31 Sec. 4. Section 135.140, subsection 6, paragraph b, Code
7 32 2009, is amended by adding the following new subparagraph:

7 33 NEW SUBPARAGRAPH. (4) Short-term or long-term physical or
7 34 behavioral health consequences to a large number of the
7 35 affected population.



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8 1 Sec. 5. Section 135.140, subsection 7, Code 2009, is
8 2 amended to read as follows:

8 3 7. "Public health response team" means a team of
8 4 professionals, including licensed health care providers,
8 5 nonmedical professionals skilled and trained in disaster or
8 6 emergency response, and public health practitioners, which is
8 7 sponsored by a hospital or other entity and approved by the
8 8 department to provide disaster ~~medical~~ assistance in the event
8 9 of a disaster or threatened disaster.

8 10 Sec. 6. Section 135.141, subsection 2, paragraphs b, g,
8 11 and i, Code 2009, are amended to read as follows:

8 12 b. Coordinate with federal, state, and local agencies and
8 13 officials, and private agencies, organizations, companies, and
8 14 persons, the administration of emergency planning, response,
8 15 and recovery matters that involve the public health.

8 16 g. Conduct or coordinate public information activities
8 17 regarding emergency and disaster planning, response, and
8 18 recovery matters that involve the public health.

8 19 i. Establish and coordinate other programs or activities
8 20 as necessary for the prevention, detection, management, and
8 21 containment of public health disasters, and for the recovery
8 22 from such disasters.

8 23 Sec. 7. Section 135.143, subsection 1, paragraph b, Code
8 24 2009, is amended by adding the following new subparagraphs:

8 25 NEW SUBPARAGRAPH. (6) During or after a natural
8 26 occurrence or incident, including but not limited to fire,
8 27 flood, storm, drought, earthquake, tornado, or windstorm.

8 28 NEW SUBPARAGRAPH. (7) During or after a man-made
8 29 occurrence or incident, including but not limited to an
8 30 attack, spill, or explosion.

8 31 Sec. 8. Section 135.143, Code 2009, is amended by adding
8 32 the following new subsection:

8 33 NEW SUBSECTION. 1A. The department shall provide by rule
8 34 a process for registration and approval of public health
8 35 response team members and sponsor entities and shall authorize



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9 1 specific public health response teams, which may include but
9 2 are not limited to disaster assistance teams and environmental
9 3 health response teams. The department may expedite the
9 4 registration and approval process during a disaster,
9 5 threatened disaster, or other incident described in subsection
9 6 1.

9 7 Sec. 9. Section 135.144, Code 2009, is amended by adding
9 8 the following new subsection:

9 9 NEW SUBSECTION. 12. Temporarily reassign department
9 10 employees for purposes of response and recovery efforts, to
9 11 the extent such employees consent to the reassignments.

9 12 EXPLANATION

9 13 This bill relates to health-related activities and
9 14 regulation by the department of public health involving
9 15 lead-safe renovators, newborn and infant hearing screening,
9 16 and public health disaster authority. The bill is organized
9 17 into divisions.

9 18 LEAD-SAFE RENOVATORS AND CHILD-OCCUPIED FACILITIES. This
9 19 division relates to the existing program established in Code
9 20 section 135.105A for training and certification of lead
9 21 inspectors and lead abaters by adding lead-safe renovators to
9 22 the program. The renovator provisions replace an existing
9 23 provision for a voluntary program for renovators. Other than
9 24 a person's own residential dwelling occupied by the person or
9 25 an immediate family member, performing a renovation of target
9 26 housing or child-occupied facility without obtaining a
9 27 lead-safe renovator certification is prohibited. Training
9 28 programs for lead-safe renovators are subject to the approval
9 29 of the department.

9 30 Violations of Code section 135.105A are punishable by a
9 31 civil penalty of not more than \$5,000.

9 32 Code section 135.105C, relating to lead hazard
9 33 notifications, is amended to add a notice requirement for
9 34 services provided at a "child-occupied facility" to current
9 35 law requiring persons performing, for compensation,



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



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11 1 known risk indicators for hearing loss, and other information
11 2 to be specified in departmental rule.

11 3 PUBLIC HEALTH DISASTER AUTHORITY. This division revises
11 4 and adds to the department's duties and authority involving
11 5 public health disasters and other disasters.

11 6 Code section 135.140, providing definitions for the
11 7 department's disaster preparedness provisions, is amended.

11 8 The term "public health disaster" is expanded to include
11 9 conditions that pose a high probability of short-term or
11 10 long-term physical or behavioral health consequences to a
11 11 large number of the affected population. The term "public
11 12 health response team" is expanded to allow such a team to
11 13 provide general disaster assistance rather than being
11 14 restricted to disaster medical assistance.

11 15 Code section 135.141, specifying the department's duties
11 16 involving disasters, is amended to include in the duties
11 17 emergency response and recovery activities involving public
11 18 health.

11 19 Code section 135.143, relating to public health response
11 20 teams, is amended to include natural and man-made occurrences
11 21 and incidents in the list of incidents for which the teams can
11 22 be requested by local medical or public health personnel or
11 23 hospitals to provide support services. The department is
11 24 required to provide by rule a process for registering and
11 25 approving team members and sponsor entities, including types
11 26 specified in the bill. The department is authorized to
11 27 expedite the registration and approval process when certain
11 28 disaster or emergency conditions exist.

11 29 Code section 135.144 is amended to authorize the department
11 30 to temporarily reassign employees for response and recovery
11 31 efforts when there is a public health disaster. The authority
11 32 is limited to the extent the employees consent to the
11 33 reassignments.

11 34 LSB 1142HV 83

11 35 jp/nh/5



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HOUSE FILE
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 8)

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

A BILL FOR

- 1 An Act creating an Iowa collaboration for youth development
- 2 council and state of Iowa youth advisory council in the
- 3 department of human rights.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1264HV 83
- 6 jp/nh/5



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PAG LIN

1 1 Section 1. NEW SECTION. 216A.132A IOWA COLLABORATION FOR
1 2 YOUTH DEVELOPMENT COUNCIL == STATE OF IOWA YOUTH ADVISORY
1 3 COUNCIL.
1 4 1. DEFINITIONS. For the purposes of this section, unless
1 5 the context otherwise requires:
1 6 a. "Youth" means children and young persons who are ages
1 7 six through twenty-one years.
1 8 b. "Youth advisory council" means the state of Iowa youth
1 9 advisory council created by this section.
1 10 c. "Youth development council" means the Iowa
1 11 collaboration for youth development council created by this
1 12 section.
1 13 2. COLLABORATION COUNCIL CREATED. An Iowa collaboration
1 14 for youth development council is created as an alliance of
1 15 state agencies that address the needs of youth in Iowa.
1 16 3. PURPOSE. The purpose of the youth development council
1 17 is to improve the lives and futures of Iowa's youth by doing
1 18 all of the following:
1 19 a. Adopting and applying positive youth development
1 20 principles and practices at the state and local levels.
1 21 b. Increasing the quality, efficiency, and effectiveness
1 22 of opportunities and services and other supports for youth.
1 23 c. Improving and coordinating state youth policy and
1 24 programs across state agencies.
1 25 4. VISION STATEMENT. All youth development activities
1 26 addressed by the youth development council shall be aligned
1 27 around the following vision statement: "All Iowa youth will
1 28 be safe, healthy, successful, and prepared for adulthood."
1 29 5. MEMBERSHIP. The youth development council membership
1 30 shall be determined by the council itself and shall include
1 31 the directors or chief administrators, or their designees,
1 32 from the following state agencies and programs:
1 33 a. Child advocacy board.
1 34 b. Iowa commission on volunteer service in the office of
1 35 the governor.



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- 2 1 c. Department of education.
- 2 2 d. Department of human rights.
- 2 3 e. Department of human services.
- 2 4 f. Department of public health.
- 2 5 g. Department of workforce development.
- 2 6 h. Governor's office of drug control policy.
- 2 7 i. Iowa cooperative extension in agriculture and home
- 2 8 economics.
- 2 9 j. Office of community empowerment in the department of
- 2 10 management.
- 2 11 6. PROCEDURE. Except as otherwise provided by law, the
- 2 12 youth development council shall determine its own rules of
- 2 13 procedure and operating policies, including but not limited to
- 2 14 terms of members. The youth development council may form
- 2 15 committees or subgroups as necessary to achieve its purpose.
- 2 16 7. DUTIES. The youth development council's duties shall
- 2 17 include but are not limited to all of the following:
- 2 18 a. Study, explore, and plan for the best approach to
- 2 19 structure and formalize the functions and activities of the
- 2 20 youth development council to meet its purpose, and make formal
- 2 21 recommendations for improvement to the governor and general
- 2 22 assembly.
- 2 23 b. Review indicator data and identify barriers to youth
- 2 24 success and develop strategies to address the barriers.
- 2 25 c. Coordinate across agencies the state policy priorities
- 2 26 for youth.
- 2 27 d. Strengthen partnerships with the nonprofit and private
- 2 28 sectors to gather input, build consensus, and maximize use of
- 2 29 existing resources and leverage new resources to improve the
- 2 30 lives of youth and their families.
- 2 31 e. Oversee the activities of the youth advisory council.
- 2 32 f. Seek input from and engage the youth advisory council
- 2 33 in the development of more effective policies, practices, and
- 2 34 programs to improve the lives and futures of youth.
- 2 35 g. Report annually by February 1 to the governor and



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3 1 general assembly.

3 2 8. STATE OF IOWA YOUTH ADVISORY COUNCIL. A state of Iowa
3 3 youth advisory council is created to provide input to the
3 4 governor, general assembly, and state and local policymakers
3 5 on youth issues.

3 6 a. The purpose of the youth advisory council is to foster
3 7 communication among a group of engaged youth and the governor,
3 8 general assembly, and state and local policymakers regarding
3 9 programs, policies, and practices affecting youth and
3 10 families; and to advocate for youth on important issues
3 11 affecting youth.

3 12 b. The youth advisory council shall consist of no more
3 13 than twenty-one youth ages fourteen through twenty years who
3 14 reside in Iowa. Membership shall be for two-year staggered
3 15 terms. The department director, or the director's designee,
3 16 shall select council members using an application process.
3 17 The department director or the director's designee shall
3 18 strive to maintain a diverse council membership and shall take
3 19 into consideration race, ethnicity, disabilities, gender, and
3 20 geographic location of residence of the applicants.

3 21 c. Except as otherwise provided by law, the youth advisory
3 22 council shall determine its own rules of procedure and
3 23 operating policies, subject to approval by the department
3 24 director or the director's designee.

3 25 d. The youth advisory council shall meet at least
3 26 quarterly.

3 27 9. LEAD AGENCY. The lead agency for support of the Iowa
3 28 collaboration for youth development council and the state of
3 29 Iowa youth advisory council is the department. The department
3 30 shall coordinate activities and, with funding made available
3 31 to it for such purposes, provide staff support for the youth
3 32 development council and the youth advisory council.

3 33 EXPLANATION

3 34 This bill creates an Iowa collaboration for youth
3 35 development council and state of Iowa youth advisory council



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4 1 in the department of human rights.
4 2 The creation of the councils is codified in Code chapter
4 3 216A, pertaining to the division of criminal and juvenile
4 4 justice planning.
4 5 The term "youth" is defined to mean children and young
4 6 persons who are ages six through 21 years.
4 7 For the Iowa collaboration for youth development council,
4 8 the bill specifies a purpose, vision statement, membership and
4 9 procedural authority, and duties. The membership is to be
4 10 determined by the council itself but is required to include
4 11 staff from various state agencies. The council is authorized
4 12 to determine its own rules of procedure and operating
4 13 policies, including but not limited to terms of members. The
4 14 duties of the council include various coordination and
4 15 analysis functions and include a required annual report to the
4 16 governor and general assembly.
4 17 The bill also creates a state of Iowa youth advisory
4 18 council to provide input to the governor, general assembly,
4 19 and other policymakers regarding youth issues. The membership
4 20 of not more than 21 persons is to be appointed by the director
4 21 of the department of human rights or the director's designee.
4 22 The membership is limited to youth who are age 14 through 20
4 23 years. Except as otherwise provided by law, the youth
4 24 advisory council is authorized to determine its own rules of
4 25 procedure and operating policies, subject to approval by the
4 26 department director or the director's designee.
4 27 LSB 1264HV 83
4 28 jp/nh/5



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HOUSE FILE
BY D. OLSON

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

A BILL FOR

1 An Act relating to the taxation of a homestead owned by a
2 disabled veteran, providing an appropriation, including a
3 penalty, and including effective date and applicability date
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1076HH 83
7 md/sc:mg/8



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2 1 4. A property qualifying for an exemption under this
2 2 division is not eligible for the homestead credit under
2 3 chapter 425, the disabled veteran credit under section 425.15,
2 4 or the exemption under division I of this chapter.

2 5 5. Where the word "veteran" appears in this division, it
2 6 means the same as provided in section 426A.11.

2 7 Sec. 4. NEW SECTION. 426A.19 EXEMPTIONS TO RELATIVES.

2 8 In case a veteran does not claim the exemption from
2 9 taxation to which the veteran is entitled under this division,
2 10 it shall be allowed in the name of the veteran to the same
2 11 extent as provided in section 426A.12.

2 12 Sec. 5. NEW SECTION. 426A.20 CLAIM FOR DISABLED VETERAN
2 13 HOMESTEAD TAX EXEMPTION == DISCHARGE RECORDED.

2 14 1. To be eligible to receive the exemption under this
2 15 division, the person claiming it shall have recorded in the
2 16 office of the county recorder of the county in which is
2 17 located the property designated for the exemption, evidence of
2 18 property ownership by that person or person's spouse, the
2 19 military certificate of satisfactory service, order
2 20 transferring to inactive status, reserve, retirement, order of
2 21 separation from service, honorable discharge, and evidence of
2 22 a service-connected disability and disability rating from the
2 23 United States veterans administration, or a copy of any of
2 24 these documents of the person claiming or through whom is
2 25 claimed the exemption. In the case of a person claiming the
2 26 exemption as a veteran described in section 35.1, subsection
2 27 2, paragraph "b", subparagraph (6) or (7), the person shall
2 28 file the statement required by section 35.2.

2 29 2. The person shall file with the appropriate assessor on
2 30 forms obtained from the assessor the claim for exemption for
2 31 the year for which the person is first claiming the exemption.
2 32 The claim shall be filed not later than July 1 of the year for
2 33 which the person is claiming the exemption. In the case of a
2 34 person claiming the exemption as a veteran described in
2 35 section 35.1, subsection 2, paragraph "b", subparagraph (6) or



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3 1 (7), the person shall file the statement required by section
3 2 35.2.
3 3 3. Upon the filing and allowance of the claim, the claim
3 4 shall be allowed to that person for successive years without
3 5 further filing as long as the person or person's spouse is the
3 6 legal or equitable owner of the property on July 1 of the year
3 7 for which the claim is allowed. When the property is sold or
3 8 transferred or the person wishes to designate different
3 9 property for the exemption, a person who wishes to receive the
3 10 exemption shall refile for the exemption. A person who sells
3 11 or transfers property which is designated for the exemption or
3 12 the personal representative of a deceased person who owned
3 13 such property shall provide written notice to the assessor
3 14 that the property is no longer legally or equitably owned by
3 15 the former claimant.
3 16 4. A claim may be filed by any member of the owner's
3 17 family, by the owner's guardian or conservator, or by any
3 18 other person who may represent the owner under power of
3 19 attorney. In all cases where the owner of the property is
3 20 married, the spouse may file the claim for exemption. A
3 21 person may not claim an exemption in more than one county of
3 22 the state.
3 23 Sec. 6. NEW SECTION. 426A.21 ALLOWANCE == CONTINUING
3 24 EFFECTIVENESS.
3 25 1. The assessor shall retain a permanent file of current
3 26 disabled veteran homestead tax exemption claims filed in the
3 27 assessor's office. The assessor shall file a notice of
3 28 transfer of property for which a claim is filed when notice is
3 29 received from the office of the county recorder, from the
3 30 person who sold or transferred the property, or from the
3 31 personal representative of a deceased claimant.
3 32 2. The county recorder shall give notice to the assessor
3 33 of each transfer of title filed in the recorder's office. The
3 34 notice shall describe the property transferred, the name of
3 35 the person transferring the title to the property, and the



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4 1 name of the person to whom title to the property has been
4 2 transferred.

4 3 3. Not later than July 6 of each year, the assessor shall
4 4 remit the claims and designations of property to the county
4 5 auditor with the assessor's recommendation for allowance or
4 6 disallowance. If the assessor recommends disallowance of a
4 7 claim, the assessor shall submit the reasons for the
4 8 recommendation, in writing, to the county auditor.

4 9 4. The county auditor shall forward the claims to the
4 10 board of supervisors. The board shall allow or disallow the
4 11 claims. If the board disallows a claim, it shall send written
4 12 notice, by mail, to the claimant at the claimant's last known
4 13 address. The notice shall state the reasons for disallowing
4 14 the claim for the exemption. The board is not required to
4 15 send notice that a claim is disallowed if the claimant
4 16 voluntarily withdraws the claim.

4 17 5. Any person whose claim is denied under the provisions
4 18 of this division may appeal from the action of the board of
4 19 supervisors in the district court of the county in which the
4 20 claimed disabled veteran homestead tax exemption is situated
4 21 by giving written notice of such appeal to the county auditor
4 22 within twenty days from the date of mailing of notice of such
4 23 action by the board of supervisors.

4 24 6. Any person may request, in writing, from the
4 25 appropriate assessor forms for the filing for a disabled
4 26 veteran homestead tax exemption. The person may complete the
4 27 form, which shall include a statement claiming the disabled
4 28 veteran homestead tax exemption and designating the property
4 29 upon which the tax exemption is claimed, and mail or return it
4 30 to the appropriate assessor. The signature of the claimant on
4 31 the claim shall be considered the claimant's acknowledgment
4 32 that all statements and facts entered on the form are correct
4 33 to the best of the claimant's knowledge.

4 34 Sec. 7. NEW SECTION. 426A.22 COMPUTATION BY AUDITOR.
4 35 On or before August 1 of each year, the county auditor



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5 1 shall certify to the county treasurer all claims for disabled
5 2 veteran homestead tax exemptions which have been allowed by
5 3 the board of supervisors. Such certificate shall list the
5 4 total amount of dollars, listed by taxing district in the
5 5 county, due for disabled veteran homestead tax credits claimed
5 6 and allowed. The county treasurer shall forthwith certify to
5 7 the department of revenue the amount of dollars, listed by
5 8 taxing district in the county, due for disabled veteran
5 9 homestead tax credits claimed and allowed.

5 10 Sec. 8. NEW SECTION. 426A.23 CERTIFICATION BY DIRECTOR
5 11 OF REVENUE.

5 12 Sums distributable from the general fund of the state shall
5 13 be allocated annually to the counties of the state. On
5 14 September 15 annually the director of revenue shall certify
5 15 and the department of administrative services shall draw
5 16 warrants to the treasurer of each county payable from the
5 17 general fund of the state in the amount claimed. Payments
5 18 shall be made to the treasurer of each county not later than
5 19 September 30 of each year.

5 20 Sec. 9. NEW SECTION. 426A.24 PROPORTIONATE SHARES TO
5 21 DISTRICTS.

5 22 The moneys received by the county under this division shall
5 23 then be apportioned by each county treasurer to the several
5 24 taxing districts. Each taxing district shall receive its
5 25 proportionate share of the disabled veteran homestead tax
5 26 credit allowed on each and every tax exemption allowed in such
5 27 taxing district, in the proportion that the levy made by such
5 28 taxing district upon general property bears to the total levy
5 29 upon all property subject to general property taxation by all
5 30 taxing districts imposing a general property tax in such
5 31 taxing district.

5 32 Sec. 10. NEW SECTION. 426A.25 SETTING ASIDE ALLOWANCE.

5 33 If the director of revenue determines that a claim for
5 34 disabled veteran homestead tax exemption has been allowed by a
5 35 board of supervisors which is not justifiable under the law



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6 1 and not substantiated by proper facts, the director may, at
6 2 any time within thirty=six months from July 1 of the year in
6 3 which the claim is allowed, set aside the allowance. Notice
6 4 of the disallowance shall be given to the county auditor of
6 5 the county in which the claim has been improperly granted and
6 6 a written notice of the disallowance shall also be addressed
6 7 to the claimant at the claimant's last known address. The
6 8 claimant or the board of supervisors may appeal to the state
6 9 board of tax review pursuant to section 421.1, subsection 5.
6 10 The claimant or the board of supervisors may seek judicial
6 11 review of the action of the state board of tax review in
6 12 accordance with chapter 17A. If a claim is disallowed by the
6 13 director of revenue and not appealed to the state board of tax
6 14 review or appealed to the state board of tax review and
6 15 thereafter upheld upon final resolution, including judicial
6 16 review, the credits allowed and paid from the general fund of
6 17 the state become a lien upon the property on which the credit
6 18 was originally granted, if still in the hands of the claimant
6 19 and not in the hands of a bona fide purchaser, the amount so
6 20 erroneously paid shall be collected by the county treasurer in
6 21 the same manner as other taxes, and the collections shall be
6 22 returned to the department of revenue and credited to the
6 23 general fund of the state. The director of revenue may
6 24 institute legal proceedings against a disabled veteran
6 25 homestead tax exemption claimant for the collection of
6 26 payments made on disallowed exemptions.
6 27 Sec. 11. NEW SECTION. 426A.26 FORMS == RULES.
6 28 The director of revenue shall prescribe the form for the
6 29 making of a verified statement and designation of property
6 30 eligible for disabled veteran homestead tax exemption, and the
6 31 form for the supporting affidavits required in this division,
6 32 and such other forms as may be necessary for the proper
6 33 administration of this division. From time to time as
6 34 necessary, the department of revenue shall forward the
6 35 prescribed sample forms to the county auditors of the several



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7 1 counties of the state. The director of revenue shall have the
7 2 power and authority to prescribe rules, not inconsistent with
7 3 the provisions of this division, necessary to carry out and
7 4 effectuate its purposes.

7 5 Sec. 12. NEW SECTION. 426A.27 EXCESS REMITTED ==
7 6 APPEALS.

7 7 1. If the amount of credit apportioned to any property
7 8 eligible for a disabled veteran homestead tax exemption under
7 9 this division in any year shall exceed the total tax,
7 10 exclusive of any special assessments levied against such
7 11 property eligible for disabled veteran homestead tax
7 12 exemption, then the excess shall be remitted by the county
7 13 treasurer to the department of revenue to be redeposited in
7 14 the general fund of the state and reallocated the following
7 15 year by the department.

7 16 2. a. If any claim for exemption made has been denied by
7 17 the board of supervisors, and the action is subsequently
7 18 reversed on appeal, the same credit shall be allowed on the
7 19 assessed valuation, not to exceed the amount of the disabled
7 20 veteran homestead tax exemption involved in the appeal, as was
7 21 allowed on other disabled veteran homestead tax exemption
7 22 valuations for the year in question, and the director of
7 23 revenue, the county auditor, and the county treasurer shall
7 24 credit and change their books and records accordingly.

7 25 b. If the appealing taxpayer has paid one or both of the
7 26 installments of the tax payable in the year in question on
7 27 such disabled veteran homestead tax exemption valuation,
7 28 remittance shall be made to the county treasurer in the amount
7 29 of such credit.

7 30 c. The amount of the credit shall be allocated and paid
7 31 from the surplus redeposited in the general fund of the state
7 32 provided for in subsection 1.

7 33 Sec. 13. NEW SECTION. 426A.28 ERRONEOUS CREDITS.

7 34 If any claim is allowed, and subsequently reversed on
7 35 appeal, any credit shall be void, and the amount of the credit



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8 1 shall be charged against the property in question, and the
8 2 director of revenue, the county auditor, and the county
8 3 treasurer shall correct their books and records. The amount
8 4 of the erroneous credit, when collected, shall be returned by
8 5 the county treasurer to the general fund of the state.

8 6 Sec. 14. NEW SECTION. 426A.29 PENALTY.

8 7 Any person making a false affidavit for the purpose of
8 8 obtaining the exemption provided for in sections 426A.18 to
8 9 426A.21 or who knowingly receives the exemption without being
8 10 legally entitled to the exemption, or who makes claim for
8 11 exemption in more than one county in the state shall be guilty
8 12 of a fraudulent practice.

8 13 DIVISION II

8 14 CORRESPONDING AMENDMENTS

8 15 Sec. 15. Section 25B.7, subsection 2, Code 2009, is
8 16 amended by adding the following new paragraph:

8 17 NEW PARAGRAPH. d. Disabled veteran homestead tax credit
8 18 and exemption pursuant to chapter 426A.

8 19 Sec. 16. Section 331.401, subsection 1, paragraphs e and
8 20 f, Code 2009, are amended to read as follows:

8 21 e. Adopt resolutions authorizing the county assessor to
8 22 provide forms for homestead exemption claimants as provided in
8 23 section 425.2 and, military service tax exemptions as provided
8 24 in section 426A.14, and disabled veteran homestead tax
8 25 exemptions as provided in 426A.21.

8 26 f. Examine and allow or disallow claims for homestead
8 27 exemption in accordance with section 425.3 and claims for
8 28 military service tax exemption and disabled veteran homestead
8 29 tax exemption in accordance with chapter 426A. The board, by
8 30 a single resolution, may allow or disallow the exemptions
8 31 recommended by the assessor.

8 32 Sec. 17. Section 331.429, subsection 1, paragraphs a and
8 33 b, Code 2009, are amended to read as follows:

8 34 a. Transfers from the general fund not to exceed in any
8 35 year the dollar equivalent of a tax of sixteen and



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9 1 seven-eighths cents per thousand dollars of assessed value on
9 2 all taxable property in the county multiplied by the ratio of
9 3 current taxes actually collected and apportioned for the
9 4 general basic levy to the total general basic levy for the
9 5 current year, and an amount equivalent to the moneys derived
9 6 by the general fund from military service tax credits and
9 7 disabled veteran homestead tax credits under chapter 426A,
9 8 manufactured or mobile home taxes under section 435.22, and
9 9 delinquent taxes for prior years collected and apportioned to
9 10 the general basic fund in the current year, multiplied by the
9 11 ratio of sixteen and seven-eighths cents to three dollars and
9 12 fifty cents. The limit on transfers in this paragraph applies
9 13 only to property tax revenue and is not a limit on transfers
9 14 of revenue generated from sources other than property taxes.
9 15 b. Transfers from the rural services fund not to exceed in
9 16 any year the dollar equivalent of a tax of three dollars and
9 17 three-eighths cents per thousand dollars of assessed value on
9 18 all taxable property not located within the corporate limits
9 19 of a city in the county multiplied by the ratio of current
9 20 taxes actually collected and apportioned for the rural
9 21 services basic levy to the total rural services basic levy for
9 22 the current year and an amount equivalent to the moneys
9 23 derived by the rural services fund from military service tax
9 24 credits and disabled veteran homestead tax credits under
9 25 chapter 426A, manufactured or mobile home taxes under section
9 26 435.22, and delinquent taxes for prior years collected and
9 27 apportioned to the rural services basic fund in the current
9 28 year, multiplied by the ratio of three dollars and
9 29 three-eighths cents to three dollars and ninety-five cents.
9 30 The limit on transfers in this paragraph applies only to
9 31 property tax revenue and is not a limit on transfers of
9 32 revenue generated from sources other than property taxes.
9 33 Sec. 18. Section 331.512, subsection 4, Code 2009, is
9 34 amended to read as follows:
9 35 4. Prepare and certify to the county treasurer the total



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10 1 amount of dollars for military service tax credits claimed and
10 2 allowed as provided under sections 426A.3 and 426A.11 through
10 3 426A.14 and for disabled veteran homestead tax credits claimed
10 4 and allowed as provided under sections 426A.18 through
10 5 426A.22.

10 6 Sec. 19. Section 331.559, subsection 14, Code 2009, is
10 7 amended to read as follows:

10 8 14. Carry out duties relating to the administration of the
10 9 military service tax credit and the disabled veteran homestead
10 10 tax credit as provided in sections 426A.3, 426A.5, 426A.8, and
10 11 426A.9 chapter 426A.

10 12 Sec. 20. Section 420.207, Code 2009, is amended to read as
10 13 follows:

10 14 420.207 TAXATION IN GENERAL.

10 15 Sections 426A.11 through 426A.15, 426A.18 through 426A.21,
10 16 426A.29, 427.1, 427.8 to 427.11, 428.4, 428.20, 428.22,
10 17 428.23, 437.1, 437.3, 441.21, 443.1 to 443.3, 444.2 to 444.5,
10 18 and 447.9 to 447.13, so far as applicable, apply to cities
10 19 acting under special charters.

10 20 Sec. 21. Section 425.11, subsection 1, Code 2009, is
10 21 amended to read as follows:

10 22 1. The words "assessed valuation" shall mean the taxable
10 23 valuation of the homestead as fixed by the assessor, or by the
10 24 board of review, under the provisions of section 441.21,
10 25 without deducting therefrom the exemptions authorized in
10 26 ~~section~~ sections 426A.11 and 426A.18.

10 27 Sec. 22. Section 425.15, Code 2009, is amended to read as
10 28 follows:

10 29 425.15 DISABLED VETERAN TAX CREDIT.

10 30 If the owner of a homestead allowed a credit under this
10 31 chapter is a veteran of any of the military forces of the
10 32 United States, who acquired the homestead under 38 U.S.C. }
10 33 21.801, 21.802, prior to August 6, 1991, or 38 U.S.C. } 2101,
10 34 2102, the credit allowed on the homestead from the homestead
10 35 credit fund shall be the entire amount of the tax levied on



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11 1 the homestead. The credit allowed shall be continued to the
11 2 estate of a veteran who is deceased or the surviving spouse
11 3 and any child, as defined in section 234.1, who are the
11 4 beneficiaries of a deceased veteran, so long as the surviving
11 5 spouse remains unmarried. This section is not applicable to
11 6 the holder of title to any homestead whose annual income,
11 7 together with that of the titleholder's spouse, if any, for
11 8 the last preceding twelve-month income tax accounting period
11 9 exceeds thirty-five thousand dollars. For the purpose of this
11 10 section "income" means taxable income for federal income tax
11 11 purposes plus income from securities of state and other
11 12 political subdivisions exempt from federal income tax. A
11 13 veteran or a beneficiary of a veteran who elects to secure the
11 14 credit provided in this section is not eligible for any other
11 15 real property tax exemption provided by law for veterans of
11 16 military service. If a veteran acquires a different
11 17 homestead, the credit allowed under this section may be
11 18 claimed on the new homestead unless the veteran fails to meet
11 19 the other requirements of this section.

11 20 Sec. 23. Section 426A.1A, Code 2009, is amended to read as
11 21 follows:

11 22 426A.1A APPROPRIATION.

11 23 There is appropriated from the general fund of the state
11 24 the amounts necessary to fund the credits provided under this
11 25 ~~chapter~~ division.

11 26 Sec. 24. Section 426A.5, Code 2009, is amended to read as
11 27 follows:

11 28 426A.5 PROPORTIONATE SHARES TO DISTRICTS.

11 29 The amount of credits received under this ~~chapter~~ division
11 30 shall then be apportioned by each county treasurer to the
11 31 several taxing districts. Each taxing district shall receive
11 32 its proportionate share of the military service tax credit
11 33 allowed on each and every tax exemption allowed in such taxing
11 34 district, in the proportion that the levy made by such taxing
11 35 district upon general property bears to the total levy upon



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12 1 all property subject to general property taxation by all
12 2 taxing districts imposing a general property tax in such
12 3 taxing district.

12 4 Sec. 25. Section 426A.7, Code 2009, is amended to read as
12 5 follows:

12 6 426A.7 FORMS == RULES.

12 7 The director of revenue shall prescribe the form for the
12 8 making of a verified statement and designation of property
12 9 eligible for military service tax exemption, and the form for
12 10 the supporting affidavits required herein, and such other
12 11 forms as may be necessary for the proper administration of
12 12 this ~~chapter~~ division. From time to time as necessary, the
12 13 department of revenue shall forward to the county auditors of
12 14 the several counties of the state, such prescribed sample
12 15 forms. The director of revenue shall have the power and
12 16 authority to prescribe rules, not inconsistent with the
12 17 provisions of this ~~chapter~~ division, necessary to carry out
12 18 and effectuate its purposes.

12 19 Sec. 26. Section 426A.8, unnumbered paragraph 1, Code
12 20 2009, is amended to read as follows:

12 21 If the amount of credit apportioned to any property
12 22 eligible to military service tax exemption under this ~~chapter~~
12 23 division in any year shall exceed the total tax, exclusive of
12 24 any special assessments levied against such property eligible
12 25 for military service tax exemption, then the excess shall be
12 26 remitted by the county treasurer to the department of revenue
12 27 to be redeposited in the general fund of the state and
12 28 reallocated the following year by the department.

12 29 Sec. 27. Section 426A.11, subsections 3 and 4, Code 2009,
12 30 are amended to read as follows:

12 31 3. Where the word "veteran" appears in this ~~chapter~~
12 32 division, it includes, without limitation, the members of the
12 33 United States air force, merchant marine, and coast guard.

12 34 4. For purposes of this ~~chapter~~ division, unless the
12 35 context otherwise requires, "veteran" also means a resident of



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13 1 this state who is a former member of the armed forces of the
13 2 United States and who served for a minimum aggregate of
13 3 eighteen months and who was discharged under honorable
13 4 conditions. However, "veteran" also means a resident of this
13 5 state who is a former member of the armed forces of the United
13 6 States and who, after serving fewer than eighteen months, was
13 7 honorably discharged because of a service-related injury
13 8 sustained by the veteran.

13 9 Sec. 28. Section 426A.12, Code 2009, is amended to read as
13 10 follows:

13 11 426A.12 EXEMPTIONS TO RELATIVES.

13 12 1. In case any person in the foregoing classifications
13 13 does not claim the exemption from taxation, it shall be
13 14 allowed in the name of the person to the same extent on the
13 15 property of any one of the following persons in the order
13 16 named:

13 17 ~~1-~~ a. The spouse, or surviving spouse remaining unmarried,
13 18 of a veteran, as defined in this ~~chapter~~ division or in
13 19 section 35.1, where they are living together or were living
13 20 together at the time of the death of the veteran.

13 21 ~~2-~~ b. The parent whose spouse is deceased and who remains
13 22 unmarried, of a veteran, as defined in this ~~chapter~~ division
13 23 or in section 35.1, whether living or deceased, where the
13 24 parent is, or was at the time of death of the veteran,
13 25 dependent on the veteran for support.

13 26 ~~3-~~ c. The minor child, or children owning property as
13 27 tenants in common, of a deceased veteran, as defined in this
13 28 ~~chapter~~ division or in section 35.1.

13 29 2. No more than one tax exemption shall be allowed under
13 30 this section, ~~or~~ section 426A.11, or section 426A.19 in the
13 31 name of a veteran, as defined in this ~~chapter~~ division or in
13 32 section 35.1.

13 33 Sec. 29. Section 426A.14, unnumbered paragraph 5, Code
13 34 2009, is amended to read as follows:

13 35 Any person whose claim is denied under the provisions of



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14 1 this ~~chapter~~ division may appeal from the action of the board
 14 2 of supervisors in the district court of the county in which
 14 3 said claimed military service tax exemption is situated by
 14 4 giving written notice of such appeal to the county auditor of
 14 5 said county within twenty days from the date of mailing of
 14 6 notice of such action by the board of supervisors.

14 7 Sec. 30. Section 435.26, subsection 1, paragraph a, Code
 14 8 2009, is amended to read as follows:

14 9 a. A mobile home or manufactured home which is located
 14 10 outside a manufactured home community or mobile home park
 14 11 shall be converted to real estate by being placed on a
 14 12 permanent foundation and shall be assessed for real estate
 14 13 taxes. A home, after conversion to real estate, is eligible
 14 14 for the homestead tax credit, and the military service tax
 14 15 exemption, and the disabled veteran homestead tax exemption as
 14 16 provided in sections 425.2, and 426A.11, and 426A.18.

14 17 Sec. 31. Section 435.26A, subsection 3, Code 2009, is
 14 18 amended to read as follows:

14 19 3. After the surrender of a manufactured home's
 14 20 certificate of title under this section, the manufactured home
 14 21 shall continue to be taxed under section 435.22 and is not
 14 22 eligible for the homestead tax credit, ~~or~~ the military service
 14 23 tax exemption, or the disabled veteran homestead tax
 14 24 exemption. A foreclosure action on a manufactured home whose
 14 25 title has been surrendered under this section shall be
 14 26 conducted as a real estate foreclosure. A tax lien and its
 14 27 priority shall remain the same on a manufactured home after
 14 28 its certificate of title has been surrendered.

DIVISION III

EFFECTIVE AND APPLICABILITY DATES

14 31 Sec. 32. EFFECTIVE AND APPLICABILITY DATES. This Act,
 14 32 being deemed of immediate importance, takes effect upon
 14 33 enactment and applies to property taxes due and payable for
 14 34 fiscal years beginning on or after July 1, 2009.

EXPLANATION

14 35



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15 1 Division I of this bill provides a property tax exemption
15 2 and credit for a homestead owned by a disabled veteran. Under
15 3 the division, if the veteran has a disability rating of at
15 4 least 70 percent, the first \$150,000 of the homestead's
15 5 assessed value is exempt from taxation. To be eligible for
15 6 the exemption, the veteran must have been honorably discharged
15 7 from the United States armed forces and must be certified by
15 8 the United States veterans administration as having a
15 9 service-connected disability at the appropriate percentage.

15 10 Division I appropriates from the general fund of the state
15 11 the amounts necessary to fund the credits provided under the
15 12 division and designates how the moneys are distributed to the
15 13 counties and apportioned to the several taxing districts. The
15 14 reimbursement by the state replaces the tax which would be due
15 15 on property eligible for the disabled veteran homestead tax
15 16 exemption, if the property were subject to taxation.

15 17 Division I directs the director of revenue to prescribe
15 18 forms for the making of a verified statement and designation
15 19 of property eligible for disabled veteran homestead tax
15 20 exemption, and forms for the supporting affidavits. Division
15 21 I also provides the director of revenue authority to prescribe
15 22 rules necessary to carry out and effectuate its purposes.

15 23 Division I requires the claimant to record in the office of
15 24 the county recorder evidence that the claimant owns the
15 25 property, documentation relating to the claimant's military
15 26 service and honorable discharge, and evidence of a
15 27 service-connected disability and disability rating from the
15 28 United States veterans administration. Division I also
15 29 requires the claimant to file the claim with the appropriate
15 30 assessor not later than July 1 of the year for which the
15 31 person is claiming the exemption. Division I provides that
15 32 upon the filing and allowance of a claim by the board of
15 33 supervisors, the claim is allowed to that person for
15 34 successive years without further filing.

15 35 Division I provides that a property qualifying for an



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16 1 exemption is not eligible for the homestead credit under Code
16 2 chapter 425, the disabled veteran tax credit under Code
16 3 section 425.15, or the military service property tax exemption
16 4 under Code sections 426A.1A through 426A.15.

16 5 Division I provides that any person making a false
16 6 affidavit for the purpose of obtaining the disabled veteran
16 7 homestead tax exemption or who knowingly receives such
16 8 exemption without being legally entitled to it, or who makes
16 9 claim for exemption in more than one county in the state is
16 10 guilty of a fraudulent practice.

16 11 Division II of the bill updates references to federal
16 12 veterans' benefits programs under Code section 425.15.
16 13 Division II also updates the duties of a county and certain
16 14 county officials as they relate to administration of the
16 15 disabled veteran homestead tax exemption and makes
16 16 corresponding amendments to Code provisions relating to the
16 17 military service property tax exemption.

16 18 Division III of the bill provides that the bill takes
16 19 effect upon enactment and applies to property taxes due and
16 20 payable for fiscal years beginning on or after July 1, 2009.

16 21 LSB 1076HH 83

16 22 md/sc:mg/8.2



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House File 317 - Introduced

HOUSE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HF 57)

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

A BILL FOR

1 An Act relating to inclusion of assisted living services under
2 the medical assistance home and community-based services
3 waiver for the elderly.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1022HV 83
6 pf/rj/14



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1 1 Section 1. HOME AND COMMUNITY=BASED SERVICES WAIVER FOR
1 2 THE ELDERLY == INCLUSION OF ASSISTED LIVING SERVICES.
1 3 1. The department of human services shall request a waiver
1 4 from the centers for Medicare and Medicaid services of the
1 5 United States department of health and human services to add
1 6 assisted living services to the home and community-based
1 7 services waiver for the elderly under the medical assistance
1 8 program.

1 9 2. The department shall provide progress reports to the
1 10 legislative services agency on a quarterly basis, until such
1 11 time as the waiver is approved.

1 12 3. If the department of human services receives approval
1 13 of the waiver, the department shall submit a plan for
1 14 implementation to the general assembly. However, the waiver
1 15 shall not be implemented prior to specific action by the
1 16 general assembly to implement the waiver.

1 17 EXPLANATION

1 18 This bill directs the department of human services (DHS) to
1 19 request a waiver from the centers for Medicare and Medicaid
1 20 services of the United States department of health and human
1 21 services to add assisted living services to the home and
1 22 community-based services waiver for the elderly under the
1 23 medical assistance program.

1 24 The bill provides that until such time as the department
1 25 receives approval, the department is required to provide a
1 26 progress report to the legislative services agency on a
1 27 quarterly basis.

1 28 The bill provides that if DHS receives approval of the
1 29 waiver, DHS is to submit a plan for implementation to the
1 30 general assembly. The bill also prohibits DHS from
1 31 implementing the waiver prior to specific action being taken
1 32 by the general assembly to implement the waiver.

1 33 LSB 1022HV 83

1 34 pf/rj/14



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House File 318 - Introduced

HOUSE FILE

BY WINDSCHITL, SANDS, SCHULTZ,
 ALONS, SODERBERG, TYMESON,
 HUSEMAN, LUKAN, HAGENOW,
 ROBERTS, DE BOEF, RAECKER,
 SORENSON, L. MILLER, and
 MERTZ

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

Passed Senate, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the determination of when life begins and
 2 acknowledging the rights, privileges, and immunities of an
 3 unborn child.
 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 5 TLSB 1829YH 83
 6 pf/nh/14



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1 1 Section 1. NEW SECTION. 598C.1 UNBORN CHILD == FINDINGS
1 2 == RIGHTS, PRIVILEGES, AND IMMUNITIES == NO CAUSE OF ACTION.
1 3 1. The general assembly of this state finds all of the
1 4 following:
1 5 a. The life of each human being begins at conception.
1 6 b. An unborn child has protectable interests in life,
1 7 health, and well-being.
1 8 c. The biological parent of an unborn child has
1 9 protectable interests in the life, health, and well-being of
1 10 the unborn child.
1 11 2. The laws of this state shall be interpreted and
1 12 construed to acknowledge on behalf of an unborn child at every
1 13 stage of development, all the rights, privileges, and
1 14 immunities available to other persons, citizens, and residents
1 15 of this state.
1 16 3. As used in this section, "unborn child" means the
1 17 offspring of a human being from the moment of conception until
1 18 birth at every stage of biological development.
1 19 4. Nothing in this section shall be interpreted to create
1 20 a cause of action against a woman for indirectly harming the
1 21 woman's unborn child by failing to properly care for herself
1 22 or by failing to follow any particular program of prenatal
1 23 care.

1 24 EXPLANATION

1 25 This bill relates to the determination of when the life of
1 26 a human being begins and the rights, privileges, and
1 27 immunities ascribed to an unborn child and the interests of
1 28 the unborn child's biological parents.
1 29 The bill provides findings including that the life of each
1 30 human being begins at conception; an unborn child has
1 31 protectable interests in life, health, and well-being; and the
1 32 biological parent of an unborn child has protectable interests
1 33 in the life, health, and well-being of the unborn child.
1 34 The bill provides that the laws of the state of Iowa are to
1 35 be interpreted and construed to acknowledge on behalf of an



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2 1 unborn child all the rights, privileges, and immunities
2 2 available to other persons, citizens, and residents of Iowa.
2 3 Under the bill, "unborn child" means the offspring of a
2 4 human being from the moment of conception until birth at every
2 5 stage of biological development.
2 6 The bill provides that the provisions of the bill are not
2 7 to be interpreted to create a cause of action against a woman
2 8 for indirectly harming the woman's unborn child by failing to
2 9 properly care for herself or by failing to follow any
2 10 particular program of prenatal care.
2 11 LSB 1829YH 83
2 12 pf/nh/14.1



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House File 319 - Introduced

HOUSE FILE

BY WINDSCHITL, SANDS, TYMESON,
WATTS, HUSEMAN, SCHULTZ,
LUKAN, HAGENOW, KAUFMANN,
DE BOEF, RAECKER, SODERBERG,
and MAY

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing an exemption from the computation of the
- 2 individual state income tax all pay received for active duty
- 3 military service and including a retroactive applicability
- 4 date provision.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TLSB 1935YH 83
- 7 tw/mg:sc/8



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1 1 Section 1. Section 422.7, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 42A. Subtract, to the extent included,
1 4 all pay received by the taxpayer from the federal government
1 5 for military service performed while on active duty status in
1 6 the armed forces, the armed forces military reserve, or the
1 7 national guard.

1 8 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
1 9 retroactively to January 1, 2009, for tax years beginning on
1 10 or after that date.

1 11 EXPLANATION

1 12 This bill exempts from the individual income tax all pay
1 13 received by a taxpayer from the federal government for
1 14 military service performed while on active duty status in the
1 15 armed forces, the armed forces military reserve, or the
1 16 national guard.

1 17 The bill applies retroactively to January 1, 2009, for tax
1 18 years beginning on or after that date.

1 19 LSB 1935YH 83

1 20 tw/mg:sc/8



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House File 320 - Introduced

HOUSE FILE
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HF 195)

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

A BILL FOR

- 1 An Act relating to the age at which a registered voter is
- 2 eligible to vote in a primary election.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1572HV 83
- 5 sc/nh/14



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1 1 Section 1. Section 48A.5, subsection 2, paragraph c, Code
1 2 2009, is amended to read as follows:

1 3 c. Be at least eighteen years of age. However, for
1 4 purposes of voting in a primary election, an eligible elector
1 5 shall be at least eighteen years of age on the date of the
1 6 general election. Completed registration forms shall be
1 7 accepted from registrants who are at least seventeen and
1 8 one-half years of age; ~~however,~~. For all elections except
1 9 primary elections, the registration shall not be effective
1 10 until the registrant reaches the age of eighteen. The
1 11 commissioner of registration shall ensure that the birth date
1 12 shown on the registration form is at least seventeen and
1 13 one-half years earlier than the date the registration is
1 14 processed.

1 15 Sec. 2. Section 48A.11, subsection 3, paragraph c, Code
1 16 2009, is amended to read as follows:

1 17 c. "If you checked 'no' in response to either of these
1 18 questions, do not complete this form. However, for purposes
1 19 of voting in a primary election, you may complete this form if
1 20 you will be at least eighteen years of age on the date of the
1 21 general election."

1 22 Sec. 3. Section 48A.26, subsection 9, Code 2009, is
1 23 amended to read as follows:

1 24 9. When a person who is at least seventeen and one-half
1 25 years of age but less than eighteen years of age registers to
1 26 vote, the commissioner shall maintain a record of the
1 27 registration so as to clearly indicate that it will not take
1 28 effect until the registrant's eighteenth birthday and that the
1 29 person is registered and qualifies to vote at any election
1 30 held on or after that date. However, for purposes of voting
1 31 in a primary election, the registration shall take effect
1 32 immediately if the person will be at least eighteen years of
1 33 age on the date of the general election.

1 34 Sec. 4. Section 49.81, subsection 4, paragraph a, Code
1 35 2009, is amended to read as follows:



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House File 320 - Introduced continued

2 1 a. (1) The individual envelopes used for each provisional
 2 2 ballot cast pursuant to subsection 1 shall have space for the
 2 3 voter's name, date of birth, and address and shall have
 2 4 printed on them the following:

2 5 I am a United States citizen, at least eighteen years of
 2 6 age or, for purposes of voting in the primary election, I will
 2 7 be at least eighteen years of age on the date of the general
 2 8 election. I believe I am a registered voter of this county
 2 9 and I am eligible to vote in this election.

2 10
 2 11 (signature of voter) (date)

2 12 (2) The following information is to be provided by the
 2 13 precinct election official:

2 14 Reason for casting provisional ballot:
 2 15
 2 16
 2 17
 2 18 (signature of precinct
 2 19 election official)

EXPLANATION

2 21 This bill allows a registered voter who is not 18 years of
 2 22 age to vote in a primary election if the voter will be at
 2 23 least 18 years of age on the date of the general election.
 2 24 Current law allows an eligible elector who is at least 17 and
 2 25 one-half years of age to register to vote, but the
 2 26 registration does not become effective until the registrant
 2 27 turns 18 years of age.

2 28 LSB 1572HV 83
 2 29 sc/nh/14



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February 16, 2009

House File 321 - Introduced

HOUSE FILE
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO HSB 10)

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

A BILL FOR

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



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House File 321 - Introduced continued

PAG LIN

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

1 9 EXPLANATION

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

1 19 LSB 1450HV 83

1 20 dea/rj/5



Iowa General Assembly
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House File 322 - Introduced

HOUSE FILE

BY WINDSCHITL, RAECKER, DEYOE,
SANDS, HELLAND, HAGENOW,
SODERBERG, DE BOEF, MAY,
and SCHULTZ

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring the budget submissions of state agencies to
- 2 utilize a zero=base approach.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2175YH 83
- 5 jp/mg/5



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February 16, 2009

House File 322 - Introduced continued

PAG LIN

1 1 Section 1. Section 8.23, subsection 1, paragraph a, Code
1 2 2009, is amended to read as follows:
1 3 a. The estimates of expenditure requirements shall ~~be~~
~~1 4 based upon seventy-five percent of the funding provided for~~
~~1 5 the current fiscal year accounted for by program reduced by~~
~~1 6 the historical employee vacancy factor in form specified by~~
~~1 7 the director and the remainder of the estimate of expenditure~~
~~1 8 requirements prioritized by program~~ utilize a zero-base
1 9 approach of providing sufficient supporting data and
1 10 explanations to justify each expenditure as though it were a
1 11 new expenditure. The estimates shall include a prioritization
1 12 of each expenditure in relation to the other expenditures
1 13 transmitted. The estimates shall be accompanied with by
1 14 performance measures for evaluating the effectiveness of the
1 15 program.
1 16 Sec. 2. Section 602.1301, subsection 2, paragraph a,
1 17 unnumbered paragraph 1, Code 2009, is amended to read as
1 18 follows:
1 19 As early as possible, but not later than December 1, the
1 20 supreme court shall submit to the legislative services agency
1 21 the annual budget request and detailed supporting information
1 22 for the judicial branch. The submission shall be designed to
1 23 assist the legislative services agency in its preparation for
1 24 legislative consideration of the budget request. The
1 25 information submitted shall contain and be arranged in a
1 26 format substantially similar to the format specified by the
1 27 director of management and used by all departments and
1 28 establishments in transmitting to the director estimates of
1 29 their expenditure requirements pursuant to section 8.23,
~~1 30 except the estimates of expenditure requirements shall be~~
~~1 31 based upon one hundred percent of funding for the current~~
~~1 32 fiscal year accounted for by program, and using the same line~~
~~1 33 item definitions of expenditures as used for the current~~
~~1 34 fiscal year's budget request, and the remainder of the~~
~~1 35 estimate of expenditure requirements prioritized by program~~ by



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House File 322 - Introduced continued

2 1 utilizing a zero-base approach of providing sufficient
2 2 supporting data and explanations to justify each expenditure
2 3 as though it were a new expenditure. The estimates shall
2 4 include a prioritization of each expenditure in relation to
2 5 the other expenditures submitted. The supreme court shall
2 6 also make use of the department of management's automated
2 7 budget system when submitting information to the director of
2 8 management to assist the director in the transmittal of
2 9 information as required under section 8.35A. The supreme
2 10 court shall budget and track expenditures by the following
2 11 separate organization codes:

2 12 EXPLANATION

2 13 This bill requires the budget submissions of executive
2 14 branch departments and the judicial branch to utilize a zero=
2 15 base approach.

2 16 Under current law in Code section 8.23, the executive
2 17 branch departments' estimates of expenditure requirements are
2 18 based upon 75 percent of the funding provided for the current
2 19 fiscal year as adjusted by the historical employee vacancy
2 20 factor. The remaining expenditure requirements are
2 21 prioritized by program. Under the bill's zero-base approach,
2 22 the expenditure requirements must provide sufficient
2 23 supporting data and explanations to justify each expenditure
2 24 as though it were a new expenditure. The estimates are also
2 25 required to include a prioritization of each expenditure in
2 26 relation to the other expenditures transmitted.

2 27 Under current law in Code section 602.1301, unlike the
2 28 requirement of the executive branch, the supreme court must
2 29 submit an annual operating budget for the judicial branch that
2 30 is based upon 100 percent of the funding provided for the
2 31 previous fiscal year. As with the executive branch
2 32 departments, the bill replaces the 100 percent requirement
2 33 with a zero-base approach requiring data and explanations for
2 34 each expenditure and a prioritization of the expenditures.

2 35 LSB 2175YH 83



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February 16, 2009**

House File 322 - Introduced continued

3 1 jp/mg/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 16, 2009

House File 323 - Introduced

HOUSE FILE

BY WINDSCHITL, ALONS, SCHULTZ,
SANDS, HAGENOW, DOLECHECK,
ROBERTS, DE BOEF, RAECKER,
SORENSEN, HUSEMAN, SODERBERG,
L. MILLER, MERTZ, TYMESON,
and MAY

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to informed consent to an abortion and providing
- 2 a criminal penalty, and providing effective dates.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2144YH 83
- 5 pf/rj/5



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House File 323 - Introduced continued

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1 1 Section 1. NEW SECTION. 146A.1 TITLE.
1 2 This chapter shall be known and may be cited as the
1 3 "Woman's Right to Know Act".
1 4 Sec. 2. NEW SECTION. 146A.2 DEFINITIONS.
1 5 As used in this chapter, unless the context otherwise
1 6 requires:
1 7 1. "Abortion" means abortion as defined in section 146.1.
1 8 2. "Attempt to perform an unlawful abortion" means an act,
1 9 or an omission of an act required by law, that constitutes a
1 10 substantial step in a course of conduct intended to culminate
1 11 in the performance of an abortion in violation of this
1 12 chapter.
1 13 3. "Department" means the department of public health.
1 14 4. "Medical emergency" means any condition which, on the
1 15 basis of a physician's good faith clinical judgment, so
1 16 complicates the medical condition of a pregnant woman as to
1 17 necessitate the immediate performance of an abortion to avert
1 18 the pregnant woman's death, or to necessitate the immediate
1 19 performance of an abortion to avert a serious risk of
1 20 substantial and irreversible impairment of a major bodily
1 21 function if the performance of the abortion is delayed.
1 22 5. "Physician" means a person licensed to practice
1 23 medicine and surgery or osteopathic medicine and surgery
1 24 pursuant to chapter 148.
1 25 Sec. 3. NEW SECTION. 146A.3 VOLUNTARY AND INFORMED
1 26 CONSENT.
1 27 1. An abortion shall not be performed in this state
1 28 without the voluntary and informed consent of the woman upon
1 29 whom the abortion is to be performed. Except in the case of a
1 30 medical emergency, consent to an abortion is voluntary and
1 31 informed only if the requirements of this section are met.
1 32 2. The referring physician, the physician who will perform
1 33 the abortion, or an agent of either physician shall provide
1 34 all of the following information to the woman by telephone, by
1 35 audiotape, or in person, at the time the woman initially



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House File 323 - Introduced continued

2 1 contacts the physician's private office or a facility that
2 2 provides abortions to inquire about or to schedule an
2 3 appointment for an abortion:
2 4 a. Information that medical assistance benefits may be
2 5 available to the woman for prenatal care, childbirth, and
2 6 neonatal care.
2 7 b. Information that the putative father is liable to
2 8 assist in the support of the child and that efforts to collect
2 9 support may result in, but are not guaranteed to result in,
2 10 financial support of the child, even if the putative father
2 11 has offered to pay for the abortion.
2 12 c. Information that the woman has the right to review the
2 13 printed materials described in subsection 3.
2 14 d. Information that the woman has the right to have an
2 15 opportunity to receive and view an active ultrasound of the
2 16 fetus at least twenty-four hours before an abortion is
2 17 performed.
2 18 3. a. After being informed of the woman's right to review
2 19 printed materials pursuant to subsection 2, if the woman
2 20 wishes to review the materials, all of the following shall
2 21 apply:
2 22 (1) If the department establishes an internet site, the
2 23 woman shall be informed that the materials are available
2 24 through a state-sponsored internet site and shall be informed
2 25 of the internet site address.
2 26 (2) If the woman initially contacts the physician's
2 27 private office or a facility that provides abortions in
2 28 person, the materials shall be provided to the woman at that
2 29 time.
2 30 (3) If the woman initially contacts the physician's
2 31 private office or a facility that provides abortions by
2 32 telephone and wishes to review the materials, the materials
2 33 shall be mailed to the woman by regular mail or by restricted
2 34 certified mail, as defined in section 618.15, as requested by
2 35 the woman.



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House File 323 - Introduced continued

3 1 (4) The woman shall be informed that the materials have
3 2 been provided by the state and that they describe the fetus
3 3 and list agencies that offer alternatives to abortion.
3 4 b. The printed materials shall include all of the
3 5 following:
3 6 (1) Geographically indexed materials designed to inform
3 7 the woman of public and private agencies and services
3 8 available to assist a woman through pregnancy, at the time of
3 9 childbirth, and while the child is dependent, including
3 10 adoption agencies. The materials shall include a
3 11 comprehensive list of the agencies available, categorized by
3 12 the type of services offered, and a description of the manner,
3 13 including telephone numbers, in which the agencies may be
3 14 contacted. The department may also provide a toll-free,
3 15 twenty-four-hour-a-day telephone number which may be called to
3 16 obtain, orally, a list and description of agencies in the
3 17 locality of the caller and of the services offered.
3 18 (2) Materials that encourage consideration of placement
3 19 for adoption. The materials shall inform the woman of the
3 20 benefits of adoption, including the requirements of
3 21 confidentiality in the adoption process, the importance of
3 22 adoption to individuals and society, and the state's interest
3 23 in promoting adoption by preferring childbirth over abortion.
3 24 (3) Materials designed to inform the woman of the probable
3 25 anatomical and physiological characteristics of the fetus at
3 26 two-week gestational increments from the time that it is
3 27 medically possible to make a determination of pregnancy to
3 28 full term. The materials shall include any relevant
3 29 information regarding the possibility of the survival of the
3 30 fetus and pictures or drawings representing the development of
3 31 the fetus at two-week gestational increments, provided that
3 32 any pictures or drawings shall contain the dimensions of the
3 33 fetus and shall be realistic and appropriate for the state of
3 34 pregnancy depicted. The materials shall be objective,
3 35 nonjudgmental, and designed to convey only accurate scientific



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4 1 information about the fetus at various gestational stages.
4 2 The materials shall also contain objective information
4 3 describing the methods of abortion procedures commonly used,
4 4 the medical risks commonly associated with each such
4 5 procedure, the possible detrimental psychological effects of
4 6 abortion, and the medical risks commonly associated with
4 7 carrying a fetus to term.
4 8 4. A physician shall not perform an abortion on a woman
4 9 unless both of the following conditions are met:
4 10 a. The physician obtains written certification that the
4 11 information required pursuant to subsection 2 was provided to
4 12 the woman. The physician shall retain a copy of the
4 13 certification and shall provide a copy of the certification to
4 14 the woman.
4 15 b. The physician certifies that the woman has been offered
4 16 an opportunity to receive and view an active ultrasound of the
4 17 fetus. The offer and opportunity to receive and view an
4 18 ultrasound shall occur at least twenty-four hours before the
4 19 abortion is scheduled to be performed. In order to comply
4 20 with this requirement, the active ultrasound image must be of
4 21 a quality consistent with standard medical practice in the
4 22 community, must contain the dimensions of the fetus, and must
4 23 accurately portray the presence of external members and
4 24 internal organs, including the heartbeat, if present or
4 25 viewable, of the fetus. The auscultation of the fetal heart
4 26 tone also must be of a quality consistent with standard
4 27 medical practice in the community. The physician shall
4 28 document the woman's response to the offer, including the date
4 29 and time of the offer and the woman's signature attesting to
4 30 the woman's informed decision.
4 31 5. a. By October 1, 2009, the department shall cause the
4 32 information described in subsection 2 to be published in
4 33 printed format. The information shall be provided in an
4 34 easily comprehensible manner. The information shall be
4 35 published in a typeface large enough to be clearly legible.



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House File 323 - Introduced continued

5 1 The printed information shall be available from the department
5 2 at no cost, upon request, and in an appropriate number, to any
5 3 person.

5 4 b. The department may establish and maintain an internet
5 5 site to provide the information described in subsection 2.
5 6 The internet site shall provide for confidentiality of
5 7 individuals who access the site and no information identifying
5 8 the individual shall be collected or maintained. The
5 9 department shall monitor the internet site to ensure that the
5 10 site is secure and to prevent and correct any tampering with
5 11 the site.

5 12 Sec. 4. NEW SECTION. 146A.4 PROCEDURE IN CASE OF MEDICAL
5 13 EMERGENCY.

5 14 If a medical emergency necessitates the performance of an
5 15 abortion, the physician shall inform the woman, prior to the
5 16 performance of the abortion, if possible, of the medical
5 17 indications supporting the physician's judgment that the
5 18 immediate performance of an abortion is necessary to avert the
5 19 woman's death or that a delay in the performance of an
5 20 abortion will create a serious risk of substantial and
5 21 irreversible impairment of a major bodily function.

5 22 Sec. 5. NEW SECTION. 146A.5 CRIMINAL PENALTIES.

5 23 1. A person who knowingly or recklessly performs or
5 24 attempts to perform an abortion in violation of this chapter
5 25 is guilty of a simple misdemeanor.

5 26 2. A criminal penalty shall not be imposed under this
5 27 chapter on a woman upon whom an abortion is performed or
5 28 attempted to be performed. A criminal penalty shall not be
5 29 imposed for failure of a woman to comply with the requirement
5 30 of written certification pursuant to section 146A.3, if the
5 31 department has not made the information available at the time
5 32 the physician or the physician's agent is required to inform
5 33 the woman of the woman's right to review the information.

5 34 Sec. 6. NEW SECTION. 146A.6 PROTECTION OF PRIVACY IN
5 35 COURT PROCEEDINGS == PENALTY.



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6 1 1. In every criminal proceeding brought pursuant to this
6 2 chapter, the court proceedings shall be conducted in a manner
6 3 which protects the confidentiality of the woman, and all court
6 4 documents pertaining to the proceedings shall remain
6 5 confidential and shall be sealed. The court shall direct the
6 6 exclusion of individuals from courtrooms or hearing rooms to
6 7 the extent necessary to safeguard the woman's identity from
6 8 public disclosure.

6 9 2. This section shall not be construed to conceal the
6 10 identity of witnesses from the defendant.

6 11 3. A person who knowingly violates the confidentiality
6 12 requirements of this section relating to court proceedings and
6 13 documents is guilty of a simple misdemeanor.

6 14 Sec. 7. EFFECTIVE DATES.

6 15 1. The provisions of this Act requiring the department of
6 16 public health to publish information described in section
6 17 146A.3, subsection 2, as enacted in this Act, by October 1,
6 18 2009, being deemed of immediate importance, take effect upon
6 19 enactment.

6 20 2. The remainder of this Act takes effect October 1, 2009.

6 21 EXPLANATION

6 22 This bill establishes new Code chapter 146A, relating to
6 23 informed consent prior to an abortion. The Code chapter is
6 24 known and cited as the "Woman's Right to Know Act".

6 25 The bill specifies the required informed consent
6 26 provisions, including provision of certain information to a
6 27 woman by the physician or an agent of the physician, required
6 28 certification by the woman of provision to the woman of the
6 29 required information, receipt of the certification by the
6 30 physician prior to the performance of an abortion, and receipt
6 31 of documentation by the physician regarding the offering of an
6 32 active ultrasound, prior to the performance of an abortion.
6 33 The bill requires the department of public health to publish
6 34 information by October 1, 2009, relating to options for
6 35 managing a pregnancy. The bill authorizes the department to



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7 1 establish and maintain an internet site to provide the
7 2 information.
7 3 The bill also provides for alternatives to providing
7 4 informed consent in the case of a medical emergency.
7 5 The bill establishes a criminal penalty of a simple
7 6 misdemeanor for a person who knowingly or recklessly performs
7 7 or attempts to perform an abortion in violation of the new
7 8 Code chapter. The bill prohibits the imposition of a criminal
7 9 penalty against a woman upon whom an abortion is performed or
7 10 attempted to be performed, and prohibits the imposition of a
7 11 criminal penalty against a woman for failure to comply with
7 12 certification requirements if the department has not made the
7 13 printed materials available as required. The bill also
7 14 provides for protection of confidentiality of a woman relative
7 15 to criminal court proceedings relating to an action under the
7 16 new Code chapter.
7 17 The provisions relating to the department of public health
7 18 publishing information as prescribed in the bill take effect
7 19 upon enactment. The remainder of the bill takes effect
7 20 October 1, 2009.
7 21 LSB 2144YH 83
7 22 pf/rj/5



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House File 324 - Introduced

HOUSE FILE

BY ALONS, RAYHONS, DRAKE,
 TYMESON, DEYOE, WORTHAN,
 DE BOEF, SCHULTZ, WINDSCHITL,
 SANDS, STRUYK, KAUFMANN,
 HEATON, WATTS, TJEPKES,
 HELLAND, GRASSLEY, S. OLSON,
 and SORENSON

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

A BILL FOR

1 An Act providing to taxpayers taking the standard deduction a
 2 deduction for property taxes paid when computing taxable
 3 income and including effective and retroactive applicability
 4 date provisions.
 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 6 TL5B 1682YH 83
 7 tw/mg:sc/14



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House File 324 - Introduced continued

PAG LIN

1 1 Section 1. Section 422.9, subsections 1, 6, 7, and 8, Code
1 2 2009, are amended to read as follows:

1 3 1. a. An optional standard deduction, after deduction of
1 4 federal income tax, equal to one thousand two hundred thirty
1 5 dollars for a married person who files separately or a single
1 6 person or equal to three thousand thirty dollars for a husband
1 7 and wife who file a joint return, a surviving spouse, or a
1 8 head of household. The optional standard deduction shall not
1 9 exceed the amount remaining after deduction of the federal
1 10 income tax. The amount of federal income tax deducted shall
1 11 be computed as provided in subsection 2, paragraph "b".

1 12 b. An individual taking an optional standard deduction may
1 13 deduct, in addition to the deductions under paragraph "a", an
1 14 amount equal to the amount of property taxes paid on the
1 15 individual's primary residence. The additional deduction
1 16 shall not exceed five hundred dollars for a married person
1 17 filing separately or a single person and shall not exceed one
1 18 thousand dollars for a husband and wife who file a joint
1 19 return, a surviving spouse, or a head of household.

1 20 6. In determining the amount of deduction for federal
1 21 income tax under subsection 1, paragraph "a", or subsection 2,
1 22 paragraph "b", for tax years beginning in the 2001 calendar
1 23 year, the amount of the deduction shall not be adjusted by the
1 24 amount received during the tax year of the advanced refund of
1 25 the rate reduction tax credit provided pursuant to the federal
1 26 Economic Growth and Tax Relief Reconciliation Act of 2001,
1 27 Pub. L. No. 107=16, and the advanced refund of such credit
1 28 shall not be subject to taxation under this division.

1 29 7. In determining the amount of deduction for federal
1 30 income tax under subsection 1, paragraph "a", or subsection 2,
1 31 paragraph "b", for tax years beginning in the 2002 calendar
1 32 year, the amount of the deduction for the tax year shall not
1 33 be adjusted by the amount of the rate reduction credit
1 34 received in the tax year to the extent that the credit is
1 35 attributable to the rate reduction credit provided pursuant to



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House File 324 - Introduced continued

2 1 the federal Economic Growth and Tax Relief Reconciliation Act
2 2 of 2001, Pub. L. No. 107=16, and the amount of such credit
2 3 shall not be taxable under this division.
2 4 8. In determining the amount of deduction for federal
2 5 income tax under subsection 1, paragraph "a", or subsection 2,
2 6 paragraph "b", for tax years beginning in the 2008 calendar
2 7 year, the amount of the deduction for the tax year shall not
2 8 be adjusted by the amount received during the tax year of the
2 9 income tax rebate provided pursuant to the federal Recovery
2 10 Rebates and Economic Stimulus for the American People Act of
2 11 2008, Pub. L. No. 110=185, and the amount of such income tax
2 12 rebate shall not be subject to taxation under this division.
2 13 Sec. 2. Section 422.21, unnumbered paragraph 5, Code 2009,
2 14 is amended to read as follows:
2 15 The director shall determine for the 1989 and each
2 16 subsequent calendar year the annual and cumulative inflation
2 17 factors for each calendar year to be applied to tax years
2 18 beginning on or after January 1 of that calendar year. The
2 19 director shall compute the new dollar amounts as specified to
2 20 be adjusted in section 422.5 by the latest cumulative
2 21 inflation factor and round off the result to the nearest one
2 22 dollar. The annual and cumulative inflation factors
2 23 determined by the director are not rules as defined in section
2 24 17A.2, subsection 11. The director shall determine for the
2 25 1990 calendar year and each subsequent calendar year the
2 26 annual and cumulative standard deduction factors to be applied
2 27 to tax years beginning on or after January 1 of that calendar
2 28 year. The director shall compute the new dollar amounts of
2 29 the standard deductions specified in section 422.9, subsection
2 30 1, paragraph "a", by the latest cumulative standard deduction
2 31 factor and round off the result to the nearest ten dollars.
2 32 The annual and cumulative standard deduction factors
2 33 determined by the director are not rules as defined in section
2 34 17A.2, subsection 11.
2 35 Sec. 3. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.



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House File 324 - Introduced continued

3 1 This Act, being deemed of immediate importance, takes effect
3 2 upon enactment and applies retroactively to January 1, 2008,
3 3 for tax years beginning on or after that date.

3 4 EXPLANATION

3 5 Currently, federal law allows taxpayers to take a deduction
3 6 for residential property taxes paid even when they do not
3 7 itemize deductions, but Iowa law does not currently provide an
3 8 additional property tax deduction to taxpayers taking the Iowa
3 9 standard deduction.

3 10 This bill allows state individual income taxpayers taking
3 11 the standard deduction to take a deduction for residential
3 12 property taxes paid. The deduction is limited to \$500 for
3 13 individuals and married persons filing separately, and is
3 14 limited to \$1,000 for a husband and wife who file a joint
3 15 return, a surviving spouse, and a head of household.

3 16 The bill takes effect upon enactment and applies
3 17 retroactively to January 1, 2008, for tax years beginning on
3 18 or after that date.

3 19 LSB 1682YH 83

3 20 tw/mg:sc/14



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House File 325 - Introduced

HOUSE FILE

BY ALONS, KAUFMANN, KOESTER,
DOLECHECK, DE BOEF, RAYHONS,
DRAKE, SWEENEY, HUSEMAN,
SCHULTZ, WINDSCHITL, and SORENSON

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to operating a motor vehicle while intoxicated
- 2 offenses that involve a death, and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1806HH 83
- 5 jm/nh/5



**Iowa General Assembly
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House File 325 - Introduced continued

PAG LIN

1 1 Section 1. Section 707.6A, subsection 1, unnumbered
 1 2 paragraph 1, Code 2009, is amended to read as follows:
 1 3 A person commits a class "B" felony when the person
 1 4 unintentionally causes the death of another by operating a
 1 5 motor vehicle while intoxicated, as prohibited by section
 1 6 321J.2, and notwithstanding section 902.9, subsection 2, shall
 1 7 be punished by confinement for no more than fifty years. A
 1 8 person sentenced for a violation of this subsection shall not
 1 9 be eligible for parole until the person has served a minimum
 1 10 period of confinement of twenty-five years. Upon a plea or
 1 11 verdict of guilty of a violation of this subsection, the court
 1 12 shall do the following:
 1 13 Sec. 2. Section 707.8, subsection 4, Code 2009, is amended
 1 14 to read as follows:
 1 15 4. A person who unintentionally terminates a human
 1 16 pregnancy by any of the means provided pursuant to section
 1 17 707.6A, subsection 1, is guilty of a class ~~"C"~~ "B" felony.
 1 18 Sec. 3. Section 902.12, Code 2009, is amended by adding
 1 19 the following new subsection:
 1 20 NEW SUBSECTION. 7. Unintentional termination of a human
 1 21 pregnancy in violation of section 707.8, subsection 4.
 1 22 EXPLANATION
 1 23 This bill relates to operating a motor vehicle while
 1 24 intoxicated offenses involving a death.
 1 25 The bill increases the penalty for a homicide by vehicle
 1 26 offense when operating a motor vehicle while intoxicated from
 1 27 a class "C" felony to a class "B" felony punishable by
 1 28 confinement for no more than 50 years. The bill also requires
 1 29 a person who commits such an offense to serve a minimum term
 1 30 of confinement of at least 25 years. A typical class "B"
 1 31 felony is punishable by confinement for no more than 25 years
 1 32 and contains no mandatory minimum term of confinement.
 1 33 Under the bill, by increasing the penalty for a homicide by
 1 34 vehicle offense when operating a motor vehicle while
 1 35 intoxicated, the penalty for such an offense is also increased



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House File 325 - Introduced continued

2 1 when the offense involves leaving the scene of an accident.
2 2 Under the bill, if a person commits such a homicide by vehicle
2 3 offense and leaves the scene of the accident, the person is
2 4 required to serve a minimum term of confinement of 70 percent
2 5 of the 50-year term of confinement pursuant to the provisions
2 6 of Code section 902.12(6). Currently, a person would serve a
2 7 minimum term of confinement of 70 percent of a 25-year term of
2 8 confinement pursuant to the provisions of Code section
2 9 902.12(6).
2 10 The bill also increases the penalty for an unintentional
2 11 termination of a human pregnancy when operating a motor
2 12 vehicle while intoxicated. The bill increases the penalty
2 13 from a class "C" felony to a class "B" felony. The bill also
2 14 makes the penalty for such an offense subject to the 70
2 15 percent provisions under Code section 902.12.
2 16 LSB 1806HH 83
2 17 jm/nh/5



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House File 326 - Introduced

HOUSE FILE
BY BAILEY

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

A BILL FOR

1 An Act requiring the department of veterans affairs to prepare a
2 report related to the activities of county commissions of
3 veteran affairs.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1280HH 83
6 md/rj/5



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House File 326 - Introduced continued

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1 1 Section 1. Section 35A.5, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 15. Annually, by February 1, prepare and
1 4 submit a report to the governor and the general assembly
1 5 relating to county commissions of veteran affairs. Copies of
1 6 the report shall also be provided to each county board of
1 7 supervisors and to each county commission of veteran affairs.
1 8 The report shall include all of the following:
1 9 a. Information related to compliance with the training
1 10 requirements under section 35B.6 during the previous calendar
1 11 year.
1 12 b. The weekly operating schedule of each county commission
1 13 of veteran affairs office maintained under section 35B.6.
1 14 c. The number of hours of veterans' services provided by
1 15 each county commission of veteran affairs executive director
1 16 or administrator during the previous calendar year.
1 17 d. Population of each county, including the number of
1 18 veterans residing in each county.
1 19 e. The total amount of compensation, disability benefits,
1 20 or pensions received by the residents of each county under
1 21 laws administered by the United States department of veterans
1 22 affairs.
1 23 f. An analysis of the information contained in paragraphs
1 24 "a" through "e", including an analysis of such information for
1 25 the previous ten years.

1 26 EXPLANATION

1 27 This bill requires the department of veterans affairs to
1 28 prepare and submit a report to the governor and the general
1 29 assembly by February 1 relating to certain activities of
1 30 county commissions of veteran affairs. The bill requires the
1 31 report to include information related to compliance with the
1 32 training required under Code section 35B.6, the operating
1 33 schedule of each county commission of veteran affairs office,
1 34 the number of hours of veterans' services provided by each
1 35 county executive director or administrator, county population



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2 1 information, including the number of veterans residing in each
2 2 county, and the total amount of compensation, disability
2 3 benefits, or pensions received by the residents of each county
2 4 under laws administered by the United States department of
2 5 veterans affairs. The bill also requires the report to
2 6 include an analysis of the information reported, including
2 7 analysis of such information for the previous 10 years.
2 8 The report required under the bill includes information
2 9 resulting from Code provisions that were amended by 2008 Iowa
2 10 Acts, chapter 1130. 2008 Iowa Acts, chapter 1130 takes effect
2 11 generally on July 1, 2009.
2 12 LSB 1280HH 83
2 13 md/rj/5



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House File 327 - Introduced

HOUSE FILE
BY BAILEY

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

A BILL FOR

- 1 An Act providing for the stockpiling of dry manure originating
- 2 from confinement feeding operations, making penalties
- 3 applicable, and providing an effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1803YH 83
- 6 da/nh/14



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1 1 Section 1. Section 459.102, Code 2009, is amended by
1 2 adding the following new subsections:
1 3 NEW SUBSECTION. 20A. "Designated area" means a known
1 4 sinkhole, a cistern, an abandoned well, an unplugged
1 5 agricultural drainage well, an agricultural drainage well
1 6 surface inlet, a drinking water well, a designated wetland, or
1 7 a water source. However, "designated area" does not include a
1 8 terrace tile inlet or a surface tile inlet other than an
1 9 agricultural drainage well surface tile inlet.
1 10 NEW SUBSECTION. 23A. "Dry manure" means manure which
1 11 meets all of the following conditions:
1 12 a. The manure does not flow perceptibly under pressure.
1 13 b. The manure is not capable of being transported through
1 14 a mechanical pumping device designed to move a liquid.
1 15 c. The constituent molecules of the manure do not flow
1 16 freely among themselves but may show a tendency to separate
1 17 under stress.
1 18 NEW SUBSECTION. 32A. "Long-term stockpile location" means
1 19 an area where a person stockpiles manure for more than six
1 20 months in any two-year period.
1 21 NEW SUBSECTION. 41A. "Qualified stockpile cover" means a
1 22 barrier impermeable to precipitation that is used to protect a
1 23 stockpile from precipitation.
1 24 NEW SUBSECTION. 41B. "Qualified stockpile structure"
1 25 means any of the following:
1 26 1. A building.
1 27 2. A roofed structure other than a building that is all of
1 28 the following:
1 29 a. Impermeable to precipitation.
1 30 b. Constructed using wood, steel, aluminum, vinyl,
1 31 plastic, or other similar materials.
1 32 c. Constructed with walls or other means to prevent
1 33 precipitation-induced surface runoff from contacting the
1 34 stockpile.
1 35 NEW SUBSECTION. 45A. "Stockpile" means dry manure



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2 1 originating from a confinement feeding operation that is
2 2 stored at a particular location outside a manure storage
2 3 structure.
2 4 NEW SUBSECTION. 45B. "Stockpile dry manure" means to
2 5 create or add to a stockpile.
2 6 Sec. 2. NEW SECTION. 459.204A STOCKPILING DRY MANURE.
2 7 A person may stockpile dry manure so long as the person
2 8 stockpiles the dry manure in compliance with restrictions
2 9 applicable to stockpiling as provided in this subchapter and
2 10 subchapter III.
2 11 Sec. 3. NEW SECTION. 459.204B STOCKPILING DRY MANURE ==
2 12 MINIMUM SEPARATION DISTANCE REQUIREMENTS.
2 13 Except as provided in section 459.205, a person shall not
2 14 stockpile dry manure within one thousand two hundred fifty
2 15 feet from a residence not owned by the titleholder of the
2 16 land, a commercial enterprise, a bona fide religious
2 17 institution, an educational institution, or a public use area.
2 18 Sec. 4. Section 459.205, Code 2009, is amended by adding
2 19 the following new subsection:
2 20 NEW SUBSECTION. 4A. The stockpiling of dry manure within
2 21 a separation distance required between a stockpile and an
2 22 object or location for which separation is required under
2 23 section 459.204B if any of the following apply:
2 24 a. The titleholder of the land benefiting from the
2 25 separation distance requirement executes a written waiver with
2 26 the titleholder of the land where the stockpile is located.
2 27 b. The stockpile consists of dry manure originating from a
2 28 small animal feeding operation.
2 29 c. The stockpile consists of dry manure originating from a
2 30 confinement feeding operation that was constructed before
2 31 January 1, 2006, unless the confinement feeding operation is
2 32 expanded after that date.
2 33 Sec. 5. Section 459.206, subsection 2, paragraph b, Code
2 34 2009, is amended to read as follows:
2 35 b. A qualified confinement feeding operation that stores



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3 1 dry manure ~~on a dry matter basis~~.

3 2 Sec. 6. Section 459.301, Code 2009, is amended by adding

3 3 the following new subsection:

3 4 NEW SUBSECTION. 6. Dry manure that is stockpiled within a

3 5 distance of one thousand two hundred fifty feet from another

3 6 stockpile shall be considered part of the same stockpile.

3 7 Sec. 7. Section 459.307, subsection 1, paragraph b, Code

3 8 2009, is amended to read as follows:

3 9 b. Whether the manure storage structure stores only dry

3 10 manure ~~in an exclusively dry form~~.

3 11 Sec. 8. Section 459.311, subsection 1, Code 2009, is

3 12 amended to read as follows:

3 13 1. A confinement feeding operation shall retain all manure

3 14 produced by the operation between periods of manure disposal.

3 15 For purposes of this section, dry manure may be retained by

3 16 stockpiling as provided in this subchapter. A confinement

3 17 feeding operation shall not discharge manure directly into

3 18 water of the state or into a tile line that discharges

3 19 directly into water of the state.

3 20 Sec. 9. NEW SECTION. 459.311A STOCKPILING DRY MANURE.

3 21 A person may stockpile dry manure so long as the person

3 22 stockpiles the dry manure in compliance with restrictions

3 23 applicable to stockpiling as provided in this subchapter and

3 24 subchapter II.

3 25 Sec. 10. NEW SECTION. 459.311B STOCKPILING DRY MANURE ==

3 26 MINIMUM SEPARATION DISTANCE REQUIREMENTS AND PROHIBITIONS.

3 27 1. A person shall not stockpile dry manure within the

3 28 following distances from any of the following:

3 29 a. A terrace tile inlet or surface tile inlet, two hundred

3 30 feet. However, this paragraph does not apply to a person who

3 31 stockpiles the dry manure in a manner that does not allow

3 32 precipitation-induced runoff to drain from the stockpile to

3 33 the terrace tile inlet or surface tile inlet. A terrace tile

3 34 inlet or surface tile inlet does not include a tile inlet that

3 35 is not directly connected to a tile line that discharges



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- 4 1 directly into a water of the state.
- 4 2 b. (1) A designated area, four hundred feet. However, an
4 3 increased separation distance of eight hundred feet shall
4 4 apply to all of the following:
- 4 5 (a) A high-quality water resource.
4 6 (b) An agricultural drainage well.
4 7 (c) A known sinkhole.
- 4 8 (2) Subparagraph (1) does not apply to a person who
4 9 stockpiles dry manure in a manner that does not allow
4 10 precipitation-induced runoff to drain from the stockpile to
4 11 the designated area.
- 4 12 2. A person shall not stockpile dry manure in a grassed
4 13 waterway.
- 4 14 3. A person shall not stockpile dry manure on land having
4 15 a slope of more than three percent. However, this subsection
4 16 shall not apply to a person who stockpiles dry manure using
4 17 methods, structures, or practices that contain the stockpile,
4 18 including but not limited to silt fences, temporary earthen
4 19 berms, or other effective measures, and that prevent or
4 20 diminish precipitation-induced runoff from the stockpile.
- 4 21 Sec. 11. NEW SECTION. 459.311C STOCKPILING DRY MANURE ON
4 22 TERRAIN OTHER THAN KARST TERRAIN.
- 4 23 A person stockpiling dry manure on terrain, other than
4 24 karst terrain, for more than fifteen consecutive days shall
4 25 comply with any of the following:
- 4 26 1. Stockpile dry manure using any of the following:
- 4 27 a. A qualified stockpile structure.
4 28 b. A qualified stockpile cover. However, the person shall
4 29 not stockpile dry manure using a qualified stockpile cover at
4 30 a long-term stockpile location unless the person stockpiles
4 31 the dry manure on compacted soil, compacted granular
4 32 aggregates, asphalt, concrete, or other similar materials.
- 4 33 2. Deliver a stockpile inspection statement to the
4 34 department as follows:
- 4 35 a. The department must receive the statement by the



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5 1 fifteenth day of each month.

5 2 b. The stockpile inspection statement shall provide the
5 3 location of the stockpile and document the results of an
5 4 inspection conducted by the person during the previous month.

5 5 The inspection must evaluate whether precipitation-induced
5 6 runoff is draining away from the stockpile and, if so,
5 7 describe actions taken to prevent the runoff. If an
5 8 inspection by the department documents that
5 9 precipitation-induced runoff is draining away from a
5 10 stockpile, the person shall immediately remove dry manure from
5 11 the stockpile in compliance with this chapter or comply with
5 12 all directives of the department to prevent the runoff.

5 13 c. The stockpile inspection statement must be in writing
5 14 and may be on a form prescribed by the department.

5 15 Sec. 12. NEW SECTION. 459.311D STOCKPILING DRY MANURE ON
5 16 KARST TERRAIN.

5 17 A person stockpiling dry manure on karst terrain shall
5 18 comply with all of the following:

5 19 1. The person shall stockpile the dry manure at a location
5 20 where there is a vertical separation distance of at least five
5 21 feet between the bottom of the stockpile and the underlying
5 22 limestone, dolomite, or other soluble rock.

5 23 2. A person who stockpiles dry manure for more than
5 24 fifteen consecutive days shall use any of the following:

5 25 a. A qualified stockpile structure.

5 26 b. A qualified stockpile cover. However, the person shall
5 27 not stockpile dry manure using a qualified stockpile cover at
5 28 a long-term stockpile location unless the stockpile is located
5 29 on reinforced concrete at least five inches thick.

5 30 Sec. 13. NEW SECTION. 459.311E STOCKPILING == REQUIRED
5 31 PRACTICES.

5 32 1. A person stockpiling dry manure shall comply with
5 33 applicable requirements of the national pollutant discharge
5 34 elimination system pursuant to the federal Water Pollution
5 35 Control Act, 33 U.S.C. ch. 26, as amended, and 40 C.F.R. pts.



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6 1 122 and 412.

6 2 2. A person stockpiling dry manure shall remove the dry
6 3 manure and apply it in accordance with the provisions of this
6 4 chapter, including but not limited to section 459.311, within
6 5 six months after the dry manure is first stockpiled.

6 6 Sec. 14. Section 459.314, unnumbered paragraph 1, Code
6 7 2009, is amended by striking the unnumbered paragraph.

6 8 Sec. 15. NEW SECTION. 459.319 STOCKPILING == EXCEPTION
6 9 FROM REGULATION.

6 10 1. This subchapter shall not apply to a person who
6 11 stockpiles dry manure if the stockpile's dry manure originates
6 12 from a confinement feeding operation that was constructed
6 13 prior to January 1, 2006, unless the confinement feeding
6 14 operation is expanded after that date.

6 15 2. Subsection 1 does not apply to any of the following:

6 16 a. A person who stockpiles dry manure in violation of
6 17 section 459.311.

6 18 b. A stockpile where precipitation-induced runoff has
6 19 drained away.

6 20 Sec. 16. EFFECTIVE DATE. This Act, being deemed of
6 21 immediate importance, takes effect upon enactment.

6 22 EXPLANATION

6 23 STOCKPILES. Currently, Code chapter 459 provides for
6 24 regulation of confinement feeding operations by the department
6 25 of natural resources, including manure storage in a structure.
6 26 This bill regulates the storing of dry manure outside a manure
6 27 storage structure, referred to as a stockpile (for the
6 28 stockpile of manure solids from an open feedlot, see Code
6 29 section 459A.403).

6 30 AIR QUALITY REQUIREMENTS == SEPARATION DISTANCES. Code
6 31 chapter 459, subchapter II, regulates air quality. The bill
6 32 provides that a person may stockpile dry manure so long as it
6 33 is in compliance with the restrictions applicable to
6 34 stockpiling. The subchapter provides separation distance
6 35 requirements benefiting certain objects or locations,



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7 1 including a residence, commercial enterprise, bona fide
7 2 religious institution, educational institution, or public use
7 3 area, from a confinement feeding operation structure or the
7 4 application of manure originating from such structure (Code
7 5 sections 459.202 and 459.204). The bill provides that a
7 6 stockpile cannot be located within specified separation
7 7 distances from these same benefited objects or locations.
7 8 There are several exceptions, based on the execution of a
7 9 waiver by the parties, whether the manure originated from a
7 10 small animal feeding operation, or the date that the
7 11 confinement feeding operation was constructed.

7 12 WATER QUALITY REQUIREMENTS. Code chapter 459, division
7 13 III, regulates water quality. The bill provides that a person
7 14 may stockpile manure so long as it is in compliance with the
7 15 restrictions applicable to stockpiling. Code section 459.311
7 16 requires that a confinement feeding operation retain all
7 17 manure produced by the operation between periods of manure
7 18 disposal, usually by application. The bill provides that
7 19 stockpiling dry manure satisfies this requirement so long as
7 20 it complies with the provisions of the bill.

7 21 1. Separation Distance Requirements. The bill provides
7 22 separation distance requirements between a stockpile and a
7 23 designated area which includes a known sinkhole, a cistern, an
7 24 abandoned well, an unplugged agricultural drainage well, an
7 25 agricultural drainage well surface inlet, a drinking water
7 26 well, a designated wetland, or a water source (see Code
7 27 section 459.314). The bill provides that a designated area
7 28 does not include a surface tile inlet, other than an
7 29 agricultural drainage well surface tile inlet, which is
7 30 consistent with Code chapter 459A governing open feedlot
7 31 operations. Special separation distance requirements are
7 32 provided for a high-quality water resource as provided by
7 33 rules adopted by the department, and for an agricultural
7 34 drainage well or known sinkhole. The bill provides special
7 35 separation distance requirements between a stockpile and a



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8 1 terrace tile inlet or surface tile inlet. An exception allows
8 2 a stockpile to be located closer than otherwise required from
8 3 these water sources so long as it is maintained in a manner
8 4 that will not allow precipitation-induced runoff to drain from
8 5 the dry manure.

8 6 2. Certain Locations Limited. The bill provides that a
8 7 stockpile cannot be located in a grassed waterway. It also
8 8 cannot be located on a slope of a certain grade, unless
8 9 efforts are taken to contain the stockpile and prevent runoff.

8 10 3. Stockpile Locations. If the dry manure is not
8 11 stockpiled on karst terrain, no requirements apply so long as
8 12 the dry manure is stockpiled for 15 days or less. Otherwise,
8 13 a person must comply with stockpiling requirements or file a
8 14 monthly inspection report with the department. The special
8 15 stockpiling requirements include either the use of a structure
8 16 (e.g., a building) or the use of an impermeable cover.
8 17 However, if the stockpile is covered on a long-term basis, it
8 18 must be sited on compacted or other prepared ground. If the
8 19 dry manure is stockpiled on karst terrain, there must be a
8 20 separation distance between the bottom of the stockpile and
8 21 the soluble rock, regardless of how long the stockpile is
8 22 located there. For dry manure that is stockpiled for more
8 23 than 15 days, special compliance requirements apply, including
8 24 either the use of a structure or an impermeable cover. If the
8 25 stockpile is located there on a long-term basis, it must be
8 26 sited on concrete. There is no option for filing an
8 27 inspection statement.

8 28 4. Exception. The bill provides that stockpiling or a
8 29 stockpile location is not subject to regulation if the dry
8 30 manure originates from a confinement feeding operation
8 31 constructed prior to January 1, 2006, unless the operation
8 32 expanded after that date or the department determines that
8 33 precipitation-induced runoff has drained away from the
8 34 stockpile.

8 35 PENALTIES APPLICABLE. Code chapter 459 includes penalty



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9 1 provisions. Code section 459.602 provides that a person
9 2 violating the Code chapter's air quality regulations is
9 3 subject to judicial action brought by the attorney general
9 4 under Code section 455B.191. Under that Code section, the
9 5 general civil penalty applicable for a violation cannot exceed
9 6 \$5,000. Code section 459.603 provides that a person violating
9 7 the Code chapter's water quality regulations is subject to the
9 8 same judicial action brought under Code section 455B.191, but
9 9 also allows the department to impose a range of civil
9 10 penalties based on a number of criteria under Code section
9 11 455B.109, not to exceed \$10,000. All civil penalties are
9 12 deposited in the animal agriculture compliance fund created in
9 13 Code section 459.401.

9 14 EFFECTIVE DATE. The bill takes effect upon enactment.

9 15 LSB 1803YH 83

9 16 da/nh/14



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House File 328 - Introduced

HOUSE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 138)

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act relating to requirements for school districts providing
- 2 transportation to students participating in open enrollment.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1699HV 83
- 5 kh/nh/5



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1 1 Section 1. Section 282.18, subsection 10, Code 2009, is
1 2 amended to read as follows:

1 3 10. a. Notwithstanding section 285.1 relating to
1 4 transportation of nonresident pupils, the parent or guardian
1 5 is responsible for transporting the pupil without
1 6 reimbursement to and from a point on a regular school bus
1 7 route of the receiving district. For purposes of this
1 8 subsection, "a point on a regular school bus route of the
1 9 receiving district" includes any school bus stop on the
1 10 regular school bus route of the receiving district that
1 11 existed prior to road construction that necessitates a change
1 12 in the regular school bus route, whether or not the change in
1 13 the regular school bus route resulting from the road
1 14 construction necessitates sending school vehicles from the
1 15 receiving district into the district of residence in order to
1 16 safely, economically, or efficiently transport students to or
1 17 from the preexisting point.

1 18 b. ~~However, a~~ A receiving district may send school
1 19 vehicles into the district of residence of the pupil using the
1 20 open enrollment option under this section, for the purpose of
1 21 transporting the pupil to and from school in the receiving
1 22 district, if the boards of both the sending and receiving
1 23 districts agree to this arrangement.

1 24 c. If the pupil meets the economic eligibility
1 25 requirements established by the department and state board of
1 26 education, the sending district is responsible for providing
1 27 transportation or paying the pro rata cost of the
1 28 transportation to a parent or guardian for transporting the
1 29 pupil to and from a point on a regular school bus route of a
1 30 contiguous receiving district unless the cost of providing
1 31 transportation or the pro rata cost of the transportation to a
1 32 parent or guardian exceeds the average transportation cost per
1 33 pupil transported for the previous school year in the
1 34 district. If the cost exceeds the average transportation cost
1 35 per pupil transported for the previous school year, the



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2 1 sending district shall only be responsible for that average
2 2 per pupil amount. A sending district which provides
2 3 transportation for a pupil to a contiguous receiving district
2 4 under this subsection may withhold from the district cost per
2 5 pupil amount, that is to be paid to the receiving district, an
2 6 amount which represents the average or pro rata cost per pupil
2 7 for transportation, whichever is less.

2 8 EXPLANATION

2 9 This bill defines a point on a regular school bus route of
2 10 a receiving school district for purposes of transporting
2 11 students who are participating in open enrollment. The
2 12 definition provides that such a point includes any school bus
2 13 stop on the route that existed prior to road construction
2 14 which necessitates a change in the route, whether or not the
2 15 change to the route necessitates sending school vehicles from
2 16 the receiving district into the district of residence to
2 17 transport the students to or from the preexisting point on the
2 18 route safely, economically, or efficiently.

2 19 Currently, the receiving school district can only send
2 20 vehicles into the district of residence for purposes of
2 21 transporting students participating in open enrollment if both
2 22 school districts agree to the arrangement.

2 23 LSB 1699HV 83

2 24 kh/nh/5



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House File 329 - Introduced

HOUSE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 182)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the allocation of funds to the all Iowa
2 opportunity foster care grant program and providing an
3 effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2096HV 83
6 kh/rj/24



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House File 329 - Introduced continued

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1 1 Section 1. 2008 Iowa Acts, chapter 1181, section 2,
1 2 subsection 6, unnumbered paragraph 2, is amended to read as
1 3 follows:
1 4 From the funds appropriated pursuant to this subsection, up
1 5 to ~~\$500,000 shall~~ \$750,000 may be used for purposes of the all
1 6 Iowa opportunity foster care grant program established
1 7 pursuant to section 261.6, and at least \$500,000 shall be used
1 8 for purposes of the all Iowa opportunity scholarship program
1 9 as established in section 261.87.

1 10 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
1 11 immediate importance, takes effect upon enactment.

1 12 EXPLANATION

1 13 This bill increases the amount of money allocated for the
1 14 2008=2009 fiscal year for purposes of the all Iowa opportunity
1 15 foster care grant program.

1 16 The general assembly appropriated \$4 million to the college
1 17 student aid commission from the state general fund for the
1 18 2008=2009 fiscal year for purposes of the all Iowa opportunity
1 19 assistance program, which includes a foster care grant program
1 20 and a scholarship program. From the moneys appropriated, the
1 21 commission is required to use up to \$500,000 for the foster
1 22 care grant program. The bill increases the amount the
1 23 commission may use for the foster care grant program for
1 24 fiscal year 2008=2009 to \$750,000.

1 25 The bill takes effect upon enactment.

1 26 LSB 2096HV 83

1 27 kh/rj/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 16, 2009

House File 330 - Introduced

HOUSE FILE
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 94)

(COMPANION TO LSB 1888SV BY
COMMITTEE ON JUDICIARY)

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

A BILL FOR

- 1 An Act relating to the authorized uses of local exchange service
- 2 information by specified individuals and entities.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1888HV 83
- 5 rn/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 16, 2009

House File 330 - Introduced continued

PAG LIN

1 1 Section 1. Section 34A.8, subsection 2, paragraph b, Code
1 2 2009, is amended to read as follows:
1 3 b. The program manager, joint E911 service board, the
1 4 designated E911 service provider, and the public safety
1 5 answering point, their agents, employees, and assigns shall
1 6 use local exchange service information provided by the local
1 7 exchange service provider solely for the purposes of providing
1 8 E911 emergency telephone service or providing related 911 call
1 9 alert services utilizing only the subscriber's information to
1 10 a subscriber who consents to the provision of such services,
1 11 and it shall otherwise be kept confidential. A person who
1 12 violates this section is guilty of a simple misdemeanor.

1 13 EXPLANATION

1 14 This bill concerns the authorized use of local exchange
1 15 service information provided by a local exchange service
1 16 provider. Current law provides that an E911 program manager,
1 17 joint E911 service board, designated E911 service provider,
1 18 and a public safety answering point, their agents, employees,
1 19 and assigns shall use local exchange service information
1 20 provided by the local exchange service provider solely for the
1 21 purposes of providing E911 emergency telephone service.
1 22 Otherwise, current law provides that such information shall be
1 23 kept confidential.
1 24 The bill modifies this provision to permit local exchange
1 25 service information to be utilized by such individuals or
1 26 entities to provide 911 call alert services related to the
1 27 provision of E911 emergency telephone service. The bill
1 28 provides that the 911 call alert related services would be
1 29 provided to a subscriber utilizing only that subscriber's
1 30 information and with the subscriber's consent.
1 31 LSB 1888HV 83
1 32 rn/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 16, 2009

House File 331 - Introduced

HOUSE FILE
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 97)

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

A BILL FOR

1 An Act relating to the sale of a pseudoephedrine product by a
2 pharmacy or retailer, and providing penalties and contingent
3 applicability.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1250HV 83
6 jm/rj/14



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House File 331 - Introduced continued

PAG LIN

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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House File 331 - Introduced continued

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 from pseudoephedrine purchases if the electronic
2 14 logbook is unavailable for twenty-four months from the date of
2 15 the last entry.
2 16 i. Disclose electronic logbook information and any other
2 17 pseudoephedrine purchase records as provided by state and
2 18 federal law.
2 19 j. Comply with training requirements pursuant to federal
2 20 law.
2 21 2. This section is not applicable unless sufficient
2 22 funding is received to implement and maintain the statewide
2 23 real-time central repository and the office establishes the
2 24 statewide real-time central repository. However, subsection
2 25 1, paragraph "h" is applicable upon the effective date of this
2 26 Act.
2 27 Sec. 4. NEW SECTION. 124.212B PSEUDOEPHEDRINE SALES ==
2 28 TRACKING == PENALTY == CONTINGENT APPLICABILITY.
2 29 1. The office shall establish a real-time electronic
2 30 repository to monitor and control the sale of schedule V
2 31 products containing any detectible amount of pseudoephedrine,
2 32 its salts, or optical isomers, or salts of optical isomers;
2 33 ephedrine; or phenylpropanolamine. A pharmacy dispensing such
2 34 products shall report all such sales electronically to a
2 35 central repository under the control of the office.



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House File 331 - Introduced continued

3 1 2. The information collected in the central repository is
3 2 confidential unless otherwise ordered by a court or unless
3 3 disclosure is otherwise permitted pursuant to state or federal
3 4 law.

3 5 3. A pharmacy, an employee of a pharmacy, or a licensed
3 6 pharmacist shall not be provided access to the stored
3 7 information in the electronic central repository. However, a
3 8 pharmacy, an employee of a pharmacy, or a licensed pharmacist
3 9 shall be provided access to the stored information for the
3 10 limited purpose of determining what sales have been made by
3 11 the pharmacy. A pharmacy, an employee of a pharmacy, or a
3 12 licensed pharmacist shall not be given the obligation or duty
3 13 to view the stored information.

3 14 4. A pharmacy, or an employee of a pharmacy, or a licensed
3 15 pharmacist shall not be given the obligation or duty to seek
3 16 information from the central repository if the real-time
3 17 electronic logbook becomes unavailable for use.

3 18 5. If the electronic logbook is unavailable for use, a
3 19 paper record for each sale shall be maintained including the
3 20 purchaser's signature. Any paper record maintained by the
3 21 pharmacy shall be provided to the office for inclusion in the
3 22 electronic real-time central repository as soon as
3 23 practicable.

3 24 6. A pharmacy, or an employee of a pharmacy, or a licensed
3 25 pharmacist shall not be liable, if acting reasonably and in
3 26 good faith, to any person for any claim which may arise when
3 27 reporting sales of products enumerated in subsection 1 to the
3 28 central repository.

3 29 7. A person who discloses information stored in the
3 30 central repository in violation of this section commits a
3 31 simple misdemeanor.

3 32 8. Both the office and the board shall adopt rules to
3 33 administer this section.

3 34 9. The office shall report to the board on an annual
3 35 basis, beginning January 1, 2010, regarding the repository,



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4 1 including the effectiveness of the repository in discovering
4 2 unlawful sales of pseudoephedrine products.
4 3 10. This section is not applicable unless sufficient
4 4 funding is received to implement and maintain this section and
4 5 the office establishes the statewide real-time central
4 6 repository.
4 7 Sec. 5. NEW SECTION. 124.212C PSEUDOEPHEDRINE ADVISORY
4 8 COUNCIL == ELECTRONIC MONITORING.
4 9 1. The office shall establish a pseudoephedrine advisory
4 10 council to provide input and advise the office regarding the
4 11 implementation and maintenance of the statewide real-time
4 12 central repository established under section 124.212B to
4 13 monitor sales of pseudoephedrine. The office shall specify
4 14 the duties, responsibilities, and other related matters of the
4 15 advisory council.
4 16 2. The council shall consist of four licensed pharmacists.
4 17 The office shall solicit recommendations for membership on the
4 18 council from the Iowa pharmacy association and Iowa retail
4 19 federation, and shall appoint members from the
4 20 recommendations. The council shall include a member from an
4 21 independent pharmacy, a member from a regional chain pharmacy,
4 22 and a member from a national chain pharmacy. The license of
4 23 any member must be current and not subject to disciplinary
4 24 sanctions.
4 25 3. The council may make recommendations regarding the
4 26 implementation and maintenance of the statewide real-time
4 27 central repository monitoring system under section 124.212B.
4 28 4. The council shall do the following:
4 29 a. Assist the office in implementing and maintaining the
4 30 statewide real-time central repository monitoring system.
4 31 b. Assist the office in developing utilization guidance
4 32 related to the statewide real-time central repository
4 33 monitoring system and disseminating such guidance.
4 34 c. Assist the office in developing guidelines to ensure
4 35 patient confidentiality and the integrity of the relationship



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5 1 established by the patient and the patient's health care
5 2 provider.

5 3 5. All members of the council shall receive actual and
5 4 necessary expenses incurred in the performance of their
5 5 duties.

5 6 Sec. 6. Section 124.213, Code 2009, is amended by striking
5 7 the section and inserting in lieu thereof the following:

5 8 124.213 PSEUDOEPHEDRINE PURCHASE RESTRICTIONS FROM
5 9 PHARMACY OR RETAILER == PENALTY.

5 10 1. A person shall not purchase more than three thousand
5 11 six hundred milligrams of pseudoephedrine, either separately
5 12 or collectively, within a twenty=four=hour period from a
5 13 pharmacy, or more than one package of a product containing
5 14 pseudoephedrine within a twenty=four hour period from a
5 15 retailer in violation of section 126.23A.

5 16 2. A person shall not purchase more than seven thousand
5 17 five hundred milligrams of pseudoephedrine, either separately
5 18 or collectively, within a thirty=day period from a pharmacy or
5 19 from a retailer in violation of section 126.23A.

5 20 3. A person who violates this section commits a serious
5 21 misdemeanor.

5 22 Sec. 7. Section 126.23A, subsection 1, paragraph a,
5 23 subparagraph (1), Code 2009, is amended by striking the
5 24 subparagraph and inserting in lieu thereof the following:

5 25 (1) Sell more than seven thousand five hundred milligrams
5 26 of pseudoephedrine to the same person within a thirty=day
5 27 period.

5 28 Sec. 8. Section 126.23A, subsection 1, paragraph b, Code
5 29 2009, is amended to read as follows:

5 30 b. A retailer or an employee of a retailer shall do the
5 31 following:

5 32 (1) Provide for the sale of a pseudoephedrine product in a
5 33 locked cabinet or behind a sales counter where the public is
5 34 unable to reach the product and where the public is not
5 35 permitted.



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House File 331 - Introduced continued

- 6 1 (2) Require a purchaser to present a government=issued
6 2 photo identification card identifying the purchaser prior to
6 3 purchasing a pseudoephedrine product.
- 6 4 (3) Require the purchaser to sign a logbook and to also
6 5 require the purchaser to legibly print the purchaser's name
6 6 and address in the logbook.
- 6 7 (4) Print the name of the pseudoephedrine product
6 8 purchased and quantity sold next to the name of each purchaser
6 9 in the logbook.
- 6 10 ~~(4)~~ (5) Determine the signature in the logbook
6 11 corresponds with the name on the government=issued photo
6 12 identification card.
- 6 13 ~~(5)~~ (6) Keep the logbook ~~twelve~~ twenty=four months from
6 14 the date of the last entry.
- 6 15 ~~(6)~~ (7) Provide notification in a clear and conspicuous
6 16 manner in a location where a pseudoephedrine product is
6 17 offered for sale stating the following:
6 18 Iowa law prohibits the over=the=counter purchase of more
6 19 than one package of a product containing pseudoephedrine in a
6 20 twenty=four=hour period or of more than seven thousand five
6 21 hundred milligrams of pseudoephedrine within a thirty=day
6 22 period. If you purchase a product containing pseudoephedrine,
6 23 you are required to sign a logbook which may be accessible to
6 24 law enforcement officers.
- 6 25 (8) Provide notification affixed to the logbook stating
6 26 that a purchaser entering a false statement or
6 27 misrepresentation in the logbook may subject the purchaser to
6 28 criminal penalties under 18 U.S.C. } 1001.
- 6 29 (9) Disclose logbook information as provided by state and
6 30 federal law.
- 6 31 (10) Comply with training requirements pursuant to federal
6 32 law.
- 6 33 Sec. 9. CONTINGENT APPLICABILITY == GOVERNOR'S OFFICE OF
6 34 DRUG CONTROL POLICY AND CODE EDITOR RESPONSIBILITIES.
6 35 1. The governor's office of drug control policy shall



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House File 331 - Introduced continued

7 1 notify the Code editor when the establishment of the
7 2 repository on a statewide basis is complete.
7 3 2. When the establishment of the central repository on a
7 4 statewide basis is complete, the Code editor is directed to
7 5 remove section 124.212A, subsection 2, and section 124.212B,
7 6 subsection 10, from the Code and to internally renumber the
7 7 sections as necessary.

7 8 EXPLANATION

7 9 This bill relates to the sale of a pseudoephedrine product
7 10 by a pharmacy or retailer.

7 11 PENALTIES. The bill provides that a person shall not
7 12 purchase more than 3,600 milligrams of pseudoephedrine, either
7 13 collectively or separately, within a 24-hour period from a
7 14 pharmacy unless the person has a prescription. A person who
7 15 violates this provision of the bill commits a serious
7 16 misdemeanor. Under current law and the bill, a person commits
7 17 a serious misdemeanor if the person purchases more than 7,500
7 18 milligrams of pseudoephedrine within a 30-day period from a
7 19 pharmacy or retailer.

7 20 PHARMACY. The bill requires a purchaser of a
7 21 pseudoephedrine product from a pharmacy to sign an electronic
7 22 logbook. Current law does not require a signature in an
7 23 electronic logbook. The bill also provides that if the
7 24 electronic logbook is unavailable, the pharmacy is required to
7 25 keep an alternative pseudoephedrine purchase record that
7 26 complies with rules adopted by both the governor's office of
7 27 drug control policy and the state board of pharmacy.

7 28 The bill requires a pharmacy, an employee of a pharmacy, or
7 29 a licensed pharmacist, to enter a purchaser's name, address,
7 30 date of purchase, time of purchase, name of pseudoephedrine
7 31 product, and quantity sold into an electronic logbook. If the
7 32 electronic logbook is unavailable for use, the bill requires
7 33 the pharmacy to keep written pseudoephedrine purchase records
7 34 of the transaction including a signature.

7 35 The bill requires a pharmacy to keep electronic logbook



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8 1 records for a period of 24 months from the date of the last
8 2 entry. Current law requires the pharmacy to keep the logbook
8 3 12 months from the date of the last entry.

8 4 The bill provides that the office of governor's drug
8 5 control policy shall implement and maintain a statewide
8 6 real-time central repository to track pseudoephedrine product
8 7 sales at pharmacies. The bill requires a pharmacy dispensing
8 8 pseudoephedrine products to report all such sales
8 9 electronically to the central repository under the control of
8 10 the office of governor's drug control policy. If the pharmacy
8 11 has written records, the records are also to be reported for
8 12 entry into the repository. If the electronic logbook is
8 13 unavailable for use, the bill requires the pharmacy to keep
8 14 written records of the transaction including a signature.

8 15 The bill makes confidential the information collected in
8 16 the central repository unless otherwise ordered by a court, or
8 17 the records are released by the custodian of the records
8 18 pursuant to state or federal law.

8 19 The bill provides that a pharmacy, an employee of a
8 20 pharmacy, or a licensed pharmacist shall not be liable to any
8 21 person for any claim which may arise when reporting in good
8 22 faith pseudoephedrine sales to the central repository.

8 23 The bill also requires a pharmacy to comply with training
8 24 requirements pursuant to federal law.

8 25 Under the bill, a pharmacy, an employee of a pharmacy, or a
8 26 licensed pharmacist shall not be provided access to the stored
8 27 information in the electronic central repository, except for
8 28 the limited purpose of determining what sales have been made
8 29 by the pharmacy.

8 30 The governor's office of drug control policy and the board
8 31 of pharmacy shall both adopt rules to implement the bill.

8 32 A person who discloses information stored in the central
8 33 repository in violation of the bill commits a simple
8 34 misdemeanor.

8 35 RETAILER. The bill requires a retailer or an employee of a



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House File 331 - Introduced continued

9 1 retailer to print the name of the pseudoephedrine product
9 2 purchased and the quantity sold next to the name of each
9 3 purchaser in the logbook.
9 4 The bill requires the retailer to keep the logbook 24
9 5 months from the date of the last entry. Current law requires
9 6 the retailer to keep the logbook 12 months from the date of
9 7 the last entry. The bill does not require a retailer to keep
9 8 an electronic logbook of pseudoephedrine purchases.
9 9 The bill also requires a retailer to comply with training
9 10 requirements pursuant to federal law.
9 11 ADVISORY COMMITTEE. The bill requires the office of drug
9 12 control policy to establish a pseudoephedrine advisory
9 13 committee to provide input and advise the office regarding the
9 14 implementation and maintenance of the statewide real-time
9 15 central repository. The advisory committee shall consist of
9 16 four licensed pharmacists including a pharmacist from an
9 17 independent pharmacy, a regional chain pharmacy, and a
9 18 national chain pharmacy. The bill requires the office of drug
9 19 control policy to solicit recommendations for membership on
9 20 the council from the Iowa pharmacy association and Iowa retail
9 21 federation.
9 22 CONTINGENT APPLICABILITY. New Code sections 124.212A and
9 23 124.212B created in the bill do not become applicable until
9 24 sufficient funding is received and the central repository
9 25 under the control of the office of drug control policy is
9 26 established on a statewide basis. However, Code section
9 27 124.212A, subsection 1, paragraph "h", in the bill, which
9 28 requires a pharmacy to keep logbook records 24 months from the
9 29 date of the last entry, is applicable upon the effective date
9 30 of the bill.
9 31 LSB 1250HV 83
9 32 jm/rj/14



Iowa General Assembly
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House File 332 - Introduced

HOUSE FILE
BY COMMITTEE ON PUBLIC
SAFETY

(SUCCESSOR TO HSB 128)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the practices and procedures of the department
2 of public safety and other law enforcement agencies, including
3 building inspections, controlled substance detection training,
4 and criminal history data storage.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 1373HV 83
7 jm/rj/14



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House File 332 - Introduced continued

PAG LIN

1 1 Section 1. Section 103A.10A, subsections 1 and 2, Code
1 2 2009, are amended to read as follows:

1 3 1. All newly constructed buildings or structures subject
1 4 to the state building code, including any addition, but
1 5 excluding any renovation or repair of such a building or
1 6 structure, owned by the state or an agency of the state,
1 7 except as provided in subsection 2, shall be subject to a plan
1 8 review and inspection by the commissioner or an independent
1 9 building inspector appointed by the commissioner. Any
1 10 renovation or repair of such a building or structure shall be
1 11 subject to a plan review, except as provided in subsection 2.
1 12 A fee shall be assessed for the cost of plan review, and, if
1 13 applicable, the cost of inspection. The commissioner may
1 14 inspect an existing building that is undergoing renovation or
1 15 remodeling to enforce the energy conservation requirements
1 16 established under this chapter.

1 17 2. All newly constructed buildings, including any
1 18 addition, but excluding any renovation or repair of a
1 19 building, owned by the state board of regents shall be subject
1 20 to a plan review and inspection by the commissioner or the
1 21 commissioner's staff or assistant. Any renovation or repair
1 22 of a building owned by the state board of regents shall be
1 23 subject to a plan review. The commissioner may inspect an
1 24 existing building that is undergoing renovation or remodeling
1 25 to enforce the energy conservation requirements established
1 26 under this chapter. The commissioner and the state board of
1 27 regents shall develop a plan to implement this provision.

1 28 Sec. 2. Section 124.506, Code 2009, is amended by adding
1 29 the following new subsection:

1 30 NEW SUBSECTION. 3A. Upon request of a law enforcement
1 31 agency, the court may order that a portion of a controlled
1 32 substance subject to forfeiture and destruction pursuant to
1 33 this section become the possession of the requesting law
1 34 enforcement agency for the sole purpose of canine controlled
1 35 substance detection training. A law enforcement agency



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2 1 receiving a controlled substance pursuant to this subsection
2 2 shall establish a policy that includes reasonable controls
2 3 regarding the possession, storage, use, and destruction of
2 4 such controlled substance.
2 5 Sec. 3. Section 692.17, Code 2009, is amended to read as
2 6 follows:
2 7 692.17 EXCLUSIONS == PURPOSES.
2 8 1. Criminal history data in a computer data storage system
2 9 shall not include arrest or disposition data or custody or
2 10 adjudication data after the person has been acquitted or the
2 11 charges dismissed, except that records of acquittals or
2 12 dismissals by reason of insanity and records of adjudications
2 13 of mental incompetence to stand trial in cases in which
2 14 physical or mental injury or an attempt to commit physical or
2 15 mental injury to another was alleged may be included.
2 16 Criminal history data shall not include custody or
2 17 adjudication data, except as necessary for the purpose of
2 18 administering chapter 692A, after the juvenile has reached
2 19 twenty-one years of age, unless the juvenile was convicted of
2 20 or pled guilty to a serious or aggravated misdemeanor or
2 21 felony between age eighteen and age twenty-one.
2 22 2. For the purposes of this section, "criminal history
2 23 data" includes the following:
2 24 ~~1.~~ a. In the case of an adult, information maintained by
2 25 any criminal justice agency if the information otherwise meets
2 26 the definition of criminal history data in section 692.1,
2 27 except that source documents shall be retained.
2 28 ~~2.~~ b. In the case of a juvenile, information maintained by
2 29 any criminal or juvenile justice agency if the information
2 30 otherwise meets the definition of criminal history data in
2 31 section 692.1. In the case of a juvenile, criminal history
2 32 data and source documents, other than fingerprint records,
2 33 shall not be retained.
2 34 3. Fingerprint cards received that are used to establish a
2 35 criminal history data record shall be retained in the



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House File 332 - Introduced continued

3 1 automated fingerprint identification system when the criminal
3 2 history data record is expunged.

3 3 4. Criminal history data may be collected for management
3 4 or research purposes.

3 5 EXPLANATION

3 6 This bill relates to the practices and procedures of the
3 7 department of public safety and other law enforcement
3 8 agencies, including building inspections, controlled substance
3 9 detection training, and criminal history data storage.

3 10 The bill specifies that any renovation or repair of certain
3 11 state buildings and buildings owned by the state board of
3 12 regents shall only be subject to a plan review under the state
3 13 building code by the department of public safety.

3 14 The bill provides that upon request of a law enforcement
3 15 agency, the court may order that a portion of a controlled
3 16 substance subject to forfeiture and destruction pursuant to
3 17 Code section 124.506, become the possession of the requesting
3 18 law enforcement agency for the sole purpose of
3 19 canine=controlled substance detection training.

3 20 The bill provides that custody and adjudication data of a
3 21 juvenile shall remain part of the criminal history data of
3 22 that juvenile after the juvenile has reached 21 years of age
3 23 for the purpose of administering the requirements of the sex
3 24 offender registry in Code chapter 692A.

3 25 Criminal history data is defined in Code section 692.1.

3 26 The bill does not affect juvenile registration provisions
3 27 in Code section 692A.2(6) which require a juvenile to register
3 28 as a sex offender unless the court finds that the juvenile
3 29 should not be required to register.

3 30 LSB 1373HV 83

3 31 jm/rj/14



Iowa General Assembly
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February 16, 2009

House File 333 - Introduced

HOUSE FILE
BY COMMITTEE ON LABOR

(SUCCESSOR TO HSB 149)

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

A BILL FOR

1 An Act requiring the payment of local prevailing wage rates to
2 persons working on public improvements for public bodies, and
3 providing penalties and effective and applicability dates.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1573HV 83
6 ak/nh/24



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House File 333 - Introduced continued

PAG LIN

1 1 Section 1. Section 84A.5, subsection 4, Code 2009, is
1 2 amended to read as follows:

1 3 4. The division of labor services is responsible for the
1 4 administration of the laws of this state under chapters 88,
1 5 88A, 88B, 89, 89A, 89B, 90A, 91, 91A, 91C, 91D, 91E, 91F, 92,
1 6 and 94A, and section 85.68. The executive head of the
1 7 division is the labor commissioner, appointed pursuant to
1 8 section 91.2.

1 9 Sec. 2. Section 91.4, Code 2009, is amended by adding the
1 10 following new subsection:

1 11 NEW SUBSECTION. 11. To determine the prevailing wage
1 12 rates pursuant to chapter 91F.

1 13 Sec. 3. NEW SECTION. 91F.1 SHORT TITLE.

1 14 This chapter shall be known and may be cited as the "Public
1 15 Improvement Quality Protection Act".

1 16 Sec. 4. NEW SECTION. 91F.2 PUBLIC POLICY.

1 17 It is in the public interest that public improvements are
1 18 completed by the best means and highest quality of labor
1 19 reasonably available, and that workers working on public
1 20 improvements be compensated according to the real value of the
1 21 services they perform. It is the policy of this state that
1 22 the wages of workers working on public improvements should be
1 23 at least equal to the prevailing wage rates paid for similar
1 24 work by responsible contractors in the community as a whole in
1 25 order to accomplish all of the following:

1 26 1. Protect workers and their contractors and
1 27 subcontractors from the effects of serious and unfair
1 28 competition resulting from wage levels detrimental to
1 29 efficiency and well-being.

1 30 2. Ensure that contractors compete with one another on the
1 31 basis of the ability to perform work competently and
1 32 efficiently while maintaining community-established
1 33 compensation standards.

1 34 3. Recognize that local participation in public
1 35 improvements and family wage income and benefits are essential



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- 2 1 to the protection of community standards.
2 2 4. Encourage training and education of workers to industry
2 3 skills standards.
2 4 5. Encourage contractors and subcontractors to use funds
2 5 allocated for employee fringe benefits for the actual purchase
2 6 of those benefits.
2 7 Sec. 5. NEW SECTION. 91F.3 DEFINITIONS.
2 8 As used in this chapter, unless the context otherwise
2 9 requires:
2 10 1. "Commissioner" means the labor commissioner appointed
2 11 pursuant to section 91.2 or the labor commissioner's designee.
2 12 2. "Contractor" or "subcontractor" means a person who
2 13 undertakes, offers to undertake, purports to have the capacity
2 14 to undertake, or submits a bid, individually or through
2 15 others, to engage in a public improvement.
2 16 3. "Division" means the division of labor of the
2 17 department of workforce development.
2 18 4. a. "Fringe benefits" means the following provision or
2 19 purchases of any of the benefits enumerated in paragraph "b".
2 20 (1) Contributions irrevocably made by a contractor or
2 21 subcontractor to a trustee or to a third person pursuant to a
2 22 plan, fund, or program.
2 23 (2) The costs to the contractor or subcontractor which are
2 24 reasonably related to providing benefits to workers pursuant
2 25 to an enforceable commitment to carry out a financially
2 26 responsible plan or program, given in writing to the workers
2 27 affected.
2 28 b. The following benefits are fringe benefits:
2 29 (1) Health insurance, including dental and vision
2 30 benefits.
2 31 (2) Pension, retirement, or annuity benefits.
2 32 (3) Life insurance or death benefits.
2 33 (4) Vacation or holiday pay.
2 34 (5) Sick leave.
2 35 (6) Long-term and short-term disability benefits.



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- 3 1 (7) Defraying costs of apprenticeship programs approved
3 2 and registered with the United States department of labor's
3 3 office of apprenticeship.
- 3 4 5. "Interested party" means any of the following:
3 5 a. A contractor who submits a bid for the purpose of
3 6 securing the award of a contract for a public improvement.
3 7 b. A subcontractor of a contractor mentioned in a bid
3 8 referred to in paragraph "a".
3 9 c. A worker employed by a contractor or subcontractor
3 10 described in either paragraph "a" or "b".
3 11 d. A labor organization that represents workers engaged in
3 12 the same craft or classification as workers employed by a
3 13 contractor or subcontractor described in either paragraph "a"
3 14 or "b" and that exists, in whole or in part, for the purpose
3 15 of negotiating with employers concerning the wages, hours, or
3 16 terms and conditions of employment of employees.
3 17 e. A joint labor-management committee established pursuant
3 18 to the federal Labor Management Cooperation Act of 1978, 29
3 19 U.S.C. } 175a.
3 20 f. The division of labor of the department of workforce
3 21 development.
3 22 g. The department of transportation.
- 3 23 6. "Locality" means a county of this state.
3 24 7. "Maintenance work" means the repair of existing public
3 25 improvements when the size, type, or extent of the public
3 26 improvement is not changed or increased.
- 3 27 8. "Prevailing wage rate" means the hourly wage plus
3 28 fringe benefits, which the commissioner determines prevails in
3 29 accordance with this chapter.
- 3 30 9. "Public body" means the state and any of its political
3 31 subdivisions, including but not limited to a county, city,
3 32 township, school district, state board of regents, and public
3 33 utility. For the purposes of this chapter, "public utility"
3 34 includes municipally owned utilities and municipally owned
3 35 waterworks.



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4 1 10. a. "Public improvement" means any of but not limited
4 2 to the following that meets the criteria set out in paragraphs
4 3 "b" and "c":
4 4 (1) (a) Construction; alteration; reconstruction; repair;
4 5 rehabilitation; refinishing; refurbishing; remodeling;
4 6 renovation; maintenance; landscaping; improving; moving;
4 7 wrecking; painting; decorating; custom fabrication, which
4 8 includes fabrication of plumbing, heating, cooling,
4 9 ventilation, architectural systems, structural systems,
4 10 exhaust duct systems, or mechanical insulation; demolishing
4 11 of, adding to, or subtracting from any building, structure,
4 12 sewer, ditch, sewage disposal plant, waterworks, parking
4 13 facility, excavation or other structure, project, development,
4 14 or improvement, or any part thereof undertaken by a public
4 15 body.
4 16 (b) The erection of scaffolding or other structures or
4 17 works; the maintenance, repair, assembly, or disassembly of
4 18 equipment; the testing of materials; the hauling of refuse
4 19 incidental to the public improvement from the project site to
4 20 an outside disposal location; the cleaning of grounds or
4 21 structures; or the addition to or fabrication into any
4 22 structure, project, development, or improvement of any
4 23 material or article of merchandise undertaken by a public
4 24 body.
4 25 (2) The preparation and removal of roadway construction
4 26 zones, lane closures, flagging, or traffic diversions
4 27 undertaken by a public body.
4 28 (3) The installation, repair, maintenance, or calibration
4 29 of monitoring equipment for underground storage tanks
4 30 undertaken by a public body.
4 31 (4) The transportation of supplies, material, and
4 32 equipment to or from the property or premises undertaken by a
4 33 public body.
4 34 b. Work on the public improvement is performed under
4 35 public supervision or direction, and the work is financed



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5 1 wholly or in part from public funds, or if at the time of
5 2 commencement of the public improvement both of the following
5 3 conditions with respect to the public improvement are met:
5 4 (1) Not less than fifty=five percent of the structure is
5 5 leased by a public body, or is subject to a written agreement
5 6 to be subsequently leased by a public body.
5 7 (2) The portion of the structure that is leased or subject
5 8 to a written agreement to be subsequently leased by a public
5 9 body measures more than twenty thousand square feet.
5 10 c. The public improvement meets one of the following
5 11 descriptions:
5 12 (1) The project is funded by the state or the state board
5 13 of regents and the estimated total cost is one hundred
5 14 thousand dollars or more.
5 15 (2) The project is funded by a school district and the
5 16 estimated total cost is three hundred thousand dollars or
5 17 more.
5 18 (3) The project is funded by a county with a population of
5 19 forty thousand or more and the estimated total cost is one
5 20 hundred thousand dollars or more. Population, for the
5 21 purposes of this subparagraph, shall be based on the most
5 22 recent United States census bureau annual census figures.
5 23 Beginning in 2011, the most recent United States census bureau
5 24 decennial census figures shall be used to calculate population
5 25 for the purposes of this subparagraph.
5 26 (4) The project is funded by a city with a population of
5 27 twenty thousand or more and the estimated total cost is one
5 28 hundred thousand dollars or more. Population, for the
5 29 purposes of this subparagraph, shall be based on the most
5 30 recent United States census bureau annual census figures.
5 31 Beginning in 2011, the most recent United States census bureau
5 32 decennial census figures shall be used to calculate population
5 33 for the purposes of this subparagraph.
5 34 (5) The total estimated cost of the project is one million
5 35 dollars or more, regardless of the public body's population.



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6 1 11. a. "Worker" means an individual who performs any
6 2 labor or service for a contractor or subcontractor on a public
6 3 improvement but does not include an individual when
6 4 transporting supplies, materials, or equipment for a seller,
6 5 supplier, manufacturer, or processor of materials or
6 6 equipment. The individual is deemed an employee of a
6 7 contractor or subcontractor unless all of the following
6 8 conditions apply and an independent contractor relationship
6 9 between the individual and the contractor or subcontractor is
6 10 intended to be created:

6 11 (1) The contractor or subcontractor does not control or
6 12 direct the performance of services by the individual.

6 13 (2) The contractor or subcontractor is not responsible for
6 14 the payment of the individual's wages.

6 15 (3) The contractor or subcontractor does not have the
6 16 right to discharge the individual or to terminate the working
6 17 relationship with the individual.

6 18 (4) The contractor or subcontractor is not the authority
6 19 in charge of the work or for whose benefit the individual is
6 20 providing services.

6 21 b. An individual classified as an employee under this
6 22 subsection shall also be classified as an employee pursuant to
6 23 chapters 85, 85A, 85B, 88, 91A, and 96.

6 24 Sec. 6. NEW SECTION. 91F.4 DETERMINATION OF PREVAILING
6 25 WAGES.

6 26 1. The commissioner shall determine annually and publish,
6 27 on the first business day of July, the prevailing wage rates
6 28 by locality for each craft, classification, or type of worker
6 29 needed to perform work on public improvements. The rates
6 30 shall be conclusive for one year from the date of publication
6 31 unless superseded within the one year by a later publication
6 32 of the commissioner, or for a longer period as provided in
6 33 subsection 5.

6 34 2. The commissioner shall announce all prevailing wage
6 35 rate determinations by locality and give notice by posting



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7 1 them on the portion of the department of workforce
7 2 development's internet website related to the division. A
7 3 printed version of the prevailing wage rates for the state
7 4 shall be available to the public upon request to the division.
7 5 3. The public body awarding any contract for a public
7 6 improvement, or otherwise undertaking any public improvement,
7 7 shall obtain from the internet website the prevailing wage
7 8 rate in the locality in which the public improvement is to be
7 9 performed for each craft, classification, or type of worker
7 10 needed to perform work on the public improvement. After a
7 11 public improvement contract is awarded, or a public
7 12 improvement is otherwise undertaken, the prevailing wage rate
7 13 published by the commissioner and stated in the public body's
7 14 public improvement procurement documents shall remain in
7 15 effect throughout the duration of the public improvement
7 16 unless superseded by a later determination and publication by
7 17 the commissioner, or unless multiyear prevailing wage rates
7 18 have been published by the commissioner at the time the public
7 19 improvement procurement documents were released.
7 20 4. a. In determining the annual prevailing wage rate for
7 21 any craft, classification, or type of worker, the commissioner
7 22 shall ascertain and consider data obtained by the division
7 23 during any prevailing wage rate survey of contractors who
7 24 participate in an apprenticeship program approved by and
7 25 registered with the United States department of labor's office
7 26 of apprenticeship, who provide health insurance and retirement
7 27 benefits for their workers, and who are registered with the
7 28 division; the prevailing wage rate determinations that may
7 29 exist for federal public improvements within the locality; and
7 30 the applicable wage rates and fringe benefits established by
7 31 collective bargaining agreements. Based upon these
7 32 considerations, the commissioner shall calculate the
7 33 prevailing wage rates based on the wage rates plus fringe
7 34 benefits rates most often occurring for each craft,
7 35 classification, or other type of worker within each locality.



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8 1 b. None of the benefits enumerated in this chapter may be
8 2 considered in the determination of prevailing wage rates if
8 3 the contractor or subcontractor is required by other federal,
8 4 state, or local law to provide such benefits.

8 5 5. If the commissioner determines that the prevailing wage
8 6 rate for any craft, classification, or type of worker is the
8 7 rate established by a collective bargaining agreement
8 8 applicable in the locality, the commissioner may adopt that
8 9 rate by reference and that determination shall be effective
8 10 for the life of the agreement or until the commissioner adopts
8 11 another rate.

8 12 6. Notwithstanding other provisions of this chapter to the
8 13 contrary, federal Davis=Bacon Act prevailing wage rates and
8 14 procedures, as defined in 29 C.F.R. pts. 1, 3, and 5, except
8 15 for 29 C.F.R. pts. 1.8 and 1.9, and administered by the public
8 16 body apply to public improvements that are publicly owned
8 17 horizontal transportation infrastructure, which includes but
8 18 is not limited to roads and streets as defined in section
8 19 306.3. However, the dollar and population threshold criteria
8 20 of section 91F.3, subsection 10, paragraph "c", and an
8 21 objections and appeals process to be established by the
8 22 department of transportation under chapter 17A, remain
8 23 applicable.

8 24 Sec. 7. NEW SECTION. 91F.5 PREVAILING WAGE RATE
8 25 DETERMINATION == OBJECTIONS == APPEALS.

8 26 1. a. (1) Within fifteen days after the division has
8 27 published on the department of workforce development's
8 28 internet website the annual prevailing wage rates for each
8 29 classification, craft, or other type of worker in a locality,
8 30 an interested party may seek reconsideration of the
8 31 determination or part of the determination by filing a written
8 32 objection, which shall include a statement of the interested
8 33 party's views and other pertinent information, with the
8 34 commissioner by restricted certified mail as defined in
8 35 section 618.15.



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9 1 (2) Upon receipt of the written objection, the
9 2 commissioner shall respond by modifying or denying the
9 3 determination and providing a written reply by restricted
9 4 certified mail to the interested party within fifteen days
9 5 from the date of the receipt of the written objection.
9 6 (3) The commissioner shall publish a modification to the
9 7 determination within five business days of notification of the
9 8 interested party and the modification shall be effective upon
9 9 publication.
9 10 b. (1) Within ten days upon receiving receipt of the
9 11 commissioner's decision, the interested party may file a
9 12 written appeal to the department of inspections and appeals,
9 13 which shall set a hearing date before an administrative law
9 14 judge, who shall be an attorney.
9 15 (2) The department of inspection and appeals shall give
9 16 notice by restricted certified mail to the interested party
9 17 and the division at least ten days before the hearing date of
9 18 the time and place of the hearing.
9 19 (3) The hearing shall be held within thirty days after the
9 20 department of inspections and appeals receives the interested
9 21 party's written objection, and shall not be postponed or reset
9 22 for a later date except upon the consent, in writing, of both
9 23 the interested party and the division.
9 24 (4) The interested party objecting to the determination
9 25 set by the division shall have the burden of establishing that
9 26 the disputed determination was not determined in accordance
9 27 with this chapter. If the interested party objects to the
9 28 failure to include a particular craft, classification, or type
9 29 of worker within the annual prevailing wage rate determination
9 30 in a locality, the interested party must establish that the
9 31 particular craft, classification, or type of worker does not
9 32 exist under a different prevailing wage rate classification in
9 33 any of the localities under consideration.
9 34 (5) The administrative law judge may hear each objection
9 35 filed separately or, if applicable, consolidate two or more



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10 1 objections about the same determination filed with the
10 2 department of inspections and appeals. The administrative law
10 3 judge shall render a final determination within twenty days
10 4 after the conclusion of the hearing.

10 5 2. An interested party may appeal the final determination
10 6 of the administrative law judge through judicial review as
10 7 provided under section 17A.19.

10 8 3. In all reviews or appeals under this chapter, the
10 9 attorney general shall represent the division and defend the
10 10 division's determination.

10 11 4. Notwithstanding section 17A.19, subsection 5, paragraph
10 12 "c", this section does not give reason or provide cause for an
10 13 injunction to halt or delay any public improvement.

10 14 Sec. 8. NEW SECTION. 91F.6 PAYMENT OF PREVAILING WAGES
10 15 REQUIRED.

10 16 1. Contractors and subcontractors engaged in a public
10 17 improvement shall not pay less than the current specified
10 18 prevailing wage rates to all of their workers engaged in the
10 19 public improvement. However, this chapter does not prohibit
10 20 the payment of more than the prevailing wage rate to any
10 21 workers engaged in a public improvement.

10 22 2. All contractors and subcontractors required to pay the
10 23 prevailing wage rate under this chapter shall pay the wages in
10 24 legal tender, without any deduction for food, sleeping
10 25 accommodations, transportation, use of tools or safety
10 26 equipment, vehicle or equipment rental, or any other thing of
10 27 any kind or description.

10 28 Sec. 9. NEW SECTION. 91F.7 REQUIREMENTS FOR PUBLIC
10 29 IMPROVEMENTS.

10 30 1. The public body awarding a contract for a public
10 31 improvement or otherwise undertaking a public improvement
10 32 shall specify in the call for bids for the contract that this
10 33 chapter applies to the public improvement. All bid
10 34 specifications shall list the specified prevailing wage rates
10 35 for all crafts, classifications, or types of workers in the



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11 1 locality for each worker needed to be included in the
11 2 contract.
11 3 2. If a contract is let for a public improvement requiring
11 4 the payment of prevailing wage rates, the public body awarding
11 5 the contract shall cause to be inserted in the public
11 6 improvement specifications and contract a stipulation that not
11 7 less than the prevailing wage rate shall be paid to all
11 8 workers performing work under the contract. The contract
11 9 shall also contain a provision that if it is found that any of
11 10 the contractor or subcontractor's workers engaged in the
11 11 public improvement has been paid at a wage rate less than the
11 12 prevailing wage rate required by this chapter, the public body
11 13 may terminate the contractor or subcontractor's right to
11 14 proceed with the work and the contractor and its sureties
11 15 shall be liable to the public body for any excess costs
11 16 occasioned by the failure to pay the prevailing wage rate. If
11 17 a subcontract is let for a public improvement, the provisions
11 18 of this subsection apply to contracts with lower-tiered
11 19 subcontractors and their workers.
11 20 3. A contractor and subcontractor engaging in a public
11 21 improvement shall submit a performance bond in an amount
11 22 determined by the public body which bond shall include a
11 23 provision that will guarantee the payment of the prevailing
11 24 wage rates as required by the contract.
11 25 4. The public body awarding a contract for a public
11 26 improvement or otherwise undertaking a public improvement
11 27 shall notify the commissioner in writing, on a form prescribed
11 28 by the commissioner, if a contract subject to the provisions
11 29 of this chapter has been awarded. The public body shall file
11 30 the notification with the commissioner within thirty days
11 31 after the contract is awarded or before commencement of the
11 32 public improvement, whichever is sooner, and shall include a
11 33 list of all first-tier subcontractors.
11 34 Sec. 10. NEW SECTION. 91F.8 FEDERAL PUBLIC IMPROVEMENTS
11 35 == NOT APPLICABLE.



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12 1 The provisions of this chapter shall not be applicable to
12 2 public improvements financed entirely by federal funds which
12 3 require a prevailing wage rate determination by the United
12 4 States department of labor. If a public improvement is
12 5 financed in part by a public body and in part by federal
12 6 funds, the higher of the prevailing wage rates shall prevail
12 7 for the public improvement.

12 8 Sec. 11. NEW SECTION. 91F.9 RECORDS REQUIRED.

12 9 While participating in a public improvement, the contractor
12 10 and each subcontractor shall do both of the following:

12 11 1. Make and keep, for a period of not less than three
12 12 years, accurate records of all workers employed by the
12 13 contractor or subcontractor on the public improvement. The
12 14 records shall include each worker's name, address, telephone
12 15 number when available, social security number, trade
12 16 classification, the hourly wages paid in each pay period, the
12 17 number of hours worked each day, and the starting and ending
12 18 times of work each day.

12 19 2. Post the prevailing wage rates for each craft,
12 20 classification, or type of workers involved in the public
12 21 improvement in a prominent and easily accessible place at the
12 22 site of the public improvement or at the place or places used
12 23 by the contractor or subcontractor to pay workers their wages.

12 24 Sec. 12. NEW SECTION. 91F.10 POWERS OF COMMISSIONER.

12 25 1. The commissioner and the division shall administer this
12 26 chapter, and the commissioner shall adopt rules for the
12 27 administration and enforcement of this chapter as provided in
12 28 section 91.6.

12 29 2. The commissioner shall enforce the provisions of this
12 30 chapter. The commissioner may hold hearings and investigate
12 31 charges of violations of this chapter.

12 32 3. The commissioner may, consistent with due process of
12 33 law, enter any place of employment to inspect records
12 34 concerning wages and payrolls, to question the employer and
12 35 employees, and to investigate such facts, conditions or



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13 1 matters as are deemed appropriate in determining whether any
13 2 person has violated the provisions of this chapter. However,
13 3 such entry by the commissioner shall only be in response to a
13 4 written complaint.

13 5 4. The commissioner shall develop a written complaint form
13 6 applicable for this chapter and make it available in division
13 7 offices and on the department of workforce development's
13 8 internet website.

13 9 5. The commissioner may sue for injunctive relief against
13 10 the awarding of a contract, the undertaking of a public
13 11 improvement, or the continuation of a public improvement when
13 12 the prevailing wage rate requirements of this chapter have not
13 13 been met.

13 14 6. The commissioner may investigate and ascertain the
13 15 wages of workers engaged in any public improvement in this
13 16 state.

13 17 7. The commissioner may administer oaths, take or cause to
13 18 be taken depositions of witnesses, and require by subpoena the
13 19 attendance and testimony of witnesses and the production of
13 20 all books, registers, payrolls, and other evidence relative to
13 21 the matter under investigation or hearing.

13 22 8. The commissioner may employ such qualified personnel as
13 23 are necessary for the enforcement of this chapter. Such
13 24 personnel shall be employed pursuant to chapter 8A, subchapter
13 25 IV.

13 26 9. The commissioner shall adopt, pursuant to chapter 17A,
13 27 any rules necessary to carry out the provisions of this
13 28 chapter.

13 29 10. The commissioner shall require a contractor or
13 30 subcontractor to file, within ten days of receipt of a
13 31 request, any records enumerated in section 91F.9. If the
13 32 contractor or subcontractor fails to provide the requested
13 33 records within ten days, the commissioner may direct, within
13 34 fifteen days after the end of the ten-day period, that the
13 35 fiscal or financial officer charged with the custody and



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14 1 disbursements of the funds of the public body, which
14 2 contracted for construction of the public improvement or
14 3 undertook the public improvement, to immediately withhold from
14 4 payment to the contractor or subcontractor up to twenty-five
14 5 percent of the amount to be paid to the contractor or
14 6 subcontractor under the terms of the contract or written
14 7 instrument under which the public improvement is being
14 8 performed. The amount withheld shall be immediately released
14 9 upon receipt by the public body of a notice from the
14 10 commissioner indicating that the request for records as
14 11 required by this section has been satisfied.

14 12 Sec. 13. NEW SECTION. 91F.11 NOTICE OF VIOLATIONS.

14 13 1. For purposes of this section:

14 14 a. "Accurate records" means the hourly rate of
14 15 contribution and costs paid for fringe benefits and whether
14 16 the contributions and costs of the fringe benefits were paid
14 17 into a fund or paid directly to the worker.

14 18 b. "Decision" means a determination by the division that a
14 19 single violation of this chapter has occurred, warranting the
14 20 commissioner to issue a notice of violation to a contractor or
14 21 subcontractor.

14 22 c. "Notice of second violation" is a formal written notice
14 23 issued by the division advising a contractor or subcontractor
14 24 that a second or subsequent violation has occurred within
14 25 three years from the date of the notice of a first violation.

14 26 d. "Notice of violation" means a formal written notice
14 27 issued by the division to a contractor or subcontractor that
14 28 the division has made a decision that the contractor or
14 29 subcontractor has violated this chapter.

14 30 e. "Violation" means a written decision by the division
14 31 that a contractor or subcontractor has done one of the
14 32 following:

14 33 (1) Failed or refused to pay the prevailing wage rate to
14 34 one or more workers as required by this chapter.

14 35 (2) Failed to keep accurate records as required by this



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15 1 chapter.

15 2 (3) Failed to produce for the division accurate records or
15 3 produced records not in compliance with this chapter.

15 4 (4) Refused to submit records or testimony to the division
15 5 in response to a subpoena issued in accordance with this
15 6 chapter.

15 7 (5) Refused the division access, at any reasonable hour at
15 8 a location within the state, to inspect the contractor's or
15 9 subcontractor's records as required by this chapter.

15 10 (6) Failed to insert into a contract, a written
15 11 stipulation that not less than the prevailing wage rate be
15 12 paid as required by this chapter.

15 13 (7) Failed to obtain a bond in the proper amount that
15 14 guarantees the payment of the prevailing wage rates required
15 15 in the contract.

15 16 (8) Failed to post the prevailing wage rates as required
15 17 by this chapter.

15 18 2. After receipt of a written complaint by an interested
15 19 party or on the division's initiative, the commissioner shall
15 20 review the investigative file to determine whether a violation
15 21 has occurred for which the contractor or subcontractor must be
15 22 given notice. All information gathered during an audit or
15 23 investigation shall be considered and shall constitute the
15 24 basis for the division's decision that this chapter has been
15 25 violated and that a notice of violation is required to be
15 26 issued. The notice of violation shall identify the specific
15 27 violation and the amount of moneys estimated due the division
15 28 and in controversy based on reasons contained in the
15 29 investigative file.

15 30 3. In making a decision that a contractor or subcontractor
15 31 has failed to allow the commissioner access to accurate
15 32 records, the commissioner shall rely on the information
15 33 contained in the investigative file, and shall assess a
15 34 separate violation for each day worked by each worker on the
15 35 public improvement. Each decision of a separate violation



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16 1 shall be listed in the notice of violation.
16 2 4. In determining that this chapter has been violated and
16 3 that the issuance of a notice of violation is required, the
16 4 commissioner shall base the decision on one or any combination
16 5 of the following reasons:
16 6 a. The severity of the violations, which includes the
16 7 following:
16 8 (1) The amount of wages that are determined to be
16 9 underpaid pursuant to this chapter.
16 10 (2) The activity or conduct complained of that violates
16 11 the requirements of this chapter and was not merely a
16 12 technical, nonsubstantive error. Examples of a technical
16 13 error include but are not limited to a mathematical error,
16 14 bookkeeping error, transposition of numbers, or computer or
16 15 programming error.
16 16 b. The nature and duration of the present violation and
16 17 the prior history of the contractor or subcontractor related
16 18 to this history. The prior history considered shall not
16 19 exceed seven years before the date of the notice of violation.
16 20 c. Whether the contractor or subcontractor has kept
16 21 payroll records and accurate records for three years and
16 22 whether the contractor or subcontractor produced payroll
16 23 records in accordance with section 91F.9.
16 24 d. Whether the contractor or subcontractor has violated
16 25 any other provision of this chapter.
16 26 5. The notices of the first, second, and subsequent
16 27 violations shall be sent by restricted certified mail,
16 28 addressed to the last known address of the contractor or
16 29 subcontractor involved. The notices shall contain a reference
16 30 to the specific provisions of this chapter alleged to have
16 31 been violated, identify the particular public improvement
16 32 involved, identify the conduct complained of, and identify
16 33 whether the notice is a first, second, or subsequent notice,
16 34 and include a contractor's or subcontractor's statement of
16 35 liabilities.



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17 1 Sec. 14. NEW SECTION. 91F.12 VIOLATIONS == REMEDIES.
17 2 1. If the commissioner determines that a public body has
17 3 divided a public improvement into more than one contract for
17 4 the purpose of avoiding compliance with this chapter, the
17 5 commissioner shall issue an order compelling compliance. In
17 6 making a determination whether a public body has divided a
17 7 public improvement into more than one contract for the purpose
17 8 of avoiding compliance with this chapter, the commissioner
17 9 shall consider all of the following:
17 10 a. The physical separation of the public improvement
17 11 structures.
17 12 b. The timing of the work on the public improvement phases
17 13 or structures.
17 14 c. The continuity of public improvement contractors and
17 15 subcontractors working on public improvement parts or phases.
17 16 d. The manner in which the public body and the contractor
17 17 and subcontractors administer and implement work on the public
17 18 improvement.
17 19 2. A worker employed by the contractor or subcontractor
17 20 who is paid less than the specified prevailing wage rate under
17 21 this chapter shall have a private right of action for the
17 22 difference between the amount so paid and the specified
17 23 prevailing wage rate, and punitive damages, if appropriate,
17 24 together with costs and reasonable attorney fees as shall be
17 25 allowed by the court, and the contractor or subcontractor
17 26 shall additionally be liable to the division for fifty percent
17 27 of the underpayments.
17 28 3. If a second or subsequent action to recover
17 29 underpayments is brought against a contractor or subcontractor
17 30 within a three-year period and the contractor or subcontractor
17 31 is found liable for underpayments to a worker, the contractor
17 32 or subcontractor shall be liable to the division for
17 33 seventy-five percent of the underpayments payable as a result
17 34 of the second or subsequent action. The three-year period
17 35 begins to run from the date the contractor or subcontractor is



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18 1 determined liable for the first violation.
18 2 4. The commissioner and any interested party shall also
18 3 have a right of action on behalf of a worker who has a right
18 4 of action under this chapter. An action brought to recover
18 5 the same shall be deemed to be a suit for wages, and all
18 6 judgments entered in the action shall have the same force and
18 7 effect as other judgments for wages. At the request of a
18 8 worker employed by a contractor or subcontractor who is paid
18 9 less than the prevailing wage rate required by this chapter,
18 10 the commissioner may take an assignment of the wage claim in
18 11 trust for the assigning worker and may bring any legal action
18 12 necessary to collect the claim, and the contractor or
18 13 subcontractor shall be required to pay the expenses of the
18 14 division incurred in collecting the claim.
18 15 5. a. It is a violation of this chapter for a contractor
18 16 or subcontractor to do any of the following:
18 17 (1) To request or demand, either before or after the
18 18 worker is engaged, that a worker pay back, return, donate,
18 19 contribute, or give any part or all of the worker's wages,
18 20 salary, or thing of value, to any person, upon the statement,
18 21 representation, or understanding that failure to comply with
18 22 the request or demand will prevent the worker from procuring
18 23 or retaining employment.
18 24 (2) To directly or indirectly pay, request, or authorize
18 25 any other person to violate this chapter.
18 26 b. This subsection does not apply to an agent or
18 27 representative of a duly constituted labor organization acting
18 28 in the collection of dues or assessments of the organization.
18 29 6. In addition to other penalties provided under this
18 30 chapter, whoever induces a worker working on a public
18 31 improvement subject to this chapter to give up or forego any
18 32 part of the prevailing wage rates to which the worker is
18 33 entitled under this chapter by threat not to employ or by
18 34 threat of dismissal from employment commits a serious
18 35 misdemeanor. An agreement between the worker and the



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19 1 contractor or subcontractor to work for less than the
19 2 specified prevailing wage rate shall not be a defense to
19 3 criminal prosecution.

19 4 7. a. A contract shall not be awarded to a contractor or
19 5 subcontractor who, on two separate occasions within a
19 6 three-year period, has been determined by the commissioner to
19 7 have violated this chapter.

19 8 8. If the division determines that a contractor or
19 9 subcontractor has violated this chapter on two separate
19 10 occasions within a three-year period, the division shall list
19 11 on the department of workforce development's internet website
19 12 and keep on record the name of the contractor or subcontractor
19 13 and give notice by restricted certified mail of the list to
19 14 any public body requesting the list.

19 15 9. Upon a determination that a contractor or subcontractor
19 16 has violated this chapter on two separate occasions within a
19 17 three-year period, the division shall notify the violating
19 18 contractor or subcontractor by restricted certified mail. The
19 19 contractor or subcontractor has ten working days to request of
19 20 the division a hearing before an administrative law judge on
19 21 the alleged violation. Failure to respond within ten working
19 22 days shall result in automatic and immediate barring of the
19 23 violator from work and placement and publication of the
19 24 violator's name on the department of workforce development's
19 25 internet website. If the contractor or subcontractor requests
19 26 a hearing within ten working days by restricted certified
19 27 mail, the department of inspections and appeals shall set a
19 28 hearing before an administrative law judge on the alleged
19 29 violation. The hearing shall take place no later than thirty
19 30 calendar days after the receipt by the division of the request
19 31 for a hearing. An action by an administrative law judge
19 32 constitutes final agency action and is subject to judicial
19 33 review under section 17A.19.

19 34 10. The attorney general shall prosecute the cases
19 35 identified in this section upon complaint by the commissioner



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20 1 or by any interested person. In any proceeding brought
20 2 pursuant to this section, the commissioner shall be
20 3 represented by the attorney general.

20 4 11. This section does not give reason or provide cause for
20 5 an injunction to halt or delay any public improvement.

20 6 Sec. 15. NEW SECTION. 91F.13 APPRENTICES.

20 7 This chapter shall not prevent the employment of
20 8 apprentices upon public improvements. However, an apprentice
20 9 employed on a public improvement must be registered with the
20 10 United States department of labor's office of apprenticeship
20 11 under an apprenticeship program registered with that office,
20 12 paid the proper wages specified in the standards of
20 13 apprenticeship, and engaged only in the trade to which the
20 14 apprentice is registered. If the apprentice is employed on a
20 15 public improvement in a trade to which the apprentice is not
20 16 registered with the United States department of labor's office
20 17 of apprenticeship, the apprentice shall be treated as any
20 18 other worker under this chapter.

20 19 Sec. 16. IMPLEMENTATION OF ACT. Section 25B.2, subsection
20 20 3, shall not apply to this Act.

20 21 Sec. 17. EMERGENCY RULES. The commissioner may adopt
20 22 emergency rules under section 17A.4, subsection 3, and section
20 23 17A.5, subsection 2, paragraph "b", to implement the
20 24 provisions of this Act and the rules shall be effective
20 25 immediately upon filing unless a later date is specified in
20 26 the rules. Any rules adopted in accordance with this section
20 27 shall also be published as a notice of intended action as
20 28 provided in section 17A.4.

20 29 Sec. 18. TEMPORARY WAGE RATE DETERMINATIONS ==
20 30 APPLICABILITY. The commissioner may utilize the wage rates
20 31 and fringe benefits rates as set by the federal Davis=Bacon
20 32 Act, 40 U.S.C. } 3141, et seq., until such time as the
20 33 commissioner may determine the appropriate wage rates and
20 34 fringe benefits rates for each locality as prescribed in this
20 35 Act.



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22 1 An interested party affected by the wage rates has 15 days
22 2 after the department of workforce development has posted the
22 3 wage rates on its internet website to object in writing,
22 4 stating the specific reason for the objection, to the labor
22 5 commissioner. The commissioner must respond and either affirm
22 6 or modify the determination within 15 days of receiving the
22 7 objection. The commissioner must publish any modification
22 8 with five days.

22 9 Within 10 days of the commissioner's decision, the
22 10 interested party may submit an objection in writing to the
22 11 department of inspections and appeals. A hearing must be set
22 12 by the department before an administrative law judge within 30
22 13 days after the objection is filed. The administrative law
22 14 judge must make a decision about the wage rate within 20 days
22 15 and it is considered a final determination. The decision may
22 16 be appealed through judicial review under Code section 17A.19.

22 17 The bill requires that contractors and subcontractors not
22 18 pay the workers less than the established wage rate but does
22 19 not prohibit them from paying the workers more than the wage
22 20 rate. The wage rate must be paid without any deductions for
22 21 food, sleeping quarters, use of tools, or safety equipment.

22 22 The bill also requires the public body to monitor the
22 23 contractors and subcontractors to ensure that the wage rate is
22 24 paid. A call for bids must state that the wage rate must be
22 25 included in the bids for the public improvement. All bids
22 26 shall list the specific wage rates for each craft,
22 27 classification, and type of worker needed for the public
22 28 improvement. All contractors and subcontractors are required
22 29 to sign a contract that states they will pay workers the wage
22 30 rate determined by the division. If the contractors and
22 31 subcontractors are found to not be paying the wage rate, the
22 32 contract states that the contractor or subcontractor's right
22 33 to work on the public improvement and get paid for work
22 34 already done may be terminated.

22 35 The bill does not apply to public improvement projects



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23 1 funded by the federal government. If a public improvement
23 2 project is financed by both a state public body and the
23 3 federal government, then the higher of the applicable wage
23 4 rates shall be paid to the workers.

23 5 The bill also requires that contractors and subcontractors
23 6 keep detailed records for at least three years about the
23 7 workers, the rates paid, and the hours worked for each public
23 8 improvement. Contractors and subcontractors must also post
23 9 the wage rates for each craft, classification, and type of
23 10 worker in a public place where workers can see the posting or
23 11 at the place where they receive their wages.

23 12 The commissioner is given specific powers for
23 13 administration, investigation, enforcement, and penalization;
23 14 including the power to sue to prevent a contractor or
23 15 subcontractor from being awarded a contract for a public
23 16 improvement when the wage rate requirements have not been met
23 17 or to withhold payments if a contractor or subcontractor does
23 18 not produce records upon request and to pay the workers
23 19 directly if the contractor or subcontractor continues to
23 20 refuse to provide records.

23 21 After receiving a written complaint, the commissioner shall
23 22 investigate whether there has been a violation. If the
23 23 commissioner determines there has been a violation, the
23 24 contractor or subcontractor must be given notice of that
23 25 violation. The notice is a formal written statement from the
23 26 department of workforce development that states the specific
23 27 violation and the amount of money due as a penalty.

23 28 If a public body has divided up a public improvement to
23 29 avoid having to pay the wage rate, the commissioner shall
23 30 order compliance. A worker who is paid less than the wage
23 31 rate set by this law can sue for the difference in payment and
23 32 collect the difference along with punitive damages, if
23 33 appropriate, costs and attorney fees in court. The contractor
23 34 or subcontractor shall also have to pay the department of
23 35 workforce development 50 percent of the underpayment.



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24 1 If a second or subsequent action for underpaying a worker
24 2 is brought against a contractor or subcontractor within a
24 3 three-year period and the contractor or subcontractor is
24 4 liable, the contractor or subcontractor shall pay the
24 5 department of workforce development 75 percent of the
24 6 underpayment.

24 7 The commissioner or any interested party has a right of
24 8 action on behalf of any individual who has a right of action
24 9 under the bill. The commissioner may file a lawsuit in trust
24 10 for a worker who assigns the claim and then bring legal action
24 11 to collect the claim. The contractor shall be required to pay
24 12 the expenses for collection of the claim.

24 13 A person may not ask, demand, receive, donate, give, or
24 14 agree to give back any part of a worker's wages or thing of
24 15 value to any person who asserts that failing to do so will
24 16 prevent the worker from keeping or getting work. However,
24 17 this provision does not apply to authorized labor organization
24 18 representatives.

24 19 In addition to other penalties under this law, anyone who
24 20 attempts to get a worker to give up any part of compensation
24 21 on a public improvement by threat not to hire or by threat of
24 22 firing commits a serious misdemeanor. A serious misdemeanor
24 23 is punishable by confinement for no more than one year and a
24 24 fine of at least \$315 but not more than \$1,875. Any agreement
24 25 to work for less than the determined wage rate is not a
24 26 defense to criminal prosecution.

24 27 If a contractor or subcontractor has violated this law
24 28 twice within a three-year period, the contractor or
24 29 subcontractor shall not be given any public improvement work
24 30 for three years. The department of workforce development
24 31 shall keep a list on its website of contractors and
24 32 subcontractors who have violated this law twice within a
24 33 three-year period and notify public bodies by restricted
24 34 certified mail.

24 35 A contractor or subcontractor who has been notified of the



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25 1 second violation has 10 days to request a hearing before an
25 2 administrative law judge. If no hearing is requested, the
25 3 contractor is barred from receiving public improvement work
25 4 and its name and information is posted on the department's
25 5 website. A hearing must be held within 30 days of the
25 6 request.

25 7 Apprentices employed on a public improvement project must
25 8 be registered with the federal apprenticeship and training
25 9 program. Apprentices must receive the wages set out in the
25 10 standards of apprenticeship and do only the work specified in
25 11 the trade to which they are apprenticed. An apprentice not
25 12 registered with the federal program shall be paid the wage
25 13 rate the same as any other worker.

25 14 The bill may include a state mandate as defined in Code
25 15 section 25B.3. The bill makes inapplicable Code section
25 16 25B.2, subsection 3, which would relieve a political
25 17 subdivision from complying with a state mandate if funding for
25 18 the cost of the state mandate is not provided or specified.
25 19 Therefore, political subdivisions are required to comply with
25 20 any state mandate included in the bill.

25 21 The bill takes immediate effect upon enactment.

25 22 LSB 1573HV 83

25 23 ak/nh/24



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House Study Bill 176

HOUSE FILE
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL
BY CHAIRPERSON LYKAM)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to public intoxication by using or consuming a
2 controlled substance or by inhaling or consuming an inhalant
3 and making a penalty applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1578HC 83
6 jm/rj/8



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PAG LIN

1 1 Section 1. Section 123.46, Code 2009, is amended to read
 1 2 as follows:
 1 3 123.46 CONSUMPTION OR INTOXICATION IN PUBLIC PLACES ==
 1 4 NOTIFICATIONS == CHEMICAL TESTS == ~~EXONERATION~~ EXPUNGED
 1 5 RECORD.

1 6 1. As used in this section, unless the context otherwise
 1 7 requires:

1 8 a. "Arrest" means the same as defined in section 804.5 and
 1 9 includes taking into custody pursuant to section 232.19.

1 10 b. "Chemical test" means a test of a person's blood,
 1 11 breath, or urine to determine the percentage of alcohol
 1 12 present by a qualified person using devices and methods
 1 13 approved by the commissioner of public safety.

1 14 c. "Controlled substance" means a substance or compound
 1 15 listed in section 124.204 or 124.206.

1 16 d. "Expunged" means the segregation of a court's criminal
 1 17 record with reference to a violation of this section in an
 1 18 area or database which is secured from public access.

1 19 e. "Inhalant" means any substance which, if inhaled,
 1 20 causes intoxication.

1 21 ~~e. f.~~ f. "Peace officer" means the same as defined in section
 1 22 801.4.

1 23 ~~d. g.~~ g. "School" means a public or private school or that
 1 24 portion of a public or private school which provides teaching
 1 25 for any grade from kindergarten through grade twelve.

1 26 2. a. A person shall not use or consume alcoholic liquor,
 1 27 wine, or beer upon the public streets or highways. A person
 1 28 shall not use or consume alcoholic liquor in any public place
 1 29 except premises covered by a liquor control license. A person
 1 30 shall not possess or consume alcoholic liquors, wine, or beer
 1 31 on public school property or while attending a public or
 1 32 private school-related function. A person shall not be
 1 33 intoxicated ~~or simulate intoxication~~ in a public place. A
 1 34 person violating this subsection is guilty of a simple
 1 35 misdemeanor.



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2 1 ~~3.~~ b. ~~When~~ If a peace officer arrests a person on a
2 2 charge of public intoxication under this section when
2 3 intoxication by alcohol is alleged, the peace officer shall
2 4 inform the person that the person may have a chemical test
2 5 administered at the person's own expense. If a device
2 6 approved by the commissioner of public safety for testing a
2 7 sample of a person's breath to determine the person's blood
2 8 alcohol concentration is available, that is the only test that
2 9 need be offered the person arrested. In a prosecution for
2 10 public intoxication pursuant to this subsection, evidence of
2 11 the results of a chemical test performed under this subsection
2 12 is admissible upon proof of a proper foundation. The
2 13 percentage of alcohol present in a person's blood, breath, or
2 14 urine established by the results of a chemical test performed
2 15 within two hours after the person's arrest on a charge of
2 16 public intoxication is presumed to be the percentage of
2 17 alcohol present at the time of arrest.
2 18 3. a. A person shall not use or consume a controlled
2 19 substance or intentionally inhale or consume an inhalant upon
2 20 the public streets or highways. A person shall not use or
2 21 consume a controlled substance or intentionally inhale or
2 22 consume an inhalant in a public place. A person shall not be
2 23 intoxicated by a controlled substance or by intentional
2 24 inhalation or consumption of an inhalant in a public place. A
2 25 person violating this subsection is guilty of a simple
2 26 misdemeanor.
2 27 b. If a peace officer arrests a person on a charge of
2 28 public intoxication under this section when intoxication by a
2 29 controlled substance or inhalant is alleged, the peace officer
2 30 shall inform the person that the person may have a chemical
2 31 test of the person's blood or urine administered at the
2 32 person's own expense. In a prosecution for public
2 33 intoxication pursuant to this subsection, evidence of the
2 34 results of a chemical test performed under this subsection is
2 35 admissible upon proof of a proper foundation. The percentage



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3 1 of a controlled substance or inhalant present in a person's
3 2 blood or urine established by the results of a chemical test
3 3 performed within two hours after the person's arrest on a
3 4 charge of public intoxication is presumed to be the percentage
3 5 of a controlled substance or inhalant present at the time of
3 6 arrest.

3 7 4. a. A peace officer shall make a reasonable effort to
3 8 identify a person under the age of eighteen who violates this
3 9 section and, if the person is not referred to juvenile court,
3 10 the law enforcement agency of which the peace officer is an
3 11 employee shall make a reasonable attempt to notify the
3 12 person's custodial parent or legal guardian of the violation,
3 13 whether or not the person is taken into custody, unless the
3 14 officer has reasonable grounds to believe that notification is
3 15 not in the best interests of the person or will endanger that
3 16 person.

3 17 b. The peace officer shall also make a reasonable effort
3 18 to identify the elementary or secondary school which the
3 19 person attends if the person is enrolled in elementary or
3 20 secondary school and to notify the superintendent or the
3 21 superintendent's designee of the school which the person
3 22 attends, or the authorities in charge of the nonpublic school
3 23 which the person attends, of the violation. If the person is
3 24 taken into custody, the peace officer shall notify a juvenile
3 25 court officer who shall make a reasonable effort to identify
3 26 the elementary or secondary school the person attends, if any,
3 27 and to notify the superintendent of the school district or the
3 28 superintendent's designee, or the authorities in charge of the
3 29 nonpublic school, of the violation. A reasonable attempt to
3 30 notify the person includes, but is not limited to, a telephone
3 31 call or notice by first-class mail.

3 32 5. a. Upon the expiration of two years following
3 33 conviction for a violation of this section, a person may
3 34 petition the court to ~~exonerate the person~~ expunge the record
3 35 of the conviction, and if the person has had no other criminal



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4 1 convictions, other than simple misdemeanor violations of
4 2 chapter 321 during the two-year period, ~~the person shall be~~
~~4 3 deemed exonerated of the offense as a matter of law the record~~
4 4 of conviction shall be expunged. The court shall ~~enter an~~
4 5 order ~~exonerating the person of the conviction, and ordering~~
4 6 that the record of the conviction be expunged by the clerk of
4 7 the district court.

4 8 b. An expunged record is a confidential record unavailable
4 9 for examination and copying by members of the public.

4 10 6. A person does not commit a violation of subsection 4 if
4 11 the controlled substance, inhalant, or other substance used,
4 12 inhaled, or consumed, was prescribed for the person and was
4 13 used, inhaled, or consumed in accordance with the directions
4 14 of a practitioner as defined in section 155A.3 or if such
4 15 substance was dispensed by a pharmacist without a prescription
4 16 pursuant to the rules of the board of pharmacy.

4 17 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection
4 18 3, shall not apply to this Act.

4 19 EXPLANATION

4 20 This bill relates to public intoxication by using or
4 21 consuming a controlled substance or by inhaling or consuming
4 22 an inhalant and making a penalty applicable.

4 23 The bill defines "controlled substance" to mean a schedule
4 24 I or II substance or compound listed in Code section 124.204
4 25 or 124.206. The bill also defines "inhalant" to mean any
4 26 substance which, if inhaled, causes intoxication.

4 27 The bill provides that a person shall not use or consume a
4 28 controlled substance or intentionally inhale or consume an
4 29 inhalant upon the public streets or highways. The bill also
4 30 prohibits a person from using or consuming a controlled
4 31 substance or intentionally inhaling or consuming an inhalant
4 32 in a public place or being intoxicated by such a controlled
4 33 substance or inhalant in a public place. The bill requires a
4 34 peace officer to inform the person that the person may have a
4 35 chemical test of the person's blood or urine administered at



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5 1 the person's own expense to determine the percentage of a
5 2 controlled substance or inhalant present in a person's blood
5 3 or urine.
5 4 The bill strikes a provision making it unlawful to simulate
5 5 intoxication in a public place.
5 6 The bill also provides that a person does not violate the
5 7 bill if the controlled substance, inhalant, or other substance
5 8 used, consumed, or inhaled, was prescribed for the person and
5 9 was used, consumed, or inhaled in accordance with the
5 10 directions of a medical practitioner as defined in Code
5 11 chapter 155A or if the substance was dispensed by a pharmacist
5 12 without a prescription pursuant to the rules of the board of
5 13 pharmacy.
5 14 The bill also changes provisions relating to expunging the
5 15 record of conviction for public intoxication after two years.
5 16 The bill defines "expunged" to mean the segregation of a
5 17 court's criminal record with reference to a public
5 18 intoxication violation in an area or database which is secured
5 19 from public access. Under the bill, two years after a
5 20 conviction for public intoxication a person may petition the
5 21 court to expunge the record of the conviction, and under some
5 22 circumstances the record or conviction may be expunged.
5 23 Currently, a person may petition the court to exonerate the
5 24 person and have the court enter an order exonerating the
5 25 person as a matter of law.
5 26 A person who violates the bill commits a simple
5 27 misdemeanor. A simple misdemeanor is punishable by
5 28 confinement for no more than 30 days or a fine of at least \$65
5 29 but not more than \$625 or by both.
5 30 The bill may include a state mandate as defined in Code
5 31 section 25B.3. The bill makes inapplicable Code section
5 32 25B.2, subsection 3, which would relieve a political
5 33 subdivision from complying with a state mandate if funding for
5 34 the cost of the state mandate is not provided or specified.
5 35 Therefore, political subdivisions are required to comply with



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- 6 1 any state mandate included in the bill.
- 6 2 LSB 1578HC 83
- 6 3 jm/rj/8.1



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House Study Bill 177

SENATE/HOUSE FILE
 BY (PROPOSED AUDITOR OF
 STATE BILL)

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning the duties and responsibilities of the auditor
- 2 of state.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1216XD 83
- 5 ec/sc/14



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1 1 Section 1. Section 11.1, Code 2009, is amended to read as
1 2 follows:

1 3 11.1 DEFINITIONS.

1 4 1. For purposes of this chapter, unless the context
1 5 otherwise requires:

1 6 a. ~~The term "department" shall be construed to mean~~
1 7 "Department" means any authority charged by law with official
1 8 responsibility for the expenditure of public money of the
1 9 state and any agency receiving money from the general revenues
1 10 of the state.

1 11 b. "Examination" means procedures that are less in scope
1 12 than an audit but which are directed toward reviewing
1 13 financial activities and compliance with legal requirements.

1 14 c. "Governmental subdivision" means cities and
1 15 administrative agencies established by cities, hospitals or
1 16 health care facilities established by a city, counties, county
1 17 hospitals organized under chapters 347 and 347A, memorial
1 18 hospitals organized under chapter 37, entities organized under
1 19 chapter 28E, community colleges, area education agencies, and
1 20 school districts.

1 21 d. "Regents institutions" means the institutions governed
1 22 by the board of regents under section 262.7.

1 23 2. As used in this chapter, unless the context otherwise
1 24 requires, "book", "list", "record", or "schedule" kept by a
1 25 county auditor, assessor, treasurer, recorder, sheriff, or
1 26 other county officer means the county system as defined in
1 27 section 445.1.

1 28 Sec. 2. Section 11.2, subsection 1, Code 2009, is amended
1 29 to read as follows:

1 30 1. The auditor of state shall annually, and more often if
1 31 deemed necessary, ~~make a full settlement between~~ audit the
1 32 state and all state officers and departments ~~and all persons~~
1 33 receiving or expending state funds, ~~and shall annually make a~~
1 34 complete audit of the books and accounts of every department
1 35 of the state.



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2 1 a. ~~Provided, except~~ that the accounts, records, and
2 2 documents of the treasurer of state shall be audited daily.
2 3 b. ~~Provided further, that a preliminary audit of the~~
2 4 ~~educational institutions and the state fair board shall be~~
2 5 ~~made periodically, at least quarterly, to check the monthly~~
2 6 ~~reports submitted to the director of the department of~~
2 7 ~~administrative services as required by section 8A.502,~~
2 8 ~~subsection 9, and that a final audit of such state agencies~~
2 9 ~~shall be made at the close of each fiscal year.~~
2 10 Sec. 3. Section 11.2, Code 2009, is amended by adding the
2 11 following new subsection:
2 12 NEW SUBSECTION. 1A. Departments shall immediately notify
2 13 the auditor of state regarding any suspected embezzlement,
2 14 theft, or other significant financial irregularities.
2 15 Sec. 4. Section 11.2, subsection 2, paragraphs a, b, and
2 16 c, Code 2009, are amended to read as follows:
2 17 a. The state board of regents shall make available to the
2 18 auditor of state and treasurer of state the most recent annual
2 19 report of any investment entity or investment professional
2 20 employed by ~~an a regents~~ institution ~~governed by the board.~~
2 21 b. All contracts or agreements with an investment entity
2 22 or investment professional employed by ~~an a regents~~
2 23 ~~institution governed by the state board of regents~~ shall
2 24 require the investment entity or investment professional
2 25 employed by ~~an a regents~~ institution ~~governed by the state~~
2 26 ~~board of regents~~ to notify in writing the state board of
2 27 regents within thirty days of receipt of all communication
2 28 from an independent auditor or the auditor of state or any
2 29 regulatory authority of the existence of a material weakness
2 30 in internal control ~~structure~~, or regulatory orders or
2 31 sanctions against the investment entity or investment
2 32 professional, with regard to the type of services being
2 33 performed under the contracts or agreements. This provision
2 34 shall not be limited or avoided by another contractual
2 35 provision.



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3 1 c. The audit under this section shall not be certified
3 2 until the most recent annual reports of any investment entity
3 3 or investment professional employed by ~~an~~ a regents
3 4 institution ~~governed by the state board of regents~~ are
3 5 reviewed by the auditor of state.

3 6 Sec. 5. Section 11.4, subsection 1, Code 2009, is amended
3 7 to read as follows:

3 8 1. The auditor of state shall make or cause to be made and
3 9 filed and kept in the auditor's office written reports of all
3 10 audits and examinations, which reports shall ~~set out in detail~~
3 11 include, if applicable, the following:

3 12 a. The actual financial condition of ~~such the state or~~
3 13 department ~~found to exist on every examination.~~

3 14 b. Whether, in the auditor's opinion,

3 15 (1) All funds have been expended for the purpose for which
3 16 appropriated.

3 17 (2) The department so audited ~~and~~ or examined is
3 18 efficiently conducted, and if the maximum results for the
3 19 money expended are obtained.

3 20 (3) The work of the departments so audited or examined
3 21 needlessly conflicts with or duplicates the work done by any
3 22 other department.

3 23 c. All illegal or unbusinesslike practices.

3 24 d. Any recommendations for greater simplicity, accuracy,
3 25 efficiency, or economy in the operation of the business of the
3 26 several departments and institutions.

~~3 27 e. Comparisons of prices paid and terms obtained by the
3 28 various departments for goods and services of like character
3 29 and reasons for differences therein, if any.~~

3 30 ~~f. e.~~ Any other information which, in the auditor's
3 31 judgment, may be of value ~~to the auditor.~~

3 32 Sec. 6. Section 11.4, subsection 2, Code 2009, is amended
3 33 by striking the subsection.

3 34 Sec. 7. Section 11.5A, Code 2009, is amended to read as
3 35 follows:



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4 1 11.5A AUDIT COSTS.

4 2 When requested by the auditor of state, the department of
4 3 management shall transfer from any unappropriated funds in the
4 4 state treasury an amount not exceeding the expenses and
4 5 prorated salary costs already paid to perform ~~examinations~~
4 6 audits of state executive departments and agencies, and the
4 7 offices of the judicial branch, and federal financial
4 8 assistance, as defined in ~~Pub. L. No. 98-502~~ the federal
4 9 Single Audit Act, 31 U.S.C. } 7501, et seq., received by all
4 10 other departments, as listed in section 11.5B, for which
4 11 payments by agencies have not been made. Upon payment by the
4 12 departments, the auditor of state shall credit the payments to
4 13 the state treasury.

4 14 Sec. 8. Section 11.5B, unnumbered paragraph 1, Code 2009,
4 15 is amended to read as follows:

4 16 The auditor of state shall be reimbursed by a department or
4 17 agency for performing audits or examinations of the following
4 18 state departments or agencies, or funds received by a
4 19 department or agency:

4 20 Sec. 9. Section 11.5B, subsection 13, Code 2009, is
4 21 amended to read as follows:

4 22 13. Federal financial assistance, as defined in ~~Pub. L.~~
4 23 ~~No. 98-502~~ the federal Single Audit Act, 31 U.S.C. } 7501, et
4 24 seq., received by all other departments.

4 25 Sec. 10. Section 11.5B, Code 2009, is amended by adding
4 26 the following new subsection:

4 27 NEW SUBSECTION. 16. Rebuild Iowa office.

4 28 Sec. 11. Section 11.6, subsection 1, paragraph a, Code
4 29 2009, is amended to read as follows:

4 30 a. (1) ~~The~~ Except for entities organized under chapter
4 31 28E having gross receipts of one hundred thousand dollars or
4 32 less in a fiscal year, the financial condition and
4 33 transactions of all ~~cities and city offices, counties, county~~
4 34 ~~hospitals organized under chapters 347 and 347A, memorial~~
4 35 ~~hospitals organized under chapter 37, entities organized under~~



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~~5 1 chapter 28E having gross receipts in excess of one hundred
5 2 thousand dollars in a fiscal year, merged areas, area
5 3 education agencies, and all school offices in school
5 4 districts, government subdivisions shall be examined audited
5 5 at least once each year, except that cities having a
5 6 population of seven hundred or more but less than two thousand
5 7 shall be examined at least once every four years, and cities
5 8 having a population of less than seven hundred may be examined
5 9 as otherwise provided in this section. ~~The examination shall~~
~~5 10 cover the fiscal year next preceding the year in which the~~
~~5 11 audit is conducted.~~ The examination audit of school offices
5 12 districts shall include an audit of all school funds including
5 13 categorical funding provided by the state, the certified
5 14 annual financial report, the certified enrollment as provided
5 15 in section 257.6, supplementary weighting as provided in
5 16 section 257.11, and the revenues and expenditures of any
5 17 nonprofit school organization established pursuant to section
5 18 279.62. Differences in certified enrollment shall be reported
5 19 to the department of management. The ~~examination~~ audit of
5 20 ~~school offices~~ districts shall include at a minimum a
5 21 determination that the laws of the state are being followed,
5 22 that categorical funding is not used to supplant other funding
5 23 except as otherwise provided, that supplementary weighting is
5 24 pursuant to an eligible sharing condition, and that
5 25 postsecondary courses provided in accordance with section
5 26 257.11 and chapter 261E supplement, rather than supplant,
5 27 school district courses. The ~~examination~~ audit of a city that
5 28 owns or operates a municipal utility providing local exchange
5 29 services pursuant to chapter 476 shall include ~~an audit~~
5 30 performing tests of the city's compliance with section 388.10.
5 31 The ~~examination~~ audit of a city that owns or operates a
5 32 municipal utility providing telecommunications services
5 33 pursuant to section 388.10 shall include ~~an audit~~ performing
5 34 tests of the city's compliance with section 388.10.
5 35 (2) Subject to the exceptions and requirements of~~



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6 1 ~~subsection~~ subsections 2 and 3, and subsection 4, paragraph
6 2 "a", subparagraph (3), ~~examinations~~ audits shall be made as
6 3 determined by the governmental subdivision either by the
6 4 auditor of state or by certified public accountants, certified
6 5 in the state of Iowa, and they shall be paid from the proper
6 6 public funds of the governmental subdivision.

6 7 Sec. 12. Section 11.6, subsection 1, Code 2009, is amended
6 8 by adding the following new paragraph after paragraph a:

6 9 NEW PARAGRAPH. aa. The financial condition and
6 10 transactions of community mental health centers organized
6 11 under chapter 230A, substance abuse programs organized under
6 12 chapter 125, and community action agencies organized under
6 13 chapter 216A, shall be audited at least once each year.

6 14 Sec. 13. Section 11.6, subsection 1, paragraph b, Code
6 15 2009, is amended to read as follows:

6 16 b. (1) In conjunction with the audit of the governmental
6 17 subdivision required under this section, the ~~person performing~~
6 18 ~~the audit~~ auditor shall also perform tests for compliance with
6 19 the investment policy of a ~~reasonable number of investment~~
6 20 ~~transactions in relation to the total investments and quantity~~
6 21 ~~of transactions in the period audited~~ the governmental
6 22 subdivision. The results of the compliance testing shall be
6 23 reported in accordance with generally accepted auditing
6 24 standards. The ~~person performing the audit~~ auditor may also
6 25 make recommendations for changes to investment policy or
6 26 practices. The governmental subdivision is responsible for
6 27 the remedy of reported noncompliance with its policy or
6 28 practices.

6 29 (2) (a) As part of its audit, the governmental
6 30 subdivision is responsible for obtaining and providing to the
6 31 ~~person performing the audit~~ auditor the audited financial
6 32 statements and related report on internal control ~~structure~~ of
6 33 outside persons, performing any of the following during the
6 34 period under audit for the governmental subdivision:

6 35 (i) Investing public funds.



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7 1 (ii) Advising on the investment of public funds.
7 2 (iii) Directing the deposit or investment of public funds.
7 3 (iv) Acting in a fiduciary capacity for the governmental
7 4 subdivision.

7 5 (b) The audit under this section shall not be certified
7 6 until all material information required by this subparagraph
7 7 is reviewed by the ~~person performing the audit~~ auditor.

7 8 (3) The review by the ~~person performing the audit~~ auditor
7 9 of the most recent annual report to shareholders of an
7 10 open-end management investment company or an unincorporated
7 11 investment company or investment trust registered with the
7 12 federal securities and exchange commission under the federal
7 13 Investment Company Act of 1940, 15 U.S.C. } 80(a), pursuant to
7 14 17 C.F.R. } 270.30d-1 or the review, by the ~~person performing~~
7 15 ~~the audit~~ auditor, of the most recent annual report to
7 16 shareholders, call reports, or the findings pursuant to a
7 17 regular examination under state or federal law, to the extent
7 18 the findings are not confidential, of a bank, savings and loan
7 19 association, or credit union shall satisfy the review
7 20 requirements of this paragraph.

7 21 (4) All contracts or agreements with outside persons
7 22 performing any of the functions listed in subparagraph (2)
7 23 shall require the outside person to notify in writing the
7 24 governmental subdivision within thirty days of receipt of all
7 25 communication from the ~~person performing the audit~~ auditor or
7 26 any regulatory authority of the existence of a material
7 27 weakness in internal control ~~structure~~, or regulatory orders
7 28 or sanctions against the outside person, with regard to the
7 29 type of services being performed under the contracts or
7 30 agreements. This provision shall not be limited or avoided by
7 31 another contractual provision.

7 32 (5) As used in this subsection, "outside person" excludes
7 33 a bank, savings and loan association, or credit union when
7 34 acting as an approved depository pursuant to chapter 12C.

7 35 (6) A joint investment trust organized pursuant to chapter



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8 1 28E shall file the audit reports required by this chapter with
8 2 the administrator of the securities and regulated industries
8 3 bureau of the insurance division of the department of commerce
8 4 within ten days of receipt from the auditor. The auditor of a
8 5 joint investment trust shall provide written notice to the
8 6 administrator of the time of delivery of the reports to the
8 7 joint investment trust.

8 8 (7) If during the course of an audit of a joint investment
8 9 trust organized pursuant to chapter 28E, the auditor
8 10 determines the existence of a material weakness in the
8 11 internal control ~~structure~~ or a material violation of the
8 12 internal control ~~structure~~, the auditor shall report the
8 13 determination to the joint investment trust which shall notify
8 14 the administrator in writing within twenty-four hours, and
8 15 provide a copy of the notification to the auditor. The
8 16 auditor shall provide, within twenty-four hours of the receipt
8 17 of the copy of the notice, written acknowledgment of the
8 18 receipt to the administrator. If the joint investment trust
8 19 does not make the notification within twenty-four hours, or
8 20 the auditor does not receive a copy of the notification within
8 21 twenty-four hours, the auditor shall immediately notify the
8 22 administrator in writing of the material weakness in the
8 23 internal control ~~structure~~ or the material violation of the
8 24 internal control ~~structure~~.

8 25 Sec. 14. Section 11.6, subsection 2, Code 2009, is amended
8 26 to read as follows:

8 27 2. a. ~~A city, community college, school district, area~~
~~8 28 education agency, entity organized under chapter 28E, county,~~
~~8 29 county hospital, or memorial hospital governmental~~
8 30 subdivision, community mental health center, substance abuse
8 31 program, or community action agency desiring to contract with
8 32 or employ certified public accountants shall utilize
8 33 procedures which include a written request for proposals.

8 34 b. ~~The governing body of a city, community college, school~~
~~8 35 district, area education agency, entity organized under~~



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~~9 1 chapter 28E, county, county hospital, or memorial hospital
9 2 utilizing the auditor of state instead of a certified public
9 3 accountant to perform an audit shall notify the auditor of
9 4 state by June 1 of the year to be audited. If the governing
9 5 body fails to notify the auditor of state of the decision to
9 6 use the auditor of state, the auditor of state may perform the
9 7 audit required in subsection 1 only if provisions are not made
9 8 by the governing body to contract for the audit.~~

9 9 Sec. 15. Section 11.6, subsection 3, Code 2009, is amended
9 10 to read as follows:

9 11 3. A township or city for which ~~examinations~~ audits are
9 12 not required under subsection 1 may contract with or employ
9 13 the auditor of state or certified public accountants for an
9 14 audit or examination of its financial transactions and
9 15 condition of its funds. ~~A financial~~ An audit or examination
9 16 is mandatory on application by one hundred or more taxpayers,
9 17 or if there are fewer than five hundred taxpayers in the
9 18 township or city, then by fifteen percent of the taxpayers.
9 19 Payment for the audit or examination shall be made from the
9 20 proper public funds of the township or city.

9 21 Sec. 16. Section 11.6, subsection 4, Code 2009, is amended
9 22 to read as follows:

9 23 4. a. In addition to the powers and duties under other
9 24 provisions of the Code, the auditor of state may at any time
9 25 cause to be made a complete or partial reaudit of the
9 26 financial condition and transactions of any ~~city, county,~~
~~9 27 county hospital, memorial hospital, entity organized under~~
~~9 28 chapter 28E, merged area, area education agency, school~~
~~9 29 corporation, township, or other governmental subdivision, or~~
9 30 an office of any ~~of these~~ governmental subdivision, if ~~one~~ any
9 31 of the following conditions exists:

9 32 (1) The auditor of state has probable cause to believe
9 33 such action is necessary in the public interest because of a
9 34 material deficiency in an audit of the governmental
9 35 subdivision filed with the auditor of state or because of a



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10 1 substantial failure of the audit to comply with the standards
10 2 and procedures established and published by the auditor of
10 3 state.

10 4 (2) The auditor of state receives from an elected official
10 5 or employee of the governmental subdivision a written request
10 6 for a complete or partial reaudit of the governmental
10 7 subdivision.

10 8 (3) The auditor of state receives a petition signed by at
10 9 least ~~fifty~~ one hundred eligible electors of the governmental
10 10 subdivision requesting a complete or partial reaudit of the
10 11 governmental subdivision. If the governmental subdivision has
10 12 not contracted with or employed a certified public accountant
10 13 to perform an audit of the fiscal year in which the petition
10 14 is received by the auditor of state, the auditor of state may
10 15 perform an audit required by subsection 1 or 3.

10 16 b. The ~~state audit~~ reaudit shall be paid from the proper
10 17 public funds available in the office of the auditor of state.
10 18 In the event the audited governmental subdivision recovers
10 19 damages from a person performing a previous audit due to
10 20 negligent performance of that audit or breach of the audit
10 21 contract, the auditor of state shall be entitled to
10 22 reimbursement on an equitable basis for funds expended from
10 23 any recovery made by the governmental subdivision.

10 24 ~~e. An examination under this subsection shall include a~~
~~10 25 determination of whether investments by the governmental~~
~~10 26 subdivision are authorized by state law.~~

10 27 Sec. 17. Section 11.6, subsection 7, Code 2009, is amended
10 28 to read as follows:

10 29 7. The auditor of state shall make guidelines available to
10 30 the public setting forth accounting and auditing standards and
10 31 procedures and audit and legal compliance programs to be
10 32 applied in the audit or examination of the governmental
10 33 subdivisions of the state, which shall require a review of ~~the~~
10 34 internal control ~~structure~~ and specify testing of ~~transactions~~
10 35 for compliance. The guidelines shall include a requirement



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11 1 that the certified public accountant and governmental
11 2 subdivision immediately notify the auditor of state regarding
11 3 any suspected embezzlement ~~or~~, theft, or other significant
11 4 financial irregularities. The auditor of state shall also
11 5 provide standard reporting formats for use in reporting the
11 6 results of an ~~examination~~ audit of a governmental subdivision.
11 7 Sec. 18. Section 11.6, subsection 9, Code 2009, is amended
11 8 to read as follows:
11 9 9. The Accounts of the Iowa state association of counties
11 10 ~~shall keep accounts as required by the auditor of state.~~
~~11 11 These accounts, the Iowa league of cities, and the Iowa~~
11 12 association of school boards shall be audited annually by
11 13 either the auditor of state or a certified public accountant
11 14 certified in the state of Iowa. The audit shall state all
11 15 moneys expended for expenses incurred by and salaries paid to
11 16 legislative representatives and lobbyists of the association
11 17 audited.
11 18 Sec. 19. Section 11.6, subsection 10, Code 2009, is
11 19 amended to read as follows:
11 20 10. The auditor of state shall adopt rules in accordance
11 21 with chapter 17A to establish and collect a filing fee for the
11 22 filing of each report of audit or examination conducted
11 23 pursuant to subsections 1 through 3. The funds collected
11 24 shall be maintained in a segregated account for use by the
11 25 office of the auditor of state in performing ~~audits conducted~~
11 26 its duties pursuant to subsection 4 and for work paper reviews
~~11 27 conducted pursuant to subsection 5 this section.~~ Any funds
11 28 collected by the auditor pursuant to subsection 4 shall be
11 29 deposited in this account. Notwithstanding section 8.33, the
11 30 funds in this account shall not revert at the end of any
11 31 fiscal year.
11 32 Sec. 20. Section 11.6, Code 2009, is amended by adding the
11 33 following new subsection:
11 34 NEW SUBSECTION. 11. Each governmental subdivision shall
11 35 keep its records and accounts in such form and by such methods



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12 1 as to be able to exhibit in its reports the matters required
12 2 by the auditor of state, unless a form or method is otherwise
12 3 specifically prescribed by law. Each governmental subdivision
12 4 shall keep its records and accounts in current condition.

12 5 Sec. 21. Section 11.11, Code 2009, is amended by striking
12 6 the section and inserting in lieu thereof the following:

12 7 11.11 SCOPE OF AUDITS.

12 8 The written report of the audit of a governmental
12 9 subdivision shall include the auditor's opinion about whether
12 10 a governmental subdivision's financial statements are
12 11 presented fairly in all material respects in conformity with
12 12 generally accepted accounting principles or with an other
12 13 comprehensive basis of accounting. As a part of conducting an
12 14 audit of a governmental subdivision, an evaluation of internal
12 15 control and tests for compliance with laws and regulations
12 16 shall be performed.

12 17 Sec. 22. Section 11.19, unnumbered paragraphs 2, 3, and 4,
12 18 Code 2009, are amended to read as follows:

~~12 19 All reports shall be open to public inspection, including
12 20 copies on file in the office of the state auditor, and refusal
12 21 on the part of any public official to permit such inspection
12 22 when such reports have been filed with the state auditor,
12 23 shall constitute a simple misdemeanor.~~

~~12 24 In addition to the foregoing, notice that the report has
12 25 been filed shall be forwarded immediately to each newspaper,
12 26 radio station or television station located in the city,
12 27 school district or township which is under investigation or
12 28 audit; except that if there is no newspaper, radio station or
12 29 television station located therein, the notice shall be sent
12 30 to the official newspapers of the county.~~

12 31 Failure to file the report and the statement of cost with
12 32 the auditor of state within thirty days after receiving
12 33 notification of not receiving the audit report and the
12 34 statement of cost shall bar the accountant from making any
12 35 governmental subdivision audits or examinations under section



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13 1 11.6 for the following fiscal year.

13 2 Sec. 23. Section 11.20, Code 2009, is amended to read as
13 3 follows:

13 4 11.20 BILLS == AUDIT AND PAYMENT.

13 5 If the audit or examination is made by the auditor of state
13 6 under this chapter, each auditor shall file with the auditor
13 7 of state an itemized, certified and sworn voucher of time and
13 8 expense for the time that the auditor is actually engaged in
13 9 the audit or examination. The salaries shall be included in a
13 10 two-week payroll period. Upon approval of the auditor of
13 11 state the director of the department of administrative
13 12 services may issue warrants for the payment of the vouchers
13 13 and salary payments, ~~including a prorated amount for vacation~~
~~13 14 and sick leave,~~ from any unappropriated funds in the state
13 15 treasury. Repayment to the state shall be made as provided by
13 16 section 11.21.

13 17 Sec. 24. Section 11.21, Code 2009, is amended to read as
13 18 follows:

13 19 11.21 REPAYMENT == OBJECTIONS.

13 20 1. Upon payment by the state of the salary and expenses,
13 21 the auditor of state shall file with the warrant-issuing
13 22 officer of the ~~county, municipality or school,~~ governmental
13 23 subdivision whose offices were audited or examined, a sworn
13 24 statement consisting of the itemized expenses paid and
13 25 prorated salary costs paid under section 11.20. Upon ~~audit~~
~~13 26 and approval by the board of supervisors, council or school~~
~~13 27 board,~~ the warrant-issuing officer shall draw a warrant for
~~13 28 the amount on the county, or on the general fund of the~~
~~13 29 municipality or school in favor of the auditor of state, which~~
~~13 30 warrant shall be placed to the credit of the general fund of~~
~~13 31 the state governing body of the governmental subdivision,~~
13 32 payment shall be made from the proper public funds of the
13 33 governmental subdivision. In the event of the disapproval by
13 34 the governing body of the governmental subdivision of any
13 35 items of said included on the statement by the county,



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~~14 1 municipality, or school authorities, written objections shall~~
~~14 2 be filed with the auditor of state within thirty days from the~~
~~14 3 filing thereof of the sworn statement with the warrant=issuing~~
~~14 4 officer of the governmental subdivision. Disapproved items of~~
~~14 5 the statement shall be paid the auditor of state upon~~
~~14 6 receiving final decisions emanating from public hearing~~
~~14 7 established by the auditor of state.~~
~~14 8 2. Whenever the county board of supervisors, the school~~
~~14 9 board, or the council shall file governing body of the~~
~~14 10 governmental subdivision files written objections on the~~
~~14 11 question of compensation and expenses with the auditor of~~
~~14 12 state, the auditor or the auditor's representative shall hold~~
~~14 13 a public hearing in the municipality governmental subdivision~~
~~14 14 where the audit or examination was made and shall give the~~
~~14 15 complaining board notice of the time and place of hearing.~~
~~14 16 After such hearing the auditor shall have the power to reduce~~
~~14 17 the compensation and expenses of the auditor whose bills have~~
~~14 18 been questioned. Any auditor who shall be found guilty of~~
~~14 19 falsifying an expense voucher or engagement report shall be~~
~~14 20 immediately discharged by the auditor of state and shall not~~
~~14 21 be eligible for re=employment. Such auditor must thereupon~~
~~14 22 reimburse the auditor of state for all such compensation and~~
~~14 23 expenses so found to have been overpaid and in the event of~~
~~14 24 failure to do so, the auditor of state may collect the same~~
~~14 25 amount from the auditor's surety by suit, if necessary.~~
~~14 26 Sec. 25. Section 11.32, Code 2009, is amended to read as~~
~~14 27 follows:~~
~~14 28 11.32 CERTIFIED ACCOUNTANTS EMPLOYED.~~
~~14 29 Nothing in this chapter will shall prohibit the auditor of~~
~~14 30 state, with the prior written permission of the state~~
~~14 31 executive council, from employing certified public accountants~~
~~14 32 or registered public accountants for specific assignments.~~
~~14 33 Under the provision of this section, the The auditor of state~~
~~14 34 may employ such accountants for any assignment now expressly~~
~~14 35 reserved to the auditor of state. Payments, after approval by~~



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15 1 the executive council, will be made to the accountants so
15 2 employed from funds from which the auditor of state would have
15 3 been paid had the auditor of state performed the assignment,
15 4 or if no such specific funds are indicated, then payment will
15 5 be made from the funds of the executive council.

15 6 Sec. 26. Section 11.41, Code 2009, is amended by adding
15 7 the following new subsection:

15 8 NEW SUBSECTION. 1A. Auditors shall have the right while
15 9 conducting audits or examinations to have full access to all
15 10 papers, books, records, and documents of any officers or
15 11 employees and shall have the right, in the presence of the
15 12 custodian or the custodian's designee, to have full access to
15 13 the cash drawers and cash in the official custody of the
15 14 officer or employee and, during business hours, to examine the
15 15 public accounts of the department or governmental subdivision
15 16 in any depository which has public funds in its custody
15 17 pursuant to the law.

15 18 Sec. 27. NEW SECTION. 11.51 SUBPOENAS.

15 19 The auditor of state shall, in all matters pertaining to an
15 20 authorized audit or examination, have power to issue subpoenas
15 21 of all kinds, administer oaths and examine witnesses, either
15 22 orally or in writing, and the expense attending the same,
15 23 including the expense of taking oral examinations, shall be
15 24 paid as other expenses of the auditor.

15 25 Sec. 28. NEW SECTION. 11.52 REFUSAL TO TESTIFY.

15 26 In case any witness duly subpoenaed refuses to attend, or
15 27 refuses to produce documents, books, and papers, or attends
15 28 and refuses to make oath or affirmation, or, being sworn or
15 29 affirmed, refuses to testify, the auditor of state or the
15 30 auditor's designee may apply to the district court, or any
15 31 judge of said district having jurisdiction thereof, for the
15 32 enforcement of attendance and answers to questions as provided
15 33 by law in the matter of taking depositions.

15 34 Sec. 29. NEW SECTION. 11.53 REPORT FILED WITH COUNTY
15 35 ATTORNEY.



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16 1 If an audit or examination discloses any irregularity in
16 2 the collection or disbursement of public funds, in the
16 3 abatement of taxes, or other findings the auditor believes
16 4 represent significant noncompliance, a copy of the report
16 5 shall be filed with the county attorney, and it shall be the
16 6 county attorney's duty to cooperate with the state auditor,
16 7 and, in proper cases, with the attorney general, to secure the
16 8 correction of the irregularity.

16 9 Sec. 30. NEW SECTION. 11.54 DUTY OF ATTORNEY GENERAL.

16 10 In the event an audit or examination discloses any grounds
16 11 which would be grounds for removal from office, a copy of the
16 12 report shall be provided and filed by the auditor of state in
16 13 the office of the attorney general of the state, who shall
16 14 thereupon take such action as, in the attorney general's
16 15 judgment, the facts and circumstances warrant.

16 16 Sec. 31. NEW SECTION. 11.55 STATE AUDITORS.

16 17 1. The auditor of state shall appoint such number of state
16 18 auditors as may be necessary to make audits and examinations
16 19 as required in this chapter. The auditors shall be of
16 20 recognized skill and integrity and familiar with the system of
16 21 accounting used in departments or governmental subdivisions
16 22 and with the laws relating to the affairs of departments or
16 23 governmental subdivisions. Such auditors shall be subject at
16 24 all times to the direction of the auditor of state.

16 25 2. The auditor of state shall appoint such additional
16 26 assistants to the auditors as may be necessary, who shall be
16 27 subject to discharge at any time by the auditor of state.

16 28 3. Any auditor or assistant who is found guilty of
16 29 falsifying a time and expense voucher or engagement report
16 30 shall be immediately discharged by the auditor of state and
16 31 shall not be eligible for reemployment. Such auditor or
16 32 assistant must thereupon reimburse the auditor of state for
16 33 all such compensation and expenses so found to have been
16 34 overpaid and in the event of failure to do so, the auditor of
16 35 state may collect the same amount from the auditor's surety by



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17 1 suit, if necessary.

17 2 Sec. 32. Section 123.58, Code 2009, is amended to read as
17 3 follows:

17 4 123.58 AUDITING.

17 5 All provisions of sections 11.6, ~~11.7, 11.10,~~ 11.11, 11.14,
17 6 11.21, 11.41, and ~~11.23~~ 11.55, relating to auditing of
17 7 financial records of governmental subdivisions which are not
17 8 inconsistent with this chapter are applicable to the division
17 9 and its offices, warehouses, and depots.

17 10 Sec. 33. Section 125.55, Code 2009, is amended to read as
17 11 follows:

17 12 125.55 AUDITS.

17 13 All licensed substance abuse programs are subject to annual
17 14 audit either by the auditor of state or in lieu of the
17 15 examination by the auditor of state the substance abuse
17 16 program may contract with or employ certified public
17 17 accountants to conduct the audit, in accordance with sections
17 18 11.6, 11.14, and 11.19. The audit format shall be as
17 19 prescribed by the auditor of state. The certified public
17 20 accountant shall submit a copy of the audit to the director.
17 21 A licensed substance abuse program is also subject to special
17 22 audits as the director requests. The licensed substance abuse
17 23 program or the department shall pay all expenses incurred by
17 24 the auditor of state in conducting an audit under this
17 25 section.

17 26 Sec. 34. Section 216A.98, Code 2009, is amended to read as
17 27 follows:

17 28 216A.98 AUDIT.

17 29 Each community action agency shall be audited annually but
17 30 shall not be required to obtain a duplicate audit to meet the
17 31 requirements of this section. In lieu of an audit by the
17 32 auditor of state, the community action agency may contract
17 33 with or employ a certified public accountant to conduct the
17 34 audit, pursuant to the applicable terms and conditions
17 35 prescribed by sections 11.6, 11.14, and 11.19 and an audit



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18 1 format prescribed by the auditor of state. Copies of each
18 2 audit shall be furnished to the division within three months
18 3 following the annual audit.

18 4 Sec. 35. Section 230A.16, subsection 3, Code 2009, is
18 5 amended to read as follows:

18 6 3. Arrange for the financial condition and transactions of
18 7 the community mental health center to be audited once each
18 8 year by the auditor of state. However, in lieu of an audit by
18 9 state accountants, the local governing body of a community
18 10 mental health center organized under this chapter may contract
18 11 with or employ certified public accountants to conduct the
18 12 audit, pursuant to the applicable terms and conditions
18 13 prescribed by sections 11.6, 11.14, and 11.19 and audit format
18 14 prescribed by the auditor of state. Copies of each audit
18 15 shall be furnished by the accountant to the administrator of
18 16 the division of mental health and disability services and the
18 17 board of supervisors supporting the audited community mental
18 18 health center.

18 19 Sec. 36. Section 279.38, unnumbered paragraph 1, Code
18 20 2009, is amended to read as follows:

18 21 Boards of directors of school corporations may pay, out of
18 22 funds available to them, reasonable annual dues to the Iowa
18 23 association of school boards. The financial condition and
18 24 transactions of the Iowa association of school boards shall be
18 25 audited ~~in the same manner as school corporations~~ as provided
18 26 in section 11.6. In addition, annually the Iowa association
18 27 of school boards shall publish a listing of the school
18 28 districts and the annual dues paid by each and shall publish
18 29 an accounting of all moneys expended for expenses incurred by
18 30 and salaries paid to legislative representatives and lobbyists
18 31 of the association.

18 32 Sec. 37. Section 331.756, subsection 11, Code 2009, is
18 33 amended to read as follows:

18 34 11. Cooperate with the auditor of state to secure
18 35 correction of a financial irregularity as provided in section



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19 1 ~~11.15~~ 11.53.

19 2 Sec. 38. Section 364.5, unnumbered paragraph 2, Code 2009,
19 3 is amended to read as follows:

19 4 The financial condition and the transactions of the Iowa
19 5 league of cities shall be audited ~~in the same manner as cities~~
19 6 as provided in section 11.6.

19 7 Sec. 39. Sections 11.7 through 11.10, 11.12, 11.13, 11.15,
19 8 11.16, 11.23, 11.25, and 11.27, Code 2009, are repealed.

19 9 EXPLANATION

19 10 This bill makes changes relating to the duties and
19 11 responsibilities of the auditor of state.

19 12 Code section 11.1 is amended to define examination as a
19 13 procedure less in scope than an audit but which is directed at
19 14 reviewing financial activities and compliance with legal
19 15 requirements. Governmental subdivision is also defined to
19 16 mean cities, administrative agencies of cities, city
19 17 hospitals, counties, county hospitals, memorial hospitals,
19 18 chapter 28E entities, community colleges, area education
19 19 agencies, and school districts.

19 20 Code section 11.2, concerning annual settlements and
19 21 audits, is amended to eliminate language referring to
19 22 settlement between state officers and persons receiving or
19 23 expending state funds, but the requirement to make an annual
19 24 audit remains. The Code section is also amended to eliminate
19 25 the requirement to make a quarterly preliminary audit of the
19 26 educational institutions of the state and the state fair
19 27 board. The section is also amended to provide that
19 28 departments notify the auditor regarding any suspected
19 29 embezzlement, theft, or other financial irregularities.

19 30 Code section 11.4, concerning reports of audits, is amended
19 31 to eliminate the requirement that the written reports contain
19 32 comparisons of prices paid and terms obtained by the various
19 33 departments for goods and services and the reasons, if any, if
19 34 they differ.

19 35 Code section 11.5B, concerning the repayment of audit



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20 1 expenses, is amended by providing that the auditor of state
20 2 shall be reimbursed by the rebuild Iowa office for performing
20 3 audits or examinations of that office.
20 4 Code section 11.6, concerning the auditing and examination
20 5 of governmental subdivisions, is amended.
20 6 Code section 11.6(1), concerning what governmental
20 7 subdivisions are subject to audit, is amended. The bill adds
20 8 community mental health centers, substance abuse programs, and
20 9 community action agencies to the list of entities requiring an
20 10 annual audit.
20 11 Code section 11.6(2), concerning the employment of
20 12 certified public accountants by a governmental subdivision, is
20 13 amended to provide that a written request for proposals
20 14 process be used to employ such accountants.
20 15 Code section 11.6(4) is amended to increase from 50 to 100
20 16 the number of eligible electors of a governmental subdivision
20 17 needed to sign a petition for a reaudit of that governmental
20 18 subdivision.
20 19 Code section 11.6(7), concerning notification of suspected
20 20 theft or embezzlement, is amended to provide that governmental
20 21 subdivisions are also required to provide this notice and to
20 22 provide that the certified public accountant performing the
20 23 audit and the governmental subdivision also notify the auditor
20 24 of state if other significant financial irregularities are
20 25 suspected.
20 26 Code section 11.6(9) is amended to include the Iowa league
20 27 of cities and the Iowa association of school boards as
20 28 entities to be audited on an annual basis. Current law
20 29 provides for an audit of these entities under Code sections
20 30 364.5 and 279.38 and those sections are amended to reflect
20 31 placement of this requirement to audit in Code section 11.6.
20 32 Code section 11.6 is amended by adding a new subsection
20 33 that provides that governmental subdivisions keep records
20 34 current and in a format to exhibit in the reports the matters
20 35 required by the auditor of state.



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21 1 Code section 11.7, concerning appointment of state
21 2 auditors, is repealed, but the substance of the Code section
21 3 is transferred to new Code section 11.55.
21 4 Code section 11.8, concerning assistants to state auditors,
21 5 is repealed, but the substance of the Code section is
21 6 transferred to new Code section 11.55.
21 7 Code section 11.9, concerning certain local government
21 8 auditors' salaries and expenses, is repealed.
21 9 Code section 11.10, concerning examinations, is repealed,
21 10 but the substance of the Code section is transferred to Code
21 11 section 11.41, subsection 1A.
21 12 Code section 11.11, concerning scope of audits, is amended
21 13 to provide that the audit include an opinion about whether a
21 14 governmental subdivision's financial statements are in
21 15 conformity with generally accepted accounting principles or
21 16 with an other comprehensive basis of accounting.
21 17 Code section 11.12, concerning subpoenas, is repealed, but
21 18 the substance of the Code section is transferred to new Code
21 19 section 11.51.
21 20 Code section 11.13, concerning refusal to testify, is
21 21 repealed, but the substance of the Code section is transferred
21 22 to new Code section 11.52.
21 23 Code section 11.15, concerning reports filed with the
21 24 county attorney, is repealed, but the substance of the Code
21 25 section is transferred to new Code section 11.53.
21 26 Code section 11.16, concerning the duty of the attorney
21 27 general, is repealed, but the substance of the Code section is
21 28 transferred to new Code section 11.54.
21 29 Code section 11.19, concerning the auditor's powers and
21 30 duties, is amended to eliminate the requirement in this
21 31 section that reports be open to public inspection and
21 32 eliminates the criminal penalty for failing to permit
21 33 inspection of reports that have been filed with the auditor of
21 34 state. Provisions concerning the forwarding of notice that a
21 35 report has been filed to the local media are also stricken



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22 1 from this Code section. Code section 11.14 still provides
22 2 that the report is available for public inspection. The bill
22 3 also makes corresponding changes to Code sections 125.55,
22 4 216A.98, and 230A.16, to provide that the public inspection
22 5 requirements of Code section 11.14 apply to licensed substance
22 6 abuse programs, community action agencies, and community
22 7 mental health centers.
22 8 Code section 11.20, concerning salary payments to auditors,
22 9 is amended by striking the provision allowing for a prorated
22 10 amount for vacation and sick leave.
22 11 Code section 11.21, concerning repayment of auditors, is
22 12 amended to provide that the provisions of this Code section
22 13 apply to governmental subdivisions. The provision of this
22 14 Code section providing for the discharge of auditors who shall
22 15 be found guilty of falsifying an expense voucher is stricken
22 16 from this Code section, but the substance of this provision is
22 17 transferred to new Code section 11.55.
22 18 Code section 11.23, providing that each school officer
22 19 install and use a system of uniform blanks and forms, is
22 20 repealed.
22 21 Code sections 11.25 and 11.27, concerning the requirement
22 22 of the auditor to submit a biennial report to the governor and
22 23 to make individual audit reports, are repealed.
22 24 Code section 11.32 is amended to strike a reference to the
22 25 auditor having the authority to employ registered public
22 26 accountants. The current reference to employing certified
22 27 public accountants is unchanged by the bill.
22 28 LSB 1216XD 83
22 29 ec/sc/14.1



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Senate Amendment 3021

PAG LIN

1 1 Amend Senate File 137 as follows:
1 2 #1. Page 3, by inserting after line 18 the
1 3 following:
1 4 <Sec. ____ . Section 216.15, subsection 10, Code
1 5 2009, is amended to read as follows:
1 6 10. If, upon taking into consideration all of the
1 7 evidence at a hearing, the commission finds that a
1 8 respondent has not engaged in any such discriminatory
1 9 or unfair practice, the commission shall issue an
1 10 order denying relief, awarding the respondent court
1 11 costs and reasonable attorney fees, and stating the
1 12 findings of fact and conclusions of the commission,
1 13 and shall cause a copy of the order dismissing the
1 14 complaint to be served on the complainant and the
1 15 respondent.>
1 16 #2. By renumbering as necessary.
1 17
1 18
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1 20 PAT WARD
1 21 SF 137.501 83
1 22 ec/nh/21765
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Senate Amendment 3022

PAG LIN

1 1 Amend Senate File 81 as follows:

1 2 #1. Page 1, line 23, by striking the words <from
1 3 any cause> and inserting the following: <within two
1 4 years of a disaster as defined in section 29C.2,
1 5 subsection 1>.

1 6 #2. Page 1, line 24, by inserting after the word
1 7 <transfer> the following: <under this paragraph "b">.

1 8 #3. Page 2, by striking line 22 and inserting the
1 9 following: <execute purchase agreements within two
1 10 years of a disaster as defined in section 29C.2,
1 11 subsection 1, and lease=purchase agreements pursuant
1 12 to>.

1 13 #4. Page 2, by striking line 30 and inserting the
1 14 following: <the director of the department state
1 15 board of education or its designee before entering>.

1 16 #5. By striking page 2, line 35, through page 3,
1 17 line 1, and inserting the following: <subject to the
1 18 approval of the director of the department state board
1 19 of education or its designee and to receive by gift
1 20 and operate and maintain>.

1 21 #6. Page 3, by striking line 6 and inserting the
1 22 following: <director state board. If a lease
1 23 requires approval, the director The state board>.

1 24 #7. Page 3, line 8, by striking the word
1 25 <director> and inserting the following: <director
1 26 state board>.

1 27 #8. Page 3, line 10, by inserting after the word
1 28 <available.> the following: <A purchase of property
1 29 that is not a lease=purchase may be made only within
1 30 two years of a disaster as defined in section 29C.2,
1 31 subsection 1, and subject to the requirements of this
1 32 subsection.>

1 33 #9. Page 3, by inserting after line 10 the
1 34 following:

1 35 <Sec. ____ . NEW SECTION. 273.14 EMERGENCY
1 36 REPAIRS.

1 37 When emergency repairs costing more than the
1 38 competitive bid threshold in section 26.3, or the
1 39 adjusted competitive bid threshold established in
1 40 section 314.1B, subsection 2, are necessary in order
1 41 to ensure the use of an area education agency
1 42 facility, the provisions of law with reference to
1 43 advertising for bids shall not apply within two years
1 44 of a disaster as defined in section 29C.2, subsection
1 45 1, and the area education agency board may contract
1 46 for such emergency repairs without advertising for
1 47 bids. However, before such emergency repairs can be
1 48 made to an area education agency facility, the state
1 49 board of education or its designee must certify that
1 50 such emergency repairs are necessary to ensure the use



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2 1 of the area education agency facility.
2 2 Sec. _____. Section 297.8, Code 2009, is amended to
2 3 read as follows:
2 4 297.8 EMERGENCY REPAIRS.
2 5 When emergency repairs costing more than the
2 6 competitive bid threshold in section 26.3, or as
2 7 established in section 314.1B, are necessary in order
2 8 to ~~prevent the closing~~ ensure the continued use of any
2 9 school or attendance center, the provisions of the law
2 10 with reference to advertising for bids shall not
2 11 apply, and in that event the board may contract for
2 12 such emergency repairs without advertising for bids.
2 13 However, before such emergency repairs can be made to
2 14 any schoolhouse or attendance center, it shall be
2 15 necessary to procure a certificate from the area
2 16 education agency administrator that such emergency
2 17 repairs are necessary to ~~prevent the closing~~ ensure
2 18 the continued use of the school or attendance center.>
2 19 #10. By renumbering as necessary.
2 20
2 21
2 22
2 23 WILLIAM HECKROTH
2 24 SF 81.202 83
2 25 ak/sc/21443



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Senate File 152 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 1104)

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

A BILL FOR

- 1 An Act relating to administrative and planning requirements
- 2 involving children for whom the department of human services
- 3 has responsibility under state or federal law.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 1467SV 83
- 6 jp/nh/5



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PAG LIN

1 1 DIVISION I
1 2 TRANSITION PLANNING
1 3 Section 1. Section 232.2, subsection 4, paragraph f, Code
1 4 2009, is amended to read as follows:
1 5 f. (1) When a child is sixteen years of age or older, a
1 6 written transition plan of services which, based upon an
1 7 assessment of the child's needs, would assist the child in
1 8 preparing for the transition from foster care to adulthood.
1 9 The written transition plan of services and needs assessment
1 10 shall be developed with a focus on the services, other
1 11 support, and actions necessary to facilitate the child's
1 12 successful entry into adulthood. The transition plan shall be
1 13 personalized at the direction of the child and shall be
1 14 developed with the child present, honoring the goals and
1 15 concerns of the child, and shall address the following areas
1 16 of need when the child becomes an adult, including but not
1 17 limited to all of the following:
1 18 (a) Education.
1 19 (b) Employment services and other workforce support.
1 20 (c) Health and health care coverage.
1 21 (d) Housing.
1 22 (e) Relationships, including local opportunities to have a
1 23 mentor.
1 24 (f) If the needs assessment indicates the child is
1 25 reasonably likely to need or be eligible for services or other
1 26 support from the adult service system upon reaching age
1 27 eighteen, the transition plan shall provide for the child's
1 28 application for adult services.
1 29 (2) The transition plan shall be considered a working
1 30 document and shall be reviewed and updated for each permanency
1 31 hearing by the court or other formal case permanency plan
1 32 review. The transition plan shall also be reviewed and
1 33 updated during the ninety calendar-day period preceding the
1 34 child's eighteenth birthday and during the ninety calendar-day
1 35 period immediately preceding the date the child is expected to



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2 1 exit foster care, if the child remains in foster care after
2 2 the child's eighteenth birthday. The transition plan may be
2 3 reviewed and updated more frequently.

2 4 (3) The transition plan shall be developed and reviewed by
2 5 the department in collaboration with a child-centered
2 6 transition team. The transition team shall be comprised of
2 7 the child's caseworker and persons selected by the child,
2 8 persons who have knowledge of services available to the child,
2 9 and any person who may reasonably be expected to be a service
2 10 provider for the child when the child becomes an adult or to
2 11 become responsible for the costs of services at that time,
~~2 12 including.~~ If the child is reasonably likely to need or be
2 13 eligible for adult services, the transition team membership
2 14 shall include representatives from the adult services system.
2 15 The adult services system representatives may include but are
2 16 not limited to the administrator of county general relief
2 17 under chapter 251 or 252 or of the central point of
2 18 coordination process implemented under section 331.440. The
2 19 membership of the transition team and the meeting dates for
2 20 the team shall be documented in the transition plan.

2 21 (4) The final transition plan shall specifically identify
2 22 how the need for housing will be addressed.

2 23 (5) If the child is interested in pursuing higher
2 24 education, the transition plan shall provide for the child's
2 25 participation in the college student aid commission's program
2 26 of assistance in applying for federal and state aid under
2 27 section 261.2.

2 28 ~~(2)~~ (6) If the needs assessment indicates the child is
2 29 reasonably likely to need or be eligible for services or other
2 30 support from the adult service system upon reaching age
2 31 eighteen, the transition plan shall be reviewed and approved
2 32 by the transition committee for the area in which the child
2 33 resides, in accordance with section 235.7, before the child
2 34 reaches age seventeen and one-half. The transition
2 35 committee's review and approval shall be indicated in the case



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3 1 permanency plan.
3 2 ~~(3)~~ (7) Provision for the department or a designee of the
3 3 department on or before the date the child reaches age
3 4 eighteen to provide to the child a certified copy of the
3 5 child's birth certificate and to facilitate securing a federal
3 6 social security card. The fee for the certified copy that is
3 7 otherwise chargeable under section 144.13A, 144.46, or 331.605
3 8 shall be waived by the state or county registrar.

3 9 DIVISION II

3 10 EDUCATION=RELATED REQUIREMENTS, RELATIVE
3 11 PLACEMENT, AND SIBLING CONSIDERATIONS

3 12 Sec. 2. Section 232.2, subsection 4, Code 2009, is amended
3 13 by adding the following new paragraph:

3 14 NEW PARAGRAPH. m. Documentation of the educational
3 15 stability of the child while in foster care. The
3 16 documentation shall include but is not limited to all of the
3 17 following:

3 18 (1) Evidence there was an evaluation of the
3 19 appropriateness of the child's educational setting while in
3 20 placement and of the setting's proximity to the educational
3 21 setting in which the child was enrolled at the time of
3 22 placement.

3 23 (2) An assurance either that the department coordinated
3 24 with appropriate local educational agencies to identify how
3 25 the child could remain in the educational setting in which the
3 26 child was enrolled at the time of placement or, if it was
3 27 determined it was not in the child's best interest to remain
3 28 in that setting, that the affected educational agencies would
3 29 immediately and appropriately enroll the child in another
3 30 educational setting during the child's placement and ensure
3 31 that the child's educational records were provided for use in
3 32 the new educational setting. For the purposes of this
3 33 subparagraph, "local educational agencies" means the same as
3 34 defined in the federal Elementary and Secondary Education Act
3 35 of 1965, section 9101, as codified in 20 U.S.C. section



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4 1 7801(26).

4 2 Sec. 3. NEW SECTION. 232.84 TRANSFER OF CUSTODY ==
4 3 NOTICE TO ADULT RELATIVES.

4 4 1. For the purposes of this section, unless the context
4 5 otherwise requires, "agency" means the department, juvenile
4 6 court services, or a private agency.

4 7 2. Within thirty days after the entry of an order under
4 8 this chapter transferring custody of a child to an agency for
4 9 placement, the agency shall exercise due diligence in
4 10 identifying and providing notice to the child's grandparents,
4 11 aunts, uncles, adult siblings, and adult relatives suggested
4 12 by the child's parents, subject to exceptions due to the
4 13 presence of family or domestic violence.

4 14 3. The notice content shall include but is not limited to
4 15 all of the following:

4 16 a. A statement that the child has been or is being removed
4 17 from the custody of the child's parent or parents.

4 18 b. An explanation of the options the relative has under
4 19 federal, state, and other law to participate in the care and
4 20 placement of the child on a temporary or permanent basis. The
4 21 options addressed shall include but are not limited to
4 22 assistance and support options, options for participating in
4 23 legal proceedings, and any options that may be lost by failure
4 24 to respond to the notice.

4 25 c. A description of the requirements for the relative to
4 26 serve as a foster family home provider or other type of care
4 27 provider for the child and the additional services, training,
4 28 and other support available for children receiving such care.

4 29 d. Information concerning the option to apply for kinship
4 30 guardianship assistance payments.

4 31 Sec. 4. NEW SECTION. 234.4 EDUCATION OF CHILDREN IN
4 32 DEPARTMENTAL PROGRAMS.

4 33 If the department of human services has custody or has
4 34 other responsibility for a child based upon the child's
4 35 involvement in a departmental program involving foster care,



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5 1 preadoption or adoption, or subsidized guardianship placement
5 2 and the child is subject to the compulsory attendance law
5 3 under chapter 299, the department shall fulfill the
5 4 responsibilities outlined in section 299.1 and other
5 5 responsibilities under federal and state law regarding the
5 6 child's school attendance. As part of fulfilling the
5 7 responsibilities described in this section, if the department
5 8 has custody or other responsibility for placement and care of
5 9 a child and the child transfers to a different school during
5 10 or immediately preceding the period of custody or other
5 11 responsibility, within the first six weeks of the transfer
5 12 date the department shall assess the student's degree of
5 13 success in adjusting to the different school.

5 14 Sec. 5. NEW SECTION. 280.29 ENROLLMENT OF CHILDREN IN
5 15 FOSTER CARE == TRANSFER OF EDUCATIONAL RECORDS.

5 16 In order to facilitate the educational stability of
5 17 children in foster care, a school district, upon notification
5 18 by an agency of the state that a child in foster care is
5 19 transferring into the school district, shall provide for the
5 20 immediate and appropriate enrollment of the child. A school
5 21 district or an accredited nonpublic school, upon notification
5 22 by an agency of the state that a child in foster care is
5 23 transferring from the school district or accredited nonpublic
5 24 school to another school district or accredited nonpublic
5 25 school, shall promptly provide for the transfer of all of the
5 26 educational records of the child not later than five school
5 27 days after receiving the notification.

5 28 Sec. 6. Section 282.1, subsection 3, Code 2009, is amended
5 29 to read as follows:

5 30 3. Lives in a juvenile detention center, ~~foster care~~
~~5 31 facility,~~ or residential facility in the district.

5 32 Sec. 7. Section 282.19, Code 2009, is amended to read as
5 33 follows:

5 34 282.19 CHILD LIVING IN FOSTER CARE FACILITY.

5 35 1. A child who is living in a ~~licensed child foster care~~



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~~6 1 facility as defined in section 237.1, or in a facility that~~
6 2 provides residential treatment as "facility" is defined in
6 3 section 125.2, which is located in a school district other
6 4 than the school district in which the child resided before
6 5 receiving foster care may enroll in and attend an accredited
6 6 school in the school district in which the child is living.
6 7 2. A child who is living in a licensed child foster care
6 8 facility, as defined in section 237.1, or in an unlicensed
6 9 child foster care placement, which is located in a school
6 10 district other than the school district in which the child
6 11 resided prior to receiving foster care may enroll in and
6 12 attend an accredited school in the school district in which
6 13 the child is residing unless a juvenile court orders or a
6 14 public or private agency of this state that has responsibility
6 15 for the child's placement recommends that the child continue
6 16 attending school in the child's prior school district.
6 17 3. The instructional costs for students who do not require
6 18 special education shall be paid as provided in section 282.31,
6 19 subsection 1, paragraph "b" or for students who require
6 20 special education shall be paid as provided in section 282.31,
6 21 subsections 2 or 3.
6 22 Sec. 8. Section 282.31, subsection 1, paragraph b,
6 23 subparagraph (1), Code 2009, is amended to read as follows:
6 24 (1) A child who lives in a facility, ~~or~~ home, or other
6 25 placement pursuant to section 282.19, and who does not require
6 26 special education and who is not enrolled in the educational
6 27 program of the district of residence of the child, shall be
6 28 included in the basic enrollment of the school district in
6 29 which the facility, ~~or~~ home, or other placement is located.
6 30 Sec. 9. Section 282.31, subsection 2, paragraph a, Code
6 31 2009, is amended to read as follows:
6 32 a. The actual special education instructional costs
6 33 incurred for a child who lives in a facility, home, or other
6 34 placement pursuant to section 282.19 or for a child who is
6 35 placed in a facility or home pursuant to section 282.29, who



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7 1 requires special education and who is not enrolled in the
7 2 educational program of the district of residence of the child
7 3 but who receives an educational program from the district in
7 4 which the facility, ~~or~~ home, or other placement is located,
7 5 shall be paid by the district of residence of the child to the
7 6 district in which the facility, ~~or~~ home, or other placement is
7 7 located, and the costs shall include the cost of
7 8 transportation.

7 9 EXPLANATION

7 10 This bill relates to administrative and planning
7 11 requirements involving children for whom the department of
7 12 human services has responsibility under state or federal law.
7 13 The bill is organized into divisions.

7 14 TRANSITION PLANNING. This division of the bill revises
7 15 transition planning required of the department of human
7 16 services for older children in foster care who are age 16 or
7 17 older and approaching adulthood.

7 18 Current law in Code section 232.2 provides for development
7 19 of a transition plan and needs assessment for such children as
7 20 part of the case permanency plan that is required for each
7 21 child who is subject to a court order transferring custody of
7 22 the child to the department of human services or other agency
7 23 for placement. The transition plans are subject to the
7 24 approval of local transition committees the department is
7 25 required to establish under Code section 235.7.

7 26 The department is required to develop the transition plan
7 27 with the child present in collaboration with a child-centered
7 28 team. The team membership is required to include persons
7 29 selected by the child, persons who have knowledge of the
7 30 services available to the child, and persons who may become
7 31 service providers or become responsible for the costs of the
7 32 services when the child becomes an adult, including certain
7 33 persons involved with the adult services system.

7 34 The transition plan is required to address housing and
7 35 various other areas of need when the child becomes an adult.



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8 1 The transition plan is considered to be a working document and
8 2 is required to be reviewed and updated for each permanency
8 3 hearing by the court or other formal case permanency plan
8 4 review and during the 90 calendar=day period preceding the
8 5 child's eighteenth birthday and during the period preceding
8 6 the date the child is expected to exit foster care if that
8 7 occurs after the child's eighteenth birthday, and may be
8 8 reviewed and updated more frequently.

8 9 EDUCATION=RELATED REQUIREMENTS, RELATIVE PLACEMENT, AND
8 10 SIBLING CONSIDERATIONS. This division addresses
8 11 education=related requirements, relative placement, and
8 12 sibling considerations involving placements.

8 13 The definition of case permanency plan in Code section
8 14 232.2 is expanded to require documentation of the educational
8 15 stability of a child and of the educational setting the child
8 16 attends while in placement. These plans are federally
8 17 required and are regularly reviewed by the court while a child
8 18 is in an out=of=home placement.

8 19 New Code section 232.84, requires the department of human
8 20 services, juvenile court services, or other agency placing a
8 21 child to provide a notification to the child's relatives when
8 22 legal custody has been transferred to the department. The
8 23 notice requirement has an exception when family or domestic
8 24 violence is present. The requirement is for providing notice
8 25 within 30 days of entry of the custody transfer order and
8 26 extends to the child's close relatives, such as grandparents,
8 27 aunts, and uncles, and to relatives identified by the child's
8 28 parent. The notice has various required elements including an
8 29 explanation of the options available for the relative to
8 30 participate in the care of the child and to receive financial
8 31 and program assistance for doing so.

8 32 New Code section 234.4 requires the department of human
8 33 services to fulfill the responsibilities outlined in Code
8 34 section 299.1 when a child is subject to the compulsory school
8 35 attendance law and the department has custody or has other



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9 1 responsibility based upon the child's involvement in a
9 2 departmental program involving foster care, preadoption or
9 3 adoption, or subsidized guardianship placement. Subject to
9 4 certain exceptions outlined in Code sections 299.2 and 299.5,
9 5 a parent, guardian, or legal or actual custodian of a child
9 6 who is of compulsory attendance age is required to cause the
9 7 child to attend a public school, an accredited nonpublic
9 8 school, or competent private instruction, during a school
9 9 year. The exceptions to the attendance requirement in Code
9 10 section 299.2 involve the child's graduation or equivalent,
9 11 excuse by a court or judge, the child's membership in certain
9 12 religious denominations, excuse for certain children who are
9 13 blind or deaf, and the child's attendance at an accredited
9 14 private college preparatory school. The Code section 299.5
9 15 exception involves proof that the child has a physical or
9 16 mental inability to attend school, or that the child's
9 17 presence in school would be injurious to the health of other
9 18 pupils.

9 19 New Code section 280.29 provides directives to school
9 20 districts and nonpublic schools that apply when a child in
9 21 foster care is transferring to or from a school district. If
9 22 a child is transferring into a school district, the school
9 23 district is required to provide immediate and appropriate
9 24 enrollment of the child. The school district or nonpublic
9 25 school from which the child is transferring is required to
9 26 transfer the child's educational records within five school
9 27 days of being notified of the transfer.

9 28 Code chapter 282, relating to school attendance and
9 29 tuition, is amended.

9 30 Code section 282.1, relating to school age and charging of
9 31 tuition to nonresidents of a school district, is amended to
9 32 remove a child living in a foster care facility from a
9 33 definition of the term "resident".

9 34 Code section 282.19, relating to requirements for when a
9 35 child is living in a foster care facility, is amended to



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10 1 distinguish between the requirements for a child in a
10 2 substance abuse treatment facility, hospital, or state mental
10 3 health institute and the requirements for a child living in a
10 4 foster care facility or an unlicensed foster care placement.
10 5 The bill provides that a child in a foster care placement may
10 6 enroll in a school within the school district where the
10 7 placement is located unless a court order provides for or the
10 8 placement agency recommends that the child continue attending
10 9 school in the child's prior school district.
10 10 Code section 282.31, relating to funding for special
10 11 programs, is amended to include a reference to the children in
10 12 an unlicensed foster care placement to conform with the
10 13 inclusion of such placements in the bill's amendment to Code
10 14 section 282.19.
10 15 LSB 1467SV 83
10 16 jp/nh/5



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Senate File 153 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 1092)

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

A BILL FOR

- 1 An Act to allow medical or osteopathic physicians, physician
- 2 assistants, and nurse practitioners to form limited liability
- 3 companies or professional corporations.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 1781SV 83
- 6 jr/nh/8



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Senate File 153 - Introduced continued

PAG LIN

1 1 Section 1. Section 490A.1501, subsection 4, Code 2009, is
1 2 amended to read as follows:

1 3 4. "Profession" means the profession of certified public
1 4 accountancy, architecture, chiropractic, dentistry, physical
1 5 therapy, practice as a physician assistant, psychology,
1 6 professional engineering, land surveying, landscape
1 7 architecture, law, medicine and surgery, optometry,
1 8 osteopathic medicine and surgery, accounting practitioner,
1 9 podiatry, real estate brokerage, speech pathology, audiology,
1 10 veterinary medicine, pharmacy, practice as a nurse
1 11 practitioner, nursing, and marriage and family therapy,
1 12 provided that the marriage and family therapist is licensed
1 13 under chapters 147 and 154D.

1 14 Sec. 2. Section 490A.1502, Code 2009, is amended to read
1 15 as follows:

1 16 490A.1502 PURPOSES AND POWERS.

1 17 1. A professional limited liability company shall be
1 18 organized only for the purpose of engaging in the practice of
1 19 one specific profession, or two or more specific professions
1 20 which could lawfully be practiced in combination by a licensed
1 21 individual or a partnership of licensed individuals, and for
1 22 the additional purpose of doing all lawful things which may be
1 23 incidental to or necessary or convenient in connection with
1 24 the practice of the profession or professions. The articles
1 25 of organization of a professional limited liability company
1 26 shall state in substance that the purposes for which the
1 27 professional limited liability company is organized are to
1 28 engage in the general practice of a specified profession or
1 29 professions, or one or more specified branches or divisions
1 30 thereof, and to do all lawful things which may be incidental
1 31 to or necessary or convenient in connection with the practice
1 32 of the profession or professions.

1 33 2. For purposes of this section, medicine and surgery,
1 34 osteopathic medicine and surgery, practice as a physician
1 35 assistant, and practice as a nurse practitioner shall be



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2 1 deemed to be professions which could lawfully be practiced in
2 2 combination by licensed individuals or a partnership of
2 3 licensed individuals.

2 4 Sec. 3. Section 490A.1505, Code 2009, is amended to read
2 5 as follows:

2 6 490A.1505 PRACTICE BY PROFESSIONAL LIMITED LIABILITY
2 7 COMPANY.

2 8 1. Notwithstanding any other statute or rule of law, a
2 9 professional limited liability company may practice a
2 10 profession, but may do so in this state only through members,
2 11 managers, employees, and agents who are licensed to practice
2 12 the same profession in this state. In its practice of a
2 13 profession, no professional limited liability company shall do
2 14 any act which could not lawfully be done by individuals
2 15 licensed to practice the profession which the professional
2 16 limited liability company is authorized to practice.

2 17 2. This section shall not prohibit persons practicing
2 18 medicine and surgery, persons practicing osteopathic medicine
2 19 and surgery, persons practicing as physician assistants, or
2 20 persons practicing as nurse practitioners, from practicing
2 21 their respective professions in lawful combination pursuant to
2 22 section 490A.1502.

2 23 Sec. 4. Section 490A.1514, Code 2009, is amended to read
2 24 as follows:

2 25 490A.1514 MANAGEMENT.

2 26 All managers of a professional limited liability company
2 27 shall at all times be individuals who are licensed to practice
2 28 a profession in this state, or a lawful combination of
2 29 professions pursuant to section 490A.1502, which the limited
2 30 liability company is authorized to practice. A person who is
2 31 not licensed shall have no authority or duties in the
2 32 management or control of the limited liability company. If a
2 33 manager ceases to have this qualification, the manager shall
2 34 immediately and automatically cease to hold such management
2 35 position.



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3 1 Sec. 5. Section 496C.2, subsection 4, Code 2009, is
3 2 amended to read as follows:

3 3 4. "Profession" means the profession of certified public
3 4 accountancy, architecture, chiropractic, dentistry, physical
3 5 therapy, practice as a physician assistant, psychology,
3 6 professional engineering, land surveying, landscape
3 7 architecture, law, medicine and surgery, optometry,
3 8 osteopathic medicine and surgery, accounting practitioner,
3 9 podiatry, real estate brokerage, speech pathology, audiology,
3 10 veterinary medicine, pharmacy, practice as a nurse
3 11 practitioner, and the practice of nursing.

3 12 Sec. 6. Section 496C.4, Code 2009, is amended to read as
3 13 follows:

3 14 496C.4 PURPOSES AND POWERS.

3 15 1. A professional corporation shall be organized only for
3 16 the purpose of engaging in the practice of one specific
3 17 profession, or two or more specific professions which could
3 18 lawfully be practiced in combination by a licensed individual
3 19 or a partnership of licensed individuals, and for the
3 20 additional purpose of doing all lawful things which may be
3 21 incidental to or necessary or convenient in connection with
3 22 the practice of the profession or professions. The articles
3 23 of incorporation shall state in substance that the purposes
3 24 for which the corporation is organized are to engage in the
3 25 general practice of a specified profession or professions, or
3 26 one or more specified branches or divisions thereof, and to do
3 27 all lawful things which may be incidental to or necessary or
3 28 convenient in connection with the practice of the profession
3 29 or professions. Each professional corporation, unless
3 30 otherwise provided in its articles of incorporation or unless
3 31 expressly prohibited by this chapter, shall have all powers
3 32 granted to corporations by the Iowa business corporation Act,
3 33 chapter 490.

3 34 2. For purposes of this section, medicine and surgery,
3 35 osteopathic medicine and surgery, practice as a physician



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4 1 assistant, and practice as a nurse practitioner shall be
4 2 deemed to be professions which could lawfully be practiced in
4 3 combination by licensed individuals or a partnership of
4 4 licensed individuals.

4 5 Sec. 7. Section 496C.7, Code 2009, is amended to read as
4 6 follows:

4 7 496C.7 PRACTICE BY PROFESSIONAL CORPORATION.

4 8 1. Notwithstanding any other statute or rule of law, a
4 9 professional corporation may practice a profession, but may do
4 10 so in this state only through shareholders, directors,
4 11 officers, employees, and agents who are licensed to practice
4 12 the same profession in this state.

4 13 2. In its practice of a profession, no professional
4 14 corporation shall do any act which could not lawfully be done
4 15 by individuals licensed to practice the profession which the
4 16 professional corporation is authorized to practice.

4 17 3. This section shall not prohibit persons practicing
4 18 medicine and surgery, persons practicing osteopathic medicine
4 19 and surgery, persons practicing as physician assistants, or
4 20 persons practicing as nurse practitioners, from practicing
4 21 their respective professions in lawful combination pursuant to
4 22 section 496C.4.

4 23 Sec. 8. Section 496C.16, Code 2009, is amended to read as
4 24 follows:

4 25 496C.16 MANAGEMENT.

4 26 All directors of a professional corporation and all
4 27 officers of a professional corporation, except assistant
4 28 officers, shall at all times be individuals who are licensed
4 29 to practice in this state a profession, or a lawful
4 30 combination of professions pursuant to section 496C.4, which
4 31 the corporation is authorized to practice. However, upon the
4 32 occurrence of any event that requires the corporation either
4 33 to be dissolved or to elect to adopt the provisions of the
4 34 Iowa business corporation Act, chapter 490, as provided in
4 35 section 496C.19, provided the corporation ceases to practice



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5 1 the profession that the corporation is authorized to practice,
5 2 as provided in section 496C.19, then individuals who are not
5 3 licensed to practice in this state a profession that the
5 4 corporation is authorized to practice may be appointed as
5 5 officers and directors for the sole purpose of carrying out
5 6 the dissolution of the corporation or, if applicable, the
5 7 voluntary election of the corporation to adopt the provisions
5 8 of the Iowa business corporation Act, as provided in section
5 9 496C.19.

5 10 EXPLANATION

5 11 This bill allows physician assistants and nurse
5 12 practitioners to form professional corporations and
5 13 professional limited liability companies. The bill also
5 14 provides that persons who are licensed to practice medicine
5 15 and surgery, physician assistants, and nurse practitioners may
5 16 jointly form professional corporations and professional
5 17 limited liability companies.
5 18 LSB 1781SV 83
5 19 jr/nh/8



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Senate File 154 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1141)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the authorized uses of local exchange service
- 2 information by specified individuals and entities.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1888SV 83
- 5 rn/nh/14



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Senate File 154 - Introduced continued

PAG LIN

1 1 Section 1. Section 34A.8, subsection 2, paragraph b, Code
1 2 2009, is amended to read as follows:

1 3 b. The program manager, joint E911 service board, the
1 4 designated E911 service provider, and the public safety
1 5 answering point, their agents, employees, and assigns shall
1 6 use local exchange service information provided by the local
1 7 exchange service provider solely for the purposes of providing
1 8 E911 emergency telephone service or providing related 911 call
1 9 alert services utilizing only the subscriber's information to
1 10 a subscriber who consents to the provision of such services,
1 11 and it shall otherwise be kept confidential. A person who
1 12 violates this section is guilty of a simple misdemeanor.

1 13 EXPLANATION

1 14 This bill concerns the authorized use of local exchange
1 15 service information provided by a local exchange service
1 16 provider. Current law provides that an E911 program manager,
1 17 joint E911 service board, designated E911 service provider,
1 18 and a public safety answering point, their agents, employees,
1 19 and assigns shall use local exchange service information
1 20 provided by the local exchange service provider solely for the
1 21 purposes of providing E911 emergency telephone service.
1 22 Otherwise, current law provides that such information shall be
1 23 kept confidential.

1 24 The bill modifies this provision to permit local exchange
1 25 service information to be utilized by such individuals or
1 26 entities to provide 911 call alert services related to the
1 27 provision of E911 emergency telephone service. The bill
1 28 provides that the related 911 call alert services would be
1 29 provided to a subscriber utilizing only that subscriber's
1 30 information and with the subscriber's consent.

1 31 LSB 1888SV 83

1 32 rn/nh/14



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Senate File 155 - Introduced

SENATE FILE
BY COMMITTEE ON LABOR AND
BUSINESS RELATIONS

(SUCCESSOR TO SSB 1119)

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

A BILL FOR

1 An Act relating to the choice of doctor to treat an injured
2 employee under workers' compensation laws and providing an
3 effective and applicability date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1979SV 83
6 av/rj/5



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PAG LIN

1 1 Section 1. Section 85.27, subsection 4, Code 2009, is
1 2 amended to read as follows:

1 3 4. a. (1) For purposes of this section, the employer is
1 4 obliged to furnish reasonable services and supplies to treat
1 5 an injured employee, and has the right to choose the care
1 6 unless the employee has predesignated a physician as provided
1 7 in paragraph "b". If the employer chooses the care, the
1 8 employer shall hold the employee harmless for the cost of care
1 9 until the employer notifies the employee that the employer is
1 10 no longer authorizing all or any part of the care and the
1 11 reason for the change in authorization. An employer is not
1 12 liable for the cost of care that the employer arranges in
1 13 response to a sudden emergency if the employee's condition,
1 14 for which care was arranged, is not related to the employment.
1 15 The treatment must be offered promptly and be reasonably
1 16 suited to treat the injury without undue inconvenience to the
1 17 employee.

1 18 (2) If the employee has reason to be dissatisfied with the
1 19 care offered, the employee should communicate the basis of
1 20 such dissatisfaction to the employer, in writing if requested,
1 21 following which the employer and the employee may agree to
1 22 alternate care reasonably suited to treat the injury. If the
1 23 employer and employee cannot agree on such alternate care, the
1 24 commissioner may, upon application and reasonable ~~proofs~~ proof
1 25 of the necessity therefor, allow and order other care. In an
1 26 emergency, the employee may choose the employee's care at the
1 27 employer's expense, provided the employer or the employer's
1 28 agent cannot be reached immediately. ~~An application made~~
~~1 29 under this subsection shall be considered an original~~
~~1 30 proceeding for purposes of commencement and contested case~~
~~1 31 proceedings under section 85.26. The hearing shall be~~
~~1 32 conducted pursuant to chapter 17A. Before a hearing is~~
~~1 33 scheduled, the parties may choose a telephone hearing or an~~
~~1 34 in-person hearing. A request for an in-person hearing shall~~
~~1 35 be approved unless the in-person hearing would be impractical~~



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~~2 1 because of the distance between the parties to the hearing.~~
~~2 2 The workers' compensation commissioner shall issue a decision~~
~~2 3 within ten working days of receipt of an application for~~
~~2 4 alternate care made pursuant to a telephone hearing or within~~
~~2 5 fourteen working days of receipt of an application for~~
~~2 6 alternate care made pursuant to an in-person hearing.~~
2 7 (3) The employer shall notify an injured employee of the
2 8 employee's ability to contest the employer's choice of care
2 9 pursuant to this ~~subsection~~ paragraph "a".
2 10 b. (1) An injured employee has the right to choose care,
2 11 unless care needs to be provided at the job site in response
2 12 to a life-threatening emergency, if the employee has
2 13 predesignated a physician who is a primary care provider, who
2 14 has previously provided medical treatment to the employee and
2 15 has retained the employee's medical records, to provide
2 16 treatment for the injury. Upon hire and periodically during
2 17 employment, an employer shall provide written notice to all
2 18 employees who have not yet predesignated a physician, of their
2 19 right under this paragraph "b" to predesignate such a
2 20 physician for treatment of an injury, in a manner prescribed
2 21 by the workers' compensation commissioner by rule. The
2 22 employer or the employer's insurer shall not coerce or
2 23 otherwise attempt to influence an injured employee's choice of
2 24 a physician to provide care. An employee shall, as soon as
2 25 practicable, notify the employer of an injury, and upon
2 26 receiving such notice of an injury from an employee, the
2 27 employer shall again provide written notice to that employee
2 28 of the employee's right under this paragraph "b" in a manner
2 29 prescribed by the workers' compensation commissioner by rule.
2 30 If an employer fails to notify an employee of the employee's
2 31 right to choose a physician as provided in this paragraph "b",
2 32 the employee has the right to choose any physician to provide
2 33 treatment for the injury and the treatment shall be considered
2 34 care authorized under this section.
2 35 (2) For the purposes of this paragraph "b", "physician"



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3 1 includes an individual physician, a group of physicians, or a
3 2 clinic. For the purposes of this paragraph "b", "primary care
3 3 provider" means an employee's personal physician licensed to
3 4 practice medicine and surgery or osteopathic medicine and
3 5 surgery in this state or in another state who provides primary
3 6 care and is a family or general practitioner, a pediatrician,
3 7 an internist, an obstetrician, or a gynecologist. A physician
3 8 who practices in another state shall not be predesignated by
3 9 an employee unless the physician's office is located within
3 10 sixty miles of where the employee is employed or was injured
3 11 unless the workers' compensation commissioner allows
3 12 otherwise. A physician chosen by an injured employee to
3 13 provide treatment is authorized to arrange for any
3 14 consultation, surgical consultation, referral, emergency care,
3 15 or other specialized medical services as the physician deems
3 16 necessary to treat the injury. The employer shall pay for all
3 17 such care, unless the workers' compensation commissioner
3 18 determines otherwise.
3 19 (3) If the employer has reason to be dissatisfied with the
3 20 care chosen by the employee, the employer should communicate
3 21 the basis of such dissatisfaction to the employee, in writing
3 22 if requested, following which the employee and the employer
3 23 may agree to alternate care reasonably suited to treat the
3 24 injury. If the employee and employer cannot agree on such
3 25 alternate care, the commissioner may, upon application and
3 26 reasonable proof of the necessity therefor, allow and order
3 27 other care.
3 28 c. An application made to the commissioner under paragraph
3 29 "a" or paragraph "b" shall be considered an original
3 30 proceeding for purposes of commencement and contested case
3 31 proceedings under section 85.26. The hearing shall be
3 32 conducted pursuant to chapter 17A. Before a hearing is
3 33 scheduled, the parties may choose a telephone hearing, an
3 34 audio=video conference hearing, or an in=person hearing. A
3 35 request for an in=person hearing shall be approved unless the



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4 1 in-person hearing would be impractical because of the distance
4 2 between the parties to the hearing. The workers' compensation
4 3 commissioner shall issue a decision within ten working days of
4 4 receipt of an application for alternate care made pursuant to
4 5 a telephone hearing or audio=video conference hearing or
4 6 within fourteen working days of receipt of an application for
4 7 alternate care made pursuant to an in-person hearing.

4 8 Sec. 2. Section 85.39, Code 2009, is amended to read as
4 9 follows:

4 10 85.39 EXAMINATION OF INJURED EMPLOYEES.

4 11 1. a. After an injury, the employee, if requested by the
4 12 employer, shall submit for examination at some reasonable time
4 13 and place and as often as reasonably requested, to a physician
4 14 or physicians authorized to practice under the laws of this
4 15 state or another state, without cost to the employee; but if
4 16 the employee requests, the employee, at the employee's own
4 17 cost, is entitled to have a physician or physicians of the
4 18 employee's own selection present to participate in the
4 19 examination. If an employee is required to leave work for
4 20 which the employee is being paid wages to attend the requested
4 21 examination, the employee shall be compensated at the
4 22 employee's regular rate for the time the employee is required
4 23 to leave work, and the employee shall be furnished
4 24 transportation to and from the place of examination, or the
4 25 employer may elect to pay the employee the reasonable cost of
4 26 the transportation. The refusal of the employee to submit to
4 27 the examination shall suspend the employee's right to any
4 28 compensation for the period of the refusal. Compensation
4 29 shall not be payable for the period of suspension.

4 30 b. If an evaluation of permanent disability has been made
4 31 by a physician retained by the employer and the employee
4 32 believes this evaluation to be too low, the employee shall,
4 33 upon application to the commissioner and upon delivery of a
4 34 copy of the application to the employer and its insurance
4 35 carrier, be reimbursed by the employer the reasonable fee for



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5 1 a subsequent examination by a physician of the employee's own
5 2 choice, and reasonably necessary transportation expenses
5 3 incurred for the examination. The physician chosen by the
5 4 employee has the right to confer with and obtain from the
5 5 employer-retained physician sufficient history of the injury
5 6 to make a proper examination.

5 7 2. If the employee has chosen a physician to provide care
5 8 as provided in section 85.27, subsection 4, paragraph "b",
5 9 when it is medically indicated that no significant improvement
5 10 from an injury is anticipated, the employee may obtain a
5 11 medical opinion from the employee's physician, at the
5 12 employer's expense, regarding the extent of the employee's
5 13 permanent disability. If the employee obtains such an
5 14 evaluation and the employer believes this evaluation of
5 15 permanent disability to be too high, the employer may arrange
5 16 for a medical examination of the injured employee by a
5 17 physician of the employer's choice for the purpose of
5 18 obtaining a medical opinion regarding the extent of the
5 19 employee's permanent disability. If an employee is required
5 20 to leave work for which the employee is being paid wages to
5 21 attend an examination under this subsection, the employee
5 22 shall be compensated at the employee's regular rate for the
5 23 time the employee is required to leave work, and the employee
5 24 shall be furnished transportation to and from the place of
5 25 examination, or the employer may elect to pay the employee the
5 26 reasonable cost of transportation. The physician chosen by
5 27 the employer to conduct the examination has the right to
5 28 confer with and obtain from any physician who has treated the
5 29 injured employee sufficient history of the injury to make a
5 30 proper examination. The refusal by the employee to submit to
5 31 the examination shall suspend the employee's right to any
5 32 compensation for the period of the refusal. Compensation
5 33 shall not be payable for the period of suspension.

5 34 Sec. 3. EFFECTIVE AND APPLICABILITY DATE. This Act takes
5 35 effect January 1, 2010, and applies to injuries occurring on



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6 1 or after that date.

6 2 EXPLANATION

6 3 This bill relates to the choice of a physician to treat an
6 4 injured employee under the state's workers' compensation laws.
6 5 The bill allows the employer to choose care unless the
6 6 employee has predesignated a physician as provided in the
6 7 bill.

6 8 The bill amends Code section 85.27, giving an employee the
6 9 right to predesignate a physician who is a primary care
6 10 provider, who has previously provided treatment to the
6 11 employee and has retained the employee's medical records, to
6 12 provide treatment for a work-related injury. The employer is
6 13 required to provide written notice to employees of this right
6 14 upon hire, and periodically during employment, and upon
6 15 receiving notice of an injury from an employee who has not yet
6 16 predesignated a physician of the employee's right to do so, in
6 17 a manner prescribed by the workers' compensation commissioner.
6 18 An employer or an employer's insurer shall not coerce or
6 19 otherwise attempt to influence an injured employee's choice of
6 20 a physician.

6 21 If the employer fails to provide such notification, an
6 22 injured employee has the right to choose any physician to
6 23 provide treatment for the work-related injury and that
6 24 treatment shall be considered authorized care.

6 25 If the employer or employee is dissatisfied with the care
6 26 chosen by the other party, the dissatisfied party is required
6 27 to communicate the basis of dissatisfaction to the other
6 28 party, in writing if requested, and the parties may agree to
6 29 alternate care reasonably suited to treat the injury. If the
6 30 parties cannot agree to such alternate care, the dissatisfied
6 31 party may make an application for alternate care to the
6 32 commissioner.

6 33 An application for alternate care is an original proceeding
6 34 and is treated as a contested case. A party may request that
6 35 the hearing be held in person, by telephone, or by audio-video



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7 1 conference. The commissioner is required to issue a decision
7 2 within 10 working days of receipt of an application made
7 3 pursuant to a telephone hearing or audio=video conference
7 4 hearing and within 14 days of an in=person hearing.
7 5 Code section 85.39 is amended to provide that if the
7 6 employee has chosen care, when it is medically indicated that
7 7 no significant improvement from an injury is anticipated, the
7 8 employee may obtain a medical opinion regarding the extent of
7 9 the employee's permanent disability. If the employer believes
7 10 that the evaluation of permanent disability obtained by the
7 11 employee is too high, the employer has the right to obtain
7 12 another medical opinion from a physician of the employer's
7 13 choosing.
7 14 The bill takes effect and applies to injuries occurring on
7 15 or after January 1, 2010.
7 16 LSB 1979SV 83
7 17 av/rj/5



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Senate File 156 - Introduced

SENATE FILE
BY DANIELSON

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the erection, maintenance, and removal of
- 2 partition fences by adjoining landowners.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1846SS 83
- 5 da/rj/8



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Senate File 156 - Introduced continued

PAG LIN

1 1 Section 1. Section 169C.6, subsection 2, paragraph a, Code
1 2 2009, is amended to read as follows:

1 3 a. Once a habitual trespass occurs, a neighboring
1 4 landowner may request that the responsible landowner of the
1 5 land where the trespassing or stray livestock are kept erect
1 6 or maintain a fence on the land. The neighboring landowner
1 7 shall make the request to the responsible landowner in
1 8 writing. The responsible landowner ~~may~~ shall not compel an
1 9 adjacent landowner to contribute to the erection or
1 10 maintenance of the fence except as provided in chapter 359A.

1 11 Sec. 2. Section 359A.1A, Code 2009, is amended to read as
1 12 follows:

1 13 359A.1A PARTITION FENCES.

1 14 An owner of land may erect a partition fence and shall
1 15 provide for its maintenance or removal as provided in this
1 16 chapter. The ~~respective~~ owners of adjoining ~~tracts of~~ land
1 17 ~~shall upon written request of either owner be compelled to~~
1 18 ~~erect and maintain~~ may agree to divide the responsibility for
1 19 ~~erecting, maintaining, or removing a partition fences fence,~~
1 20 ~~or contribute thereto, and keep the same in good repair~~
1 21 ~~throughout the year making a contribution to its erection,~~
1 22 ~~maintenance, or removal. The agreement shall be in writing,~~
1 23 ~~describe the terms of the agreement, and be filed in the~~
1 24 ~~office of the county recorder where the partition fence is~~
1 25 ~~located.~~

1 26 Sec. 3. Section 359A.19, Code 2009, is amended to read as
1 27 follows:

1 28 359A.19 DUTY TO MAINTAIN TIGHT FENCES.

1 29 All A partition fences fence may be made tight by the party
1 30 ~~desiring~~ owner who constructs it, and when that party's. If
1 31 adjoining owners agree to construct a partition fence, each
1 32 owner shall complete the owner's portion ~~is so completed, and~~
1 33 of the partition fence by making it tight, ensuring that it is
1 34 securely fastened to good substantial posts, and set firmly in
1 35 the ground, not more than twenty feet apart, ~~the adjoining~~



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~~Senate File 156 — Introduced continued~~

~~2 1 property owner shall construct the adjoining owner's portion
2 2 of the adjoining fence, in a lawful tight manner, same to be
2 3 securely fastened to good substantial posts, set firmly in the
2 4 ground, not more than twenty feet apart.~~

2 5 Sec. 4. Section 359A.22, Code 2009, is amended to read as
2 6 follows:

2 7 359A.22 CONTROVERSIES.

2 8 Upon the application of either owner, after notice is given
2 9 as prescribed in this chapter, the fence viewers shall
2 10 determine all controversies arising under sections 359A.18 ~~to~~
~~2 11 359A.21, 359A.19, and 359A.20, inclusive, including the~~
2 12 partition fences made sheep and swine tight.

2 13 Sec. 5. Sections 359A.12 and 359A.21, Code 2009, are
2 14 repealed.

2 15

EXPLANATION

2 16 This bill addresses the circumstance in which a landowner
2 17 is erecting and maintaining a fence on a property line (a
2 18 so-called partition fence). The landowner may do so
2 19 voluntarily (Code section 359A.1A) or involuntarily because of
2 20 the landowner's habitually trespassing livestock (Code
2 21 sections 169C.6 and 359A.22A).

2 22 The bill provides that the landowner can no longer compel
2 23 an adjacent landowner to assist in or contribute toward the
2 24 partition fence erection and maintenance, unless the parties
2 25 otherwise agree in writing. The writing must be signed by the
2 26 parties and filed with the county recorder in the same manner
2 27 as currently provided when landowners elect to apportion
2 28 responsibility for how a partition is to be erected or
2 29 maintained. The bill eliminates the old apportionment section
2 30 (Code section 359A.12) and a provision that requires the
2 31 common maintenance of a partition fence which divide pastured
2 32 sheep or swine.

2 33 LSB 1846SS 83

2 34 da/rj/8.1



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Senate File 157 - Introduced

SENATE FILE

BY BOLKCOM, DOTZLER, McCOY,
QUIRMBACH, DVORSKY, DEARDEN,
FRAISE, APPEL, COURTNEY,
GRONSTAL, KIBBIE, JOCHUM,
DANIELSON, SODDERS, and
KREIMAN

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to wage payment collection issues arising between
2 employers and individuals who provide services to employers,
3 providing penalties, and including an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TL5B 2067XS 83
6 ak/rj/8



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Senate File 157 - Introduced continued

PAG LIN

1 1 Section 1. Section 91A.2, subsection 3, Code 2009, is
1 2 amended to read as follows:
1 3 3. "Employee" means a natural person who is employed in
1 4 this state for wages by an employer. Employee also includes a
1 5 commission salesperson who takes orders or performs services
1 6 on behalf of a principal and who is paid on the basis of
1 7 commissions but does not include persons who purchase for
1 8 their own account for resale.
1 9 a. For the purposes of this chapter, the following persons
1 10 engaged in agriculture are not employees:
1 11 a. (1) The spouse of the employer and relatives of either
1 12 the employer or spouse residing on the premises of the
1 13 employer.
1 14 b. (2) A person engaged in agriculture as an
1 15 owner=operator or tenant=operator and the spouse or relatives
1 16 of either who reside on the premises while exchanging labor
1 17 with the operator or for other mutual benefit of any and all
1 18 such persons.
1 19 c. (3) Neighboring persons engaged in agriculture who are
1 20 exchanging labor or other services.
1 21 b. In order to establish the absence of an employment
1 22 relationship, a putative employer has the burden to establish
1 23 all of the following:
1 24 (1) The putative employer and putative employee share the
1 25 intention to create an independent contractor relationship.
1 26 (2) The putative employer does not control or direct the
1 27 performance of services by the putative employee.
1 28 (3) The putative employer is not responsible for payment
1 29 of wages to the putative employee.
1 30 (4) The putative employer does not have the right to
1 31 discharge the putative employee or terminate the working
1 32 relationship with the putative employee.
1 33 (5) The putative employer is not the authority in charge
1 34 of the work or for whose benefit the putative employee is
1 35 providing services.



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2 1 Sec. 2. Section 91A.2, subsection 6, Code 2009, is amended
2 2 to read as follows:

2 3 6. "Liquidated damages" means the sum of five percent
2 4 multiplied by the amount of any wages that were not paid or of
2 5 any authorized expenses that were not reimbursed on a regular
2 6 payday or on another day pursuant to section 91A.3 multiplied
2 7 by the total number of days, excluding Sundays, legal
2 8 holidays, and the first seven days after the regular payday on
2 9 which wages were not paid or expenses were not reimbursed.
2 10 However, such sum shall not exceed twice the amount of the
2 11 unpaid wages and shall not accumulate ~~when an employer is~~
~~2 12 subject to a petition filed in bankruptcy.~~

2 13 Sec. 3. Section 91A.6, subsections 1 and 2, Code 2009, are
2 14 amended to read as follows:

2 15 1. An employer shall ~~after being notified by the~~
~~2 16 commissioner pursuant to subsection 2~~ do the following:

2 17 a. Notify its employees in writing at the time of hiring
2 18 what wages and regular paydays are designated by the employer.

2 19 b. Notify, at least one pay period prior to the initiation
2 20 of any changes, its employees of any changes in the
2 21 arrangements specified in this subsection ~~±~~ that reduce wages
2 22 or alter the regular paydays. The notice shall either be in
2 23 writing or posted at a place where employee notices are
2 24 routinely posted.

2 25 c. Make available to its employees upon written request, a
2 26 written statement enumerating employment agreements and
2 27 policies with regard to vacation pay, sick leave,
2 28 reimbursement for expenses, retirement benefits, severance
2 29 pay, or other comparable matters with respect to wages.
2 30 Notice of such availability shall be given to each employee in
2 31 writing or by a notice posted at a place where employee
2 32 notices are routinely posted.

2 33 d. Establish, maintain, and preserve for three calendar
2 34 years the payroll records showing the hours worked, wages
2 35 earned, and deductions made for each employee and any



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3 1 employment agreements entered into between an employer and
3 2 employee. Failure to do so shall raise a rebuttable
3 3 presumption that the employer did not pay the required minimum
3 4 wage under section 91D.1.

~~3 5 2. The commissioner shall notify an employer to comply
3 6 with subsection 1 if the employer has paid a claim for unpaid
3 7 wages or nonreimbursed authorized expenses and liquidated
3 8 damages under section 91A.10 or if the employer has been
3 9 assessed a civil money penalty under section 91A.12. However,
3 10 a court may, when rendering a judgment for wages or
3 11 nonreimbursed authorized expenses and liquidated damages or
3 12 upholding a civil money penalty assessment, order that an
3 13 employer shall not be required to comply with the provisions
3 14 of subsection 1 or that an employer shall be required to
3 15 comply with the provisions of subsection 1 for a particular
3 16 period of time.~~

3 17 Sec. 4. Section 91A.8, Code 2009, is amended to read as
3 18 follows:

3 19 91A.8 VIOLATIONS BY EMPLOYER, DAMAGES RECOVERABLE BY AN
3 20 EMPLOYEE UNDER THIS CHAPTER.

3 21 1. A violation of this chapter shall occur any week when
3 22 an individual employee was not paid the legally required wages
3 23 under this chapter, state taxes were not withheld, or in the
3 24 case of improper discharge, discrimination, or retaliation
3 25 against an employee, every week after the improper discharge,
3 26 discrimination, or retaliation has occurred until compensation
3 27 is finally made.

3 28 2. When it has been shown that an employer has
3 29 intentionally failed to pay an employee wages or reimburse
3 30 expenses pursuant to section 91A.3, whether as the result of a
3 31 wage dispute or otherwise, the employer shall be liable to the
3 32 employee for any the unpaid wages or expenses that are so
~~3 33 intentionally failed to be paid or reimbursed, plus liquidated~~
3 34 damages, court costs, and any attorney's attorney fees
3 35 incurred in recovering the unpaid wages and determined to have



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4 1 been usual and necessary. ~~In other instances the employer~~
~~4 2 shall be liable only for unpaid wages or expenses, court costs~~
~~4 3 and usual and necessary attorney's fees incurred in recovering~~
~~4 4 the unpaid wages or expenses.~~

4 5 Sec. 5. Section 91A.9, subsection 2, Code 2009, is amended
4 6 to read as follows:

4 7 2. a. The commissioner may, consistent with due process
4 8 of law, enter any place of employment to inspect records
4 9 concerning wages and payrolls, to question the employer and
4 10 employees, and to investigate such facts, conditions or
4 11 matters as are deemed appropriate in determining whether any
4 12 person has violated the provisions of this chapter. ~~However,~~
~~4 13 such entry by the commissioner shall only be in response to a~~
~~4 14 written complaint.~~

4 15 b. A complaining employee may submit a written request for
4 16 confidentiality of identifying information. Upon such
4 17 request, the commissioner shall determine if the commissioner
4 18 can effectively pursue the matter while keeping the identity
4 19 of the complaining employee confidential. If the commissioner
4 20 determines that an employee's identity must be disclosed in
4 21 order to effectively pursue the matter, the commissioner may
4 22 do so only with the employee's consent. Otherwise, the
4 23 commissioner shall keep the complaining employee's identity
4 24 confidential notwithstanding chapter 22.

4 25 Sec. 6. Section 91A.10, subsection 1, Code 2009, is
4 26 amended to read as follows:

4 27 1. a. Upon the written complaint of the employee
4 28 involved, the commissioner may determine whether wages have
4 29 not been paid and may constitute an enforceable claim. If for
4 30 any reason the commissioner decides not to make such
4 31 determination, the commissioner shall so notify the
4 32 complaining employee within fourteen days of receipt of the
4 33 complaint. The commissioner shall otherwise notify the
4 34 employee of such determination within a reasonable time ~~and if~~
~~4 35 it is determined.~~



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5 1 b. Without regard to whether the commissioner received a
5 2 written complaint from an employee or initiated an
5 3 investigation, if the commissioner determines that there is an
5 4 enforceable claim, the commissioner shall, with the consent of
5 5 the complaining employee, take an assignment in trust for the
5 6 wages and for any claim for liquidated damages ~~without being~~
~~5 7 bound by any of the. The technical rules respecting the~~
5 8 validity of the assignment shall not apply. However, the
5 9 commissioner shall not accept any complaint for unpaid wages
5 10 and liquidated damages after one year from the date the wages
5 11 became due and payable.

5 12 Sec. 7. Section 91A.10, subsection 5, Code 2009, is
5 13 amended to read as follows:

5 14 ~~5. An employer shall not discharge or in any other manner~~
~~5 15 discriminate against any employee because the employee has~~
~~5 16 filed a complaint, assigned a claim, or brought an action~~
~~5 17 under this section or has cooperated in bringing any action~~
~~5 18 against an employer. An employer or other person shall not~~
5 19 discharge or in any other manner discriminate or retaliate
5 20 against an employee or other person for exercising any right
5 21 provided under this chapter or any rules adopted pursuant to
5 22 this chapter, or against another employee or person for
5 23 providing assistance to an employee or providing information
5 24 regarding the employee or person, or for testifying or
5 25 planning to testify in any investigation or proceeding
5 26 regarding the employee or person. Taking adverse action
5 27 against an employee or other person within ninety days of an
5 28 employee's or other person's engaging in the foregoing
5 29 activities raises a presumption that such action was
5 30 retaliation, which may be rebutted by clear and convincing
5 31 evidence that such action was taken for other permissible
5 32 reasons. Any employee may file a complaint with the
5 33 commissioner alleging discharge, ~~or~~ discrimination, or
5 34 retaliation within thirty days after such violation occurs.
5 35 Upon receipt of the complaint, the commissioner shall cause an



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6 1 investigation to be made to the extent deemed appropriate. If
6 2 the commissioner determines from the investigation that the
6 3 provisions of this subsection have been violated, the
6 4 commissioner shall bring an action in the appropriate district
6 5 court against such person. The district court shall have
6 6 jurisdiction, for cause shown, to restrain violations of this
6 7 subsection and order all appropriate relief including rehiring
6 8 or reinstatement of the employee to the former position with
6 9 back pay.

6 10 Sec. 8. Section 91A.10, Code 2009, is amended by adding
6 11 the following new subsection:

6 12 NEW SUBSECTION. 6. A civil action to enforce this section
6 13 may also be maintained in any court of competent jurisdiction
6 14 by the commissioner or by any party injured by a violation of
6 15 this section. An employer or other person who retaliates
6 16 against an employee or other person in violation of this
6 17 section shall be required to pay the person an amount set by
6 18 the commissioner or a court sufficient to compensate the
6 19 employee or other person and deter future violations, but not
6 20 less than one hundred fifty dollars for each day that the
6 21 violation continued.

6 22 Sec. 9. Section 91A.12, subsection 1, Code 2009, is
6 23 amended to read as follows:

6 24 1. Any employer who violates the provisions of this
6 25 chapter or the rules ~~promulgated under it~~ adopted pursuant to
6 26 this chapter shall be subject to a civil money penalty of not
6 27 more than ~~one~~ five hundred dollars for each violation. The
6 28 commissioner may recover such civil money penalty according to
6 29 the provisions of subsections 2 ~~to~~ through 5. Any civil money
6 30 penalty recovered shall be deposited in the general fund of
6 31 the state.

6 32 Sec. 10. EFFECTIVE DATE. This Act takes effect January 1,
6 33 2010.

6 34 EXPLANATION

6 35 This bill relates to employers and individuals who perform



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7 1 labor and wage payment collection.
7 2 In Code section 91A.2, the definition of "employee" is
7 3 amended to include five requirements to determine whether an
7 4 individual is an employee or independent contractor. To
7 5 establish the absence of an employment relationship, a
7 6 putative employer must prove that the employer and the
7 7 individual share an intention to create an independent
7 8 contractor relationship; the employer does not control the
7 9 performance of the individual's services; the employer is not
7 10 responsible for paying the individual's wages; the employer
7 11 does not have the authority to terminate the relationship; and
7 12 the employer is not the entity for whose benefit the
7 13 individual is providing services. Also in Code section 91A.2,
7 14 the definition of "liquidated damages" is amended so that the
7 15 amount cannot exceed twice the amount of unpaid wages and
7 16 cannot accumulate.
7 17 Code section 91A.6(1) and (2) are amended to remove the
7 18 requirement that an employer be notified by the division of
7 19 labor services of the department of workforce development
7 20 before the employer is required to fulfill the requirements in
7 21 subsection 1 relating to employee wage and benefit
7 22 information. Additionally, Code section 91A.6(1)(d) is
7 23 amended to establish a rebuttable presumption that an employer
7 24 did not pay the minimum wage if the employer does not maintain
7 25 proper payroll records.
7 26 In Code section 91A.8(1), a violation of this Code chapter
7 27 occurs any week when an individual employee is not paid wages,
7 28 state taxes are not withheld, or in each week that an employee
7 29 is improperly discharged, discriminated against, or retaliated
7 30 against until compensation is made. In Code section 91A.8(2),
7 31 language that relates to the damages that an employer shall be
7 32 liable for in other instances, is deleted.
7 33 Code section 91A.9(2) has two changes. The first is to
7 34 eliminate language limiting the commissioner's entry into a
7 35 place of employment only in response to a written complaint.



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8 1 The second change provides that a complaining employee may
8 2 request confidentiality. The commissioner shall then
8 3 determine whether the commissioner can effectively investigate
8 4 the matter and maintain the employee's confidentiality. If
8 5 maintaining the employee's confidentiality is not possible,
8 6 the commissioner shall proceed only with the employee's
8 7 consent.

8 8 Code section 91A.10(1) is amended by splitting the
8 9 subsection into two paragraphs. The second paragraph's first
8 10 sentence begins with a new clause that states that the
8 11 commissioner can determine whether there is an enforceable
8 12 claim, regardless of whether the investigation began due to a
8 13 complaining employee or at the behest of the commissioner.
8 14 The paragraph also includes rewritten language that states
8 15 that the technical rules respecting the validity of an
8 16 assignment in trust for the claim of wages shall not apply.

8 17 Code section 91A.10(5), which is the subsection covering
8 18 retaliatory actions by employers or others, is expanded to
8 19 cover persons other than employees who act under this Code
8 20 chapter against an employee. A 90-day period is established
8 21 during which any action against an employee or other person is
8 22 rebuttably presumed to be retaliatory. New subsection 6 is
8 23 created in Code section 91A.10 to allow the commissioner to
8 24 maintain a civil action in any court of proper jurisdiction.
8 25 An employer who retaliates against an employee or other person
8 26 shall compensate the injured party an amount set by the
8 27 commissioner or the court, but not less than \$150 for each day
8 28 of the violation.

8 29 In Code section 91A.12, the civil penalty that the
8 30 commissioner may assess is raised to \$500 per violation which
8 31 is deposited into the general fund of the state.

8 32 The bill takes effect January 1, 2010.

8 33 LSB 2067XS 83

8 34 ak/rj/8.1



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Senate File 158 - Introduced

SENATE FILE
BY ZAUN, HAMERLINCK, MCKINLEY,
BEHN, and DOTZLER

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

A BILL FOR

- 1 An Act relating to exemptions from the prohibitions of the
- 2 smokefree air Act for some bars.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2081XS 83
- 5 pf/rj/5



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Senate File 158 - Introduced continued

PAG LIN

1 1 Section 1. Section 142D.2, subsections 1 and 17, Code
 1 2 2009, are amended to read as follows:
 1 3 1. "Bar" means an establishment where one may purchase
 1 4 alcoholic beverages, as defined in section 123.3, for
 1 5 consumption on the premises and in which ~~the serving of food~~
~~1 6 is only incidental to the consumption of those sixty percent~~
 1 7 or more of the gross revenue of the establishment is derived
 1 8 from the sales of such beverages.

1 9 17. "Restaurant" means ~~an eating establishments~~
 1 10 establishment, including a private and public school
 1 11 ~~cafeterias cafeteria~~, which ~~offer~~ offers food to the public,
 1 12 guests, or employees, including the kitchen and catering
 1 13 facilities in which food is prepared on the premises for
 1 14 serving elsewhere, and including ~~a bar~~ an area within a
 1 15 restaurant where one may purchase alcoholic beverages, as
 1 16 defined in section 123.3, for consumption on the premises.

1 17 Sec. 2. Section 142D.3, subsection 2, paragraph b, Code
 1 18 2009, is amended by striking the paragraph.

1 19 Sec. 3. Section 142D.4, Code 2009, is amended by adding
 1 20 the following new subsection:

1 21 NEW SUBSECTION. 12. A bar to which only individuals
 1 22 twenty-one years of age and older are invited and allowed
 1 23 entrance.

EXPLANATION

1 24 This bill amends the smokefree air Act (Code chapter 142D)
 1 25 relating to bars. The bill redefines "bar" under the Act to
 1 26 provide that a bar is an establishment in which alcoholic
 1 27 beverages may be purchased for consumption on the premises and
 1 28 in which at least 60 percent of the gross revenue of the
 1 29 establishment is derived from the sales of such beverages.
 1 30 The bill changes the definition of "restaurant" to include
 1 31 areas of the restaurant where alcoholic beverages can be
 1 32 purchased and consumed rather than referring to the new
 1 33 definition of "bar". The bill exempts bars to which only
 1 34 individuals 21 years of age and older are invited and allowed
 1 35



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2 1 entrance from the smoking prohibitions of the Act. The bill
2 2 also eliminates the provision prohibiting smoking in the
2 3 outdoor seating and serving areas of restaurants.
2 4 LSB 2081XS 83
2 5 pf/rj/5



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Senate File 159 - Introduced

SENATE FILE
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 1090)

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

A BILL FOR

- 1 An Act relating to electrician licensure by modifying existing
- 2 provisions and specifying new classifications.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLBS 1310SV 83
- 5 rn/rj/5



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Senate File 159 - Introduced continued

PAG LIN

1 1 Section 1. Section 103.1, Code 2009, is amended by adding
1 2 the following new subsections:

1 3 NEW SUBSECTION. 11A. "Residential electrician" means a
1 4 person having the necessary qualifications, training,
1 5 experience, and technical knowledge to perform a residential
1 6 installation.

1 7 NEW SUBSECTION. 11B. "Residential installation" means the
1 8 wiring for or installation of electrical wiring, apparatus,
1 9 and equipment in a residence consisting of no more than four
1 10 living units within the same building.

1 11 NEW SUBSECTION. 11C. "Residential master electrician"
1 12 means a person having the necessary qualifications, training,
1 13 experience, and technical knowledge to properly plan, lay out,
1 14 and supervise the performance of a residential installation.

1 15 Sec. 2. NEW SECTION. 103.10A INACTIVE MASTER ELECTRICIAN
1 16 LICENSE.

1 17 The board may by rule create an inactive master electrician
1 18 license and establish a fee for such a license. An applicant
1 19 for an inactive master electrician license shall, at a
1 20 minimum, meet the requirements of this chapter and
1 21 requirements established by the board by rule for licensure as
1 22 a class A master electrician or a class B master electrician.
1 23 A person licensed as an inactive master electrician shall not
1 24 be authorized to act as a master electrician, but shall be
1 25 authorized to apply for a class A master electrician license
1 26 or a class B master electrician license at a future date
1 27 subject to conditions and under procedures established by the
1 28 board by rule. The conditions and procedures shall include
1 29 but not be limited to completion of the required number of
1 30 contact hours of continuing education courses specified in
1 31 section 103.18, and paying the applicable license fee
1 32 specified in section 103.19 for a class A master electrician
1 33 license or class B master electrician license.

1 34 Sec. 3. NEW SECTION. 103.12A RESIDENTIAL ELECTRICIAN AND
1 35 RESIDENTIAL MASTER ELECTRICIAN LICENSE == QUALIFICATIONS.



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Senate File 159 - Introduced continued

2 1 1. The board may by rule provide for the issuance of a
2 2 residential electrician license, and may by rule provide for
2 3 the issuance of a residential master electrician license.
2 4 a. A residential electrician license or residential master
2 5 electrician license, if established by the board, shall be
2 6 issued to applicants who meet qualifications determined by the
2 7 board, and shall be valid for the performance of residential
2 8 installations, subject to limitations or restrictions
2 9 established by the board.
2 10 b. A person who, on or after the effective date of this
2 11 Act, holds a special electrician license authorizing
2 12 residential electrical installation, granted pursuant to
2 13 section 103.13, shall be eligible for conversion of that
2 14 special license to either a residential electrician license or
2 15 a residential master electrician license, if established by
2 16 the board, in accordance with requirements and procedures
2 17 established by the board.
2 18 2. A person licensed by the board as a class A journeyman
2 19 electrician or a class B journeyman electrician, or as a class
2 20 A master electrician or a class B master electrician, shall
2 21 not be required to hold a residential electrician or
2 22 residential master electrician license to perform any type of
2 23 residential installation authorized for a person licensed
2 24 pursuant to this section.
2 25 3. The board may reject an application for licensure under
2 26 this section from an applicant who would be subject to
2 27 suspension, revocation, or reprimand pursuant to section
2 28 103.35.
2 29 Sec. 4. Section 103.13, Code 2009, is amended to read as
2 30 follows:
2 31 103.13 SPECIAL ELECTRICIAN LICENSE == QUALIFICATIONS.
2 32 1. The board shall by rule provide for the issuance of
2 33 special electrician licenses authorizing the licensee to
2 34 engage in a limited class or classes of electrical work, which
2 35 class or classes shall be specified on the license. Each



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3 1 licensee shall have experience, acceptable to the board, in
3 2 each such limited class of work for which the person is
3 3 licensed. ~~The board may reject an application for licensure~~
~~3 4 under this section from an applicant who would be subject to~~
~~3 5 suspension, revocation, or reprimand pursuant to section~~
~~3 6 103.35.~~
3 7 2. Notwithstanding section 103.8, a person who holds a
3 8 special electrician license is not required to obtain an
3 9 electrical contractor license to engage in the business of
3 10 providing new electrical installations or any other electrical
3 11 services if such installations or services fall within the
3 12 limited class of special electrical work for which the person
3 13 holds the special electrician license.
3 14 3. The board may reject an application for licensure under
3 15 this section from an applicant who would be subject to
3 16 suspension, revocation, or reprimand pursuant to section
3 17 103.35.
3 18 Sec. 5. Section 103.19, subsection 1, paragraph a, Code
3 19 2009, is amended to read as follows:
3 20 a. For each year of the three-year license period for
3 21 issuance and renewal:
3 22 (1) Electrical contractor, one hundred twenty-five
3 23 dollars.
3 24 (2) Class A master electrician, class B master
3 25 electrician, residential master electrician, one hundred
3 26 twenty-five dollars.
3 27 (3) Class A journeyman electrician, class B journeyman
3 28 electrician, residential electrician, or special electrician,
3 29 twenty-five dollars.
3 30 Sec. 6. Section 103.19, Code 2009, is amended by adding
3 31 the following new subsection:
3 32 NEW SUBSECTION. 3. If the board determines that all
3 33 licenses shall expire on the same date every three years for
3 34 licenses specified in subsection 1, paragraph "a", the license
3 35 fees shall be prorated by month. The board shall determine an



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4 1 individual's license fee based on the number of months that
4 2 the individual's license will be in effect after being issued
4 3 and prior to expiration.

4 4 Sec. 7. Section 103.25, Code 2009, is amended to read as
4 5 follows:

4 6 103.25 REQUEST FOR INSPECTION == FEES.

4 7 1. At or before commencement of any installation required
4 8 to be inspected by the board, the licensee or property owner
4 9 making such installation shall submit to the state fire
4 10 marshal's office a request for inspection. The board shall
4 11 prescribe the methods by which the request may be submitted,
4 12 which may include electronic submission or through a form
4 13 prescribed by the board that can be submitted either through
4 14 the mail or by a fax transmission. The board shall also
4 15 prescribe methods by which inspection fees can ~~by~~ be paid,
4 16 which may include electronic methods of payment. If the board
4 17 or the state fire marshal's office becomes aware that a person
4 18 has failed to file a necessary request for inspection, the
4 19 board shall send a written notification by certified mail that
4 20 the request must be filed within fourteen days. Any person
4 21 filing a late request for inspection shall pay a delinquency
4 22 fee in an amount to be determined by the board. A person who
4 23 fails to file a late request within fourteen days shall be
4 24 subject to a civil penalty to be determined by the board by
4 25 rule.

4 26 2. Notwithstanding subsection 1, the board may by rule
4 27 provide for the issuance of a single permit to a licensee to
4 28 request multiple inspections. The permit authorizes the
4 29 licensee to perform new electrical installations specified in
4 30 the permit. The board shall prescribe the methods by which
4 31 the request for multiple inspections may be submitted, which
4 32 may include electronic submission or through a form prescribed
4 33 by the board that can be submitted either through the mail or
4 34 by a fax transmission. The board shall also prescribe methods
4 35 by which inspection fees can be paid, which may include



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5 1 electronic methods of payment. The board may perform
5 2 inspections of each new electrical installation or any portion
5 3 of the total number of new electrical installations made under
5 4 each permit. The board shall establish fees for such permits,
5 5 which shall not exceed the total inspection fees that would be
5 6 required if each new electrical installation performed under
5 7 the request for multiple inspections had been performed under
5 8 individual requests for inspections as provided in subsection
5 9 1.

5 10 Sec. 8. Section 103.29, subsection 4, Code 2009, is
5 11 amended to read as follows:
5 12 4. A political subdivision is authorized to determine what
5 13 work may be performed by a class B licensee within the
5 14 jurisdictional limits of the political subdivision, provided,
5 15 however, that a political subdivision shall not prohibit a
5 16 class B licensee from performing any type of work that the
5 17 licensee was authorized to perform within the political
5 18 subdivision under the authority of a license validly issued or
5 19 recognized by the political subdivision on December 31, 2007.

5 20 Sec. 9. Section 103.30, Code 2009, is amended to read as
5 21 follows:
5 22 103.30 INSPECTIONS NOT REQUIRED.
5 23 1. Nothing in this chapter shall be construed to require
5 24 the work of employees of municipal utilities, railroads,
5 25 electric membership or cooperative associations,
5 26 investor-owned utilities, rural water associations or
5 27 districts, or telecommunications systems to be inspected while
5 28 acting within the scope of their employment.

5 29 2. The board may by rule exempt specified types of new
5 30 electrical installations from the state electrical inspection
5 31 requirements under section 103.23, provided that a political
5 32 subdivision conducting inspections pursuant to section 103.24
5 33 shall not be prohibited from requiring inspection of any new
5 34 electrical installation exempt by rule from state inspection
5 35 pursuant to this subsection.



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6 1 Sec. 10. Section 103.33, subsection 3, Code 2009, is
6 2 amended to read as follows:
6 3 3. Upon receipt of notice of appeal from a condemnation or
6 4 disconnection order because the electrical installation is not
6 5 in compliance with accepted standards of construction for
6 6 safety to health and property, except as provided in
6 7 subsection 2, the order appealed from shall be stayed until
6 8 final decision of the board and the board shall notify the
6 9 property owner and the electrical contractor, class A master
6 10 electrician, class B master electrician, fire alarm installer,
6 11 ~~or~~ special electrician, or if established by the board the
6 12 residential master electrician, making the installation. The
6 13 power supplier shall also be notified in those instances in
6 14 which the order has been served on such supplier.

6 15 EXPLANATION

6 16 This bill modifies specified existing provisions relating
6 17 to electrician licensure and authorizes two new licensure
6 18 classifications.
6 19 The bill provides that the electrical examining board may
6 20 establish by rule a residential electrician classification and
6 21 a residential master electrician licensure classification to
6 22 perform residential installations. A "residential
6 23 installation" is defined in the bill as wiring for or
6 24 installing electrical wiring, apparatus, and equipment in a
6 25 residence consisting of no more than four living units within
6 26 the same building. A "residential electrician" refers to a
6 27 person having the necessary qualifications, training,
6 28 experience, and technical knowledge to perform a residential
6 29 installation, and a "residential master electrician" refers to
6 30 a person having the necessary qualifications, training,
6 31 experience, and technical knowledge to properly plan, lay out,
6 32 and supervise the performance of a residential installation.
6 33 The bill authorizes the board to determine licensure
6 34 qualifications, limitations, and restrictions for the two new
6 35 classifications if the classifications are established,



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7 1 provides for conversion of an existing special electrician
7 2 license authorizing residential installations to one of the
7 3 new classifications if established, and exempts specified
7 4 existing licensure classifications from requirements
7 5 applicable to the new classifications. The bill contains
7 6 corresponding changes regarding licensing fees and
7 7 notification procedures relating to an appeal from an order of
7 8 condemnation or disconnection by the board. License fee
7 9 amounts are \$125 for a residential master electrician, and \$25
7 10 for a residential electrician.

7 11 The bill additionally authorizes the board to create an
7 12 inactive master electrician license by rule, which could be
7 13 converted to class A master electrician or class B master
7 14 electrician license by complying with continuing education and
7 15 license fee requirements, and other requirements to be
7 16 established by the board.

7 17 The bill provides that in the event that the board
7 18 determines that all three-year licenses shall expire on the
7 19 same date every three years, license fees shall be prorated by
7 20 month for mid-cycle applicants, and authorizes the board to
7 21 establish by rule a process for the issuance of a single
7 22 permit to a licensee to request multiple inspections.

7 23 The bill additionally provides that a political subdivision
7 24 shall not prohibit a class B licensee from performing any type
7 25 of work that the licensee was authorized to perform within the
7 26 political subdivision under the authority of a license validly
7 27 issued or recognized by the political subdivision on December
7 28 31, 2007. The bill also authorizes the board to exempt
7 29 specified types of electrical installations from inspections
7 30 requirements of Code chapter 103, and provides that a
7 31 political subdivision is not obliged to extend the exemption
7 32 to a local inspection the political subdivision is conducting.

7 33 LSB 1310SV 83

7 34 rn/rj/5.1



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Senate File 160 - Introduced

SENATE FILE
BY BOETTGER

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

A BILL FOR

- 1 An Act relating to premises that may be used as a serving site by
- 2 a mobile food unit.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1412SS 83
- 5 jr/nh/8



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1 1 Section 1. Section 137F.1, subsection 7, Code 2009, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. n. Premises used as a serving site as
1 4 provided in section 137F.8A.
1 5 Sec. 2. NEW SECTION. 137F.8A MOBILE FOOD UNITS ==
1 6 ENCLOSED SERVING SITE.
1 7 1. Any law to the contrary notwithstanding, a mobile food
1 8 unit may sell food to groups or individuals, regardless of the
1 9 number of purchasers, at a premises used as a serving site.
1 10 The premises used as a serving site is not deemed a food
1 11 establishment and is not subject to the provisions of this
1 12 chapter.
1 13 2. The food sold by the mobile food unit must be prepared
1 14 in the licensee's mobile food unit or the licensee's food
1 15 establishment. No food preparation or food storage may occur
1 16 at the serving site.
1 17 EXPLANATION
1 18 This bill allows a mobile food unit to remove prepared food
1 19 from the unit and sell it to individual purchasers from a
1 20 serving site. That serving site is exempted from the
1 21 licensing and inspection requirements of a food establishment.
1 22 LSB 1412SS 83
1 23 jr/nh/8.1



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Senate File 161 - Introduced

SENATE FILE
BY JOCHUM

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

A BILL FOR

1 An Act relating to open records and public meetings, including
2 the creation of the Iowa public information board, and
3 providing an effective date and making an appropriation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1986SS 83
6 rh/rj/14



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1 1 Section 1. Section 8A.341, subsection 2, Code 2009, is
1 2 amended to read as follows:
1 3 2. If money is appropriated for this purpose, by November
1 4 1 of each year supply a report which contains the name,
1 5 gender, county, or city of residence when possible, official
1 6 title, salary received during the previous fiscal year, base
1 7 salary as computed on July 1 of the current fiscal year, and
1 8 traveling and subsistence expense of the personnel of each of
1 9 the departments, boards, and commissions of the state
1 10 government except personnel who receive an annual salary of
1 11 less than one thousand dollars. The number of the personnel
1 12 and the total amount received by them shall be shown for each
1 13 department in the report. All employees who have drawn
1 14 salaries, fees, or expense allowances from more than one
1 15 department or subdivision shall be listed separately under the
1 16 proper departmental heading. On the request of the director,
1 17 the head of each department, board, or commission shall
1 18 furnish the data covering that agency. The report shall be
1 19 distributed upon request without charge in an electronic
1 20 medium to each caucus of the general assembly, the legislative
1 21 services agency, the chief clerk of the house of
1 22 representatives, and the secretary of the senate. Copies of
1 23 the report shall be made available to other persons in an
1 24 electronic medium upon payment of a fee, which shall not
1 25 exceed the cost of providing the copy of the report. Sections
1 26 22.2 through ~~22.6~~ 22.5 apply to the report. All funds from
1 27 the sale of the report shall be deposited in the printing
1 28 revolving fund established in section 8A.345.
1 29 Sec. 2. Section 8E.202, subsection 1, unnumbered paragraph
1 30 1, Code 2009, is amended to read as follows:
1 31 The department and each agency shall provide for the widest
1 32 possible dissemination of information between agencies and the
1 33 public relating to the enterprise strategic plan and agency
1 34 strategic plans, including but not limited to internet access.
1 35 This section does not require the department or an agency to



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2 1 release information which is classified as a confidential
2 2 record under this Code, ~~including but not limited to section~~
~~2 3 22.7.~~
2 4 Sec. 3. Section 8E.202, subsection 3, Code 2009, is
2 5 amended to read as follows:
2 6 3. A record which is confidential under this Code,
~~2 7 including but not limited to section 22.7,~~ shall not be
2 8 released to the public under this section.
2 9 Sec. 4. Section 21.2, subsection 1, Code 2009, is amended
2 10 by adding the following new paragraph:
2 11 NEW PARAGRAPH. i. An entity eligible to exercise
2 12 tax-exempt bonding authority under chapter 7C, including a
2 13 nonprofit tax-exempt bonding authority under chapter 7C
2 14 designated by the state to serve as a secondary market for
2 15 student loans and a nonprofit tax-exempt bonding authority
2 16 under chapter 7C whose board of directors is appointed by the
2 17 governor.
2 18 Sec. 5. Section 21.4, subsections 1 and 3, Code 2009, are
2 19 amended to read as follows:
2 20 1. A Except as provided in subsection 3, a governmental
2 21 body, except township trustees, shall give notice of the time,
2 22 date, and place of each meeting including a reconvened meeting
2 23 of the governmental body, and its the tentative agenda of the
2 24 meeting, in a manner reasonably calculated to apprise the
2 25 public of that information. Reasonable notice shall include
2 26 advising the news media who have filed a request for notice
2 27 with the governmental body and posting the notice on a
2 28 bulletin board or other prominent place which is easily
2 29 accessible to the public and clearly designated for that
2 30 purpose at the principal office of the body holding the
2 31 meeting, or if no such office exists, at the building in which
2 32 the meeting is to be held.
2 33 3. Subsection 1 does not apply to any of the following:
2 34 a. A meeting reconvened within four hours of the start of
2 35 its recess, where an announcement of the time, date, and place



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3 1 of the reconvened meeting is made at the original meeting in
3 2 open session and recorded in the minutes of the meeting and
3 3 there is no change in the agenda.
3 4 b. A meeting held by a formally constituted subunit of a
3 5 parent governmental body may conduct a meeting without notice
~~3 6 as required by this section during a lawful meeting of the~~
3 7 parent governmental body, or during a recess in that meeting
3 8 of up to four hours, or a meeting of that subunit immediately
3 9 following that the meeting of the parent governmental body, if
3 10 the meeting of the that subunit is publicly announced in open
3 11 session at the parent meeting and the subject of the meeting
3 12 reasonably coincides with the subjects discussed or acted upon
3 13 by the parent governmental body.
3 14 Sec. 6. Section 21.5, subsection 1, paragraph j, Code
3 15 2009, is amended to read as follows:
3 16 j. To discuss the purchase of particular real estate only
3 17 where premature disclosure could be reasonably expected to
3 18 increase the price the governmental body would have to pay for
3 19 that property. The minutes and the ~~tape~~ audio recording of a
3 20 session closed under this paragraph shall be available for
3 21 public examination when the transaction discussed is
3 22 completed.
3 23 Sec. 7. Section 21.5, subsection 4, Code 2009, is amended
3 24 to read as follows:
3 25 4. A governmental body shall keep detailed minutes of all
3 26 discussion, persons present, and action occurring at a closed
3 27 session, and shall also ~~tape~~ audio record all of the closed
3 28 session. The detailed minutes and ~~tape~~ audio recording of a
3 29 closed session shall be sealed and shall not be public records
3 30 open to public inspection. However, upon order of the court
3 31 in an action to enforce this chapter, the detailed minutes and
3 32 ~~tape~~ audio recording shall be unsealed and examined by the
3 33 court in camera. The court shall then determine what part, if
3 34 any, of the minutes should be disclosed to the party seeking
3 35 enforcement of this chapter for use in that enforcement



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4 1 proceeding. In determining whether any portion of the minutes
4 2 or recording shall be disclosed to such a party for this
4 3 purpose, the court shall weigh the prejudicial effects to the
4 4 public interest of the disclosure of any portion of the
4 5 minutes or recording in question, against its probative value
4 6 as evidence in an enforcement proceeding. After such a
4 7 determination, the court may permit inspection and use of all
4 8 or portions of the detailed minutes and ~~tape~~ audio recording
4 9 by the party seeking enforcement of this chapter. A
4 10 governmental body shall keep the detailed minutes and ~~tape~~
4 11 audio recording of any closed session for a period of at least
4 12 one year from the date of that meeting, except as otherwise
4 13 required by law.

4 14 Sec. 8. Section 21.6, subsection 3, paragraph a, Code
4 15 2009, is amended to read as follows:

4 16 a. Shall assess each member of the governmental body who
4 17 participated in its violation damages in the amount of not
4 18 more than five hundred dollars ~~or~~ and not less than one
4 19 hundred dollars. However, if a member of a governmental body
4 20 knowingly participated in such a violation, damages shall be
4 21 in the amount of not more than two thousand five hundred
4 22 dollars and not less than one thousand dollars. These damages
4 23 shall be paid by the court imposing it to the state of Iowa,
4 24 if the body in question is a state governmental body, or to
4 25 the local government involved if the body in question is a
4 26 local governmental body. A member of a governmental body
4 27 found to have violated this chapter shall not be assessed such
4 28 damages if that member proves that the member did any of the
4 29 following:

4 30 (1) Voted against the closed session.

4 31 (2) Had good reason to believe and in good faith believed
4 32 facts which, if true, would have indicated compliance with all
4 33 the requirements of this chapter.

4 34 (3) Reasonably relied upon a decision of a court, ~~or~~ a
4 35 formal opinion of the Iowa public information board, the



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5 1 attorney general, or the attorney for the governmental body,
5 2 given in writing, or as memorialized in the minutes of the
5 3 meeting at which a formal oral opinion was given, or an
5 4 advisory opinion of the Iowa public information board, the
5 5 attorney general, or the attorney for the governmental body,
5 6 given in writing.

5 7 Sec. 9. Section 21.6, subsection 3, paragraph d, Code
5 8 2009, is amended to read as follows:

5 9 d. Shall issue an order removing a member of a
5 10 governmental body from office if that member has engaged in a
5 11 prior violation of this chapter for which damages were
5 12 assessed against the member during the member's term. In
5 13 making this determination, the court shall recognize
5 14 violations for which damages were assessed by the Iowa public
5 15 information board created in section 23.3.

5 16 Sec. 10. NEW SECTION. 22.0A PURPOSE.

5 17 The purpose of this chapter is to provide as much
5 18 transparency in government operations as possible consistent
5 19 with the need to avoid undue invasions of personal privacy and
5 20 the need to avoid significant interference with the
5 21 achievement of other important and legitimate state
5 22 objectives.

5 23 Sec. 11. Section 22.1, subsection 1, Code 2009, is amended
5 24 to read as follows:

5 25 1. The term "government body" means this state, or any
5 26 county, city, township, school corporation, political
5 27 subdivision, tax-supported district, nonprofit corporation
5 28 other than a fair conducting a fair event as provided in
5 29 chapter 174, whose facilities or indebtedness are supported in
5 30 whole or in part with property tax revenue and which is
5 31 licensed to conduct pari-mutuel wagering pursuant to chapter
5 32 99D, an entity eligible to exercise tax-exempt bonding
5 33 authority under chapter 7C, including a nonprofit tax-exempt
5 34 bonding authority under chapter 7C designated by the state to
5 35 serve as a secondary market for student loans and a nonprofit



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6 1 tax-exempt bonding authority under chapter 7C whose board of
6 2 directors is appointed by the governor, or other entity of
6 3 this state, or any branch, department, board, bureau,
6 4 commission, council, committee, official, or officer of any of
6 5 the foregoing or any employee delegated the responsibility for
6 6 implementing the requirements of this chapter.

6 7 Sec. 12. NEW SECTION. 22.2A RECORD REQUESTS == TIME
6 8 LIMITS.

6 9 1. Upon receipt of an oral or written request to examine
6 10 or copy a public record, the lawful custodian shall, if
6 11 feasible in the ordinary course of business, permit such
6 12 examination or copying at the time of the request. If it is
6 13 not feasible in the ordinary course of business to permit
6 14 examination or copying of the public record at the time of the
6 15 request, the lawful custodian shall immediately notify the
6 16 requester, orally or in writing, when such examination or
6 17 copying may take place, which shall be no later than five
6 18 business days from the time of the request unless there is
6 19 good cause for further delay. If further delay is necessary
6 20 because of good cause in responding to a request to examine or
6 21 copy a record the lawful custodian knows is a public record,
6 22 the lawful custodian shall provide the requester with a
6 23 written statement detailing the reason or reasons for the
6 24 delay and the date by which the request will be satisfied.

6 25 2. If the lawful custodian is in doubt as to whether the
6 26 record requested is a public record or whether the requester
6 27 should be permitted to examine or copy an optional public
6 28 record specified in section 22.7, the lawful custodian shall
6 29 make that determination within ten business days from the date
6 30 of the request unless further delay is necessary because of a
6 31 pending request by the lawful custodian to the Iowa public
6 32 information board for an opinion regarding the status of the
6 33 record requested, or other good cause, which is communicated
6 34 in writing to the requester. Examination or copying of the
6 35 government record shall be allowed within five business days



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7 1 from the date the lawful custodian makes the decision in such
7 2 circumstances to permit examination or copying of the record
7 3 unless there is good cause for further delay in fulfilling the
7 4 request as provided in subsection 1.

7 5 3. If the lawful custodian denies a request to examine or
7 6 copy a public record, the custodian must provide the requester
7 7 at the time of the denial a written statement denying the
7 8 request and detailing the specific reason or reasons for the
7 9 denial.

7 10 4. If the lawful custodian does not fulfill a request to
7 11 examine or copy a public record within the times prescribed in
7 12 this section, the request shall be deemed denied and the
7 13 requester shall be entitled to file a complaint with the Iowa
7 14 public information board pursuant to section 23.7 or file a
7 15 lawsuit against the lawful custodian pursuant to section
7 16 22.10.

7 17 Sec. 13. Section 22.7, subsection 7, Code 2009, is amended
7 18 to read as follows:

7 19 7. Appraisals or appraisal information concerning the
7 20 purchase of real or personal property for public purposes,
7 21 prior to ~~public announcement of a project~~ the submission of
7 22 the appraisal to the property owner or other interest holders
7 23 as provided in section 6B.45.

7 24 Sec. 14. Section 22.7, subsection 10, Code 2009, is
7 25 amended by striking the subsection.

7 26 Sec. 15. Section 22.7, subsection 11, Code 2009, is
7 27 amended to read as follows:

7 28 11. a. Personal information in confidential personnel
7 29 records of public government bodies including but not limited
7 30 to cities, boards of supervisors and school districts relating
7 31 to identified or identifiable individuals who are officials,
7 32 officers, or employees of the government bodies. However, the
7 33 following information relating to such individuals contained
7 34 in personnel records shall be public records:

7 35 (1) The name and compensation of the individual including



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8 1 any written agreement establishing compensation or any other
8 2 terms of employment excluding any information otherwise
8 3 excludable from public information pursuant to this section or
8 4 any other applicable provision of law. For purposes of this
8 5 paragraph, "compensation" means payment of, or agreement to
8 6 pay, any money, thing of value, or financial benefit conferred
8 7 in return for labor or services rendered by an officer,
8 8 employee, or other person plus the value of benefits including
8 9 but not limited to casualty, disability, life, or health
8 10 insurance, other health or wellness benefits, vacation,
8 11 holiday, and sick leave, severance payments, retirement
8 12 benefits, and deferred compensation.
8 13 (2) The date the individual was employed by the government
8 14 body.
8 15 (3) The positions the individual holds or has held with
8 16 the government body.
8 17 (4) The educational institutions attended by the
8 18 individual, including any diplomas and degrees earned, and the
8 19 names of the individual's previous employers, positions
8 20 previously held, and dates of previous employment.
8 21 (5) Any final disciplinary action taken against the
8 22 individual that resulted in the individual's discharge.
8 23 b. Personal information in confidential personnel records
8 24 of government bodies relating to student employees shall only
8 25 be released pursuant to 20 U.S.C. } 1232g.
8 26 Sec. 16. Section 22.7, subsection 18, Code 2009, is
8 27 amended to read as follows:
8 28 18. a. Communications not required by law, rule,
8 29 procedure, or contract that are made to a government body or
8 30 to any of its employees by identified persons outside of
8 31 government, to the extent that the government body receiving
8 32 those communications from such persons outside of government
8 33 could reasonably believe that those persons would be
8 34 discouraged from making them to that government body if they
8 35 were available for general public examination. As used in



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9 1 this subsection, "persons outside of government" does not
9 2 include persons or employees of persons who are communicating
9 3 with respect to a consulting or contractual relationship with
9 4 a government body or who are communicating with a government
9 5 body with whom an arrangement for compensation exists.
9 6 Notwithstanding this provision:

9 7 ~~a.~~ (1) The communication is a public record to the extent
9 8 that the person outside of government making that
9 9 communication consents to its treatment as a public record.

9 10 ~~b.~~ (2) Information contained in the communication is a
9 11 public record to the extent that it can be disclosed without
9 12 directly or indirectly indicating the identity of the person
9 13 outside of government making it or enabling others to
9 14 ascertain the identity of that person.

9 15 ~~e.~~ (3) Information contained in the communication is a
9 16 public record to the extent that it indicates the date, time,
9 17 specific location, and immediate facts and circumstances
9 18 surrounding the occurrence of a crime or other illegal act,
9 19 except to the extent that its disclosure would plainly and
9 20 seriously jeopardize a continuing investigation or pose a
9 21 clear and present danger to the safety of any person. In any
9 22 action challenging the failure of the lawful custodian to
9 23 disclose any particular information of the kind enumerated in
9 24 this paragraph, the burden of proof is on the lawful custodian
9 25 to demonstrate that the disclosure of that information would
9 26 jeopardize such an investigation or would pose such a clear
9 27 and present danger.

9 28 b. This subsection does not apply to information relating
9 29 to applications to a government body for employment.

9 30 Sec. 17. Section 22.7, subsections 40, 43, and 48, Code
9 31 2009, are amended to read as follows:

9 32 40. The portion of a record request that contains an
9 33 internet protocol number ~~which identifies the computer from~~
~~9 34 which a person requests a record, whether the person using~~
~~9 35 such computer makes the request through the IowaAccess network~~



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~~10 1 or directly to a lawful custodian. However, such record may
10 2 be released with the express written consent of the person
10 3 requesting the record.~~

10 4 43. Information obtained by the commissioner of insurance
10 5 pursuant to section 502.607, subsection 2.

~~10 6 48. Sex offender registry records under chapter 692A,
10 7 except shall only be released as provided in section 692A.13.~~

10 8 Sec. 18. Section 22.7, subsection 52, paragraphs a and c,
10 9 Code 2009, are amended to read as follows:

10 10 a. The following records relating to a charitable donation
10 11 made to a foundation acting solely for the support of an
10 12 institution governed by the state board of regents, to a
10 13 foundation acting solely for the support of an institution
10 14 governed by chapter 260C, to a private foundation as defined
10 15 in section 509 of the Internal Revenue Code organized for the
10 16 support of a government body, or to an endow Iowa qualified
10 17 community foundation, as defined in section 15E.303, organized
10 18 for the support of a government body:

10 19 (1) Portions of records that disclose a donor's or
10 20 prospective donor's personal, financial, estate planning, or
10 21 gift planning matters.

10 22 (2) Records received from a donor or prospective donor
10 23 regarding such donor's prospective gift or pledge.

10 24 (3) Records containing information about a donor or a
10 25 prospective donor in regard to the appropriateness of the
10 26 solicitation and dollar amount of the gift or pledge.

10 27 (4) Portions of records that identify a prospective donor
10 28 and that provide information on the appropriateness of the
10 29 solicitation, the form of the gift or dollar amount requested
10 30 by the solicitor, and the name of the solicitor.

10 31 (5) Portions of records disclosing the identity of a donor
10 32 or prospective donor, including the specific form of gift or
10 33 pledge that could identify a donor or prospective donor,
10 34 directly or indirectly, when such donor has requested
10 35 anonymity in connection with the gift or pledge. This



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11 1 subparagraph does not apply to a gift or pledge from a
11 2 publicly held business corporation.
11 3 c. Except as provided in paragraphs "a" and "b", portions
11 4 of records relating to the receipt, holding, and disbursement
11 5 of gifts made for the benefit of regents institutions and made
11 6 through foundations established for support of regents
11 7 institutions, including but not limited to written
11 8 fund-raising policies and documents evidencing fund-raising
11 9 practices, shall be subject to this chapter. Unless otherwise
11 10 provided, the lawful custodian of all records subject to this
11 11 paragraph is the regents institution to be benefited by such
11 12 gifts.

11 13 Sec. 19. Section 22.7, subsection 55, Code 2009, is
11 14 amended to read as follows:

11 15 55. An intelligence assessment and intelligence data under
11 16 chapter 692, ~~except~~ shall only be released as provided in
11 17 section 692.8A.

11 18 Sec. 20. Section 22.7, Code 2009, is amended by adding the
11 19 following new subsection:

11 20 NEW SUBSECTION. 62. PUBLIC EMPLOYMENT APPLICATIONS.

11 21 a. The identity and qualifications of an applicant for
11 22 employment by a government body if the applicant requests
11 23 anonymity in writing and the government body determines that
11 24 anonymity is necessary to induce the applicant to apply for
11 25 the employment position. Such information shall be exempt
11 26 from disclosure until an applicant is considered by the
11 27 government body to be a finalist for the position. For
11 28 purposes of this subsection, "finalist" means any applicant
11 29 who is determined to be among those who are under final
11 30 consideration for the position, and at least includes the five
11 31 most qualified applicants as determined by the recommending or
11 32 selecting authority. If there are five or fewer applicants
11 33 for the particular position, all of the applicants shall be
11 34 considered finalists for purposes of this subsection. The
11 35 identities and qualifications of the finalists shall be made



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12 1 available for public inspection at least three business days
12 2 prior to a final decision.
12 3 b. Documents relating to a government body's evaluation of
12 4 the qualifications and merits of an applicant for employment
12 5 by that government body.
12 6 Sec. 21. Section 22.10, subsection 3, paragraph b, Code
12 7 2009, is amended to read as follows:
12 8 b. Shall assess the persons who participated in its
12 9 violation damages in the amount of not more than five hundred
12 10 dollars ~~nor~~ and not less than one hundred dollars. However,
12 11 if a member of a government body knowingly participated in
12 12 such a violation, damages shall be in the amount of not more
12 13 than two thousand five hundred dollars and not less than one
12 14 thousand dollars. These damages shall be paid by the court
12 15 imposing them to the state of Iowa if the body in question is
12 16 a state government body, or to the local government involved
12 17 if the body in question is a local government body. A person
12 18 found to have violated this chapter shall not be assessed such
12 19 damages if that person proves that the person ~~either voted~~ did
12 20 any of the following:
12 21 (1) Voted against the action violating this chapter,
12 22 refused to participate in the action violating this chapter,
12 23 or engaged in reasonable efforts under the circumstances to
12 24 resist or prevent the action in violation of this chapter;
12 25 ~~had.~~
12 26 (2) Had good reason to believe and in good faith believed
12 27 facts which, if true, would have indicated compliance with the
12 28 requirements of this chapter; ~~or reasonably.~~
12 29 (3) Reasonably relied upon a decision of a court ~~or an,~~ a
12 30 formal opinion of the Iowa public information board, the
12 31 attorney general, or the attorney for the government body,
12 32 given in writing, or as memorialized in the minutes of the
12 33 meeting at which a formal oral opinion was given, or an
12 34 advisory opinion of the Iowa public information board, the
12 35 attorney general, or the attorney for the government body,



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13 1 given in writing.

13 2 Sec. 22. Section 22.10, subsection 3, paragraph d, Code
13 3 2009, is amended to read as follows:

13 4 d. Shall issue an order removing a person from office if
13 5 that person has engaged in a prior violation of this chapter
13 6 for which damages were assessed against the person during the
13 7 person's term. In making this determination, the court shall
13 8 recognize violations for which damages were assessed by the
13 9 Iowa public information board created in section 23.3.

13 10 Sec. 23. Section 22.10, subsection 5, Code 2009, is
13 11 amended by striking the subsection.

13 12 Sec. 24. Section 22.13, Code 2009, is amended to read as
13 13 follows:

13 14 22.13 SETTLEMENTS == ~~GOVERNMENTAL~~ GOVERNMENT BODIES.

13 15 1. A written summary of the terms of settlement, including
13 16 amounts of payments made to or through a claimant, or other
13 17 disposition of any claim for damages made against a
13 18 ~~governmental~~ government body or against an employee, officer,
13 19 or agent of a ~~governmental~~ government body, by an insurer
13 20 pursuant to a contract of liability insurance issued to the
13 21 ~~governmental~~ government body, shall be filed with the
13 22 ~~governmental~~ government body and shall be a public record.

13 23 2. A final binding settlement agreement between any
13 24 government body of this state or unit or official of such a
13 25 government body that resolves a legal dispute between such a
13 26 government body and another person or entity shall be filed
13 27 with the government body. For each such settlement agreement,
13 28 the government body shall prepare and file, together with the
13 29 settlement agreement, a brief summary indicating the identity
13 30 of the parties involved, the nature of the dispute, any
13 31 underlying relevant facts, and the terms of the settlement.
13 32 The settlement agreement and summary shall be available for
13 33 public inspection.

13 34 Sec. 25. Section 22.14, subsection 3, Code 2009, is
13 35 amended to read as follows:



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14 1 3. If a fiduciary or other third party with custody of
14 2 public investment transactions records fails to produce public
14 3 records within a reasonable period of time as requested by the
14 4 ~~public government~~ body, the ~~public government~~ body shall make
14 5 no new investments with or through the fiduciary or other
14 6 third party and shall not renew existing investments upon
14 7 their maturity with or through the fiduciary or other third
14 8 party. The fiduciary or other third party shall be liable for
14 9 the penalties imposed under ~~section 22.6 statute, common law,~~
14 10 ~~or contract~~ due to the acts or omissions of the fiduciary or
14 11 other third party ~~and any other remedies available under~~
14 12 ~~statute, common law, or contract.~~

14 13 Sec. 26. NEW SECTION. 22.15 JUDICIAL BRANCH == RULES.

14 14 This chapter does not apply to government records owned,
14 15 created, possessed, or under the control of the judicial
14 16 branch related to the performance by the courts of their
14 17 judicial functions. The supreme court shall prescribe rules
14 18 governing access to such records consistent with the purposes
14 19 of this chapter.

14 20 Sec. 27. NEW SECTION. 23.1 CITATION AND PURPOSE.

14 21 This chapter may be cited as the "Iowa Public Information
14 22 Board Act". The purpose of this chapter is to provide an
14 23 alternative means by which to secure compliance with and
14 24 enforcement of the requirements of chapters 21 and 22 through
14 25 the provision by the Iowa public information board to all
14 26 interested parties of an efficient, informal, and
14 27 cost-effective process for resolving disputes.

14 28 Sec. 28. NEW SECTION. 23.2 DEFINITIONS.

14 29 1. "Board" means the Iowa public information board created
14 30 in section 23.3.

14 31 2. "Complainant" means a person who files a complaint with
14 32 the board.

14 33 3. "Complaint" means a written and signed document filed
14 34 with the board alleging a violation of chapter 21 or 22.

14 35 4. "Custodian" means a government body, government



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15 1 official, or government employee designated as the lawful
15 2 custodian of a government record pursuant to section 22.1.
15 3 5. "Government body" means the same as defined in section
15 4 22.1.
15 5 6. "Person" means an individual, partnership, association,
15 6 corporation, legal representative, trustee, receiver,
15 7 custodian, government body, or official, employee, agency, or
15 8 political subdivision of this state.
15 9 7. "Respondent" means any agency or other unit of state or
15 10 local government, custodian, government official, or
15 11 government employee who is the subject of a complaint.
15 12 Sec. 29. NEW SECTION. 23.3 BOARD APPOINTED.
15 13 1. An Iowa public information board is created consisting
15 14 of five members appointed by the governor, subject to
15 15 confirmation by the senate. Membership shall be balanced as
15 16 to political affiliation as provided in section 69.16 and
15 17 gender as provided in section 69.16A. Members appointed to
15 18 the board shall serve staggered, four-year terms, beginning
15 19 and ending as provided by section 69.19. A quorum shall
15 20 consist of three members.
15 21 2. A vacancy on the board shall be filled by the governor
15 22 by appointment for the unexpired part of the term. A board
15 23 member may be removed from office by the governor for good
15 24 cause. The board shall select one of its members to serve as
15 25 chair and shall employ a director who shall serve as the
15 26 executive officer of the board.
15 27 Sec. 30. NEW SECTION. 23.4 COMPENSATION AND EXPENSES.
15 28 Board members shall be paid a per diem as specified in
15 29 section 7E.6 and shall be reimbursed for actual and necessary
15 30 expenses incurred while on official board business. Per diem
15 31 and expenses shall be paid from funds appropriated to the
15 32 board.
15 33 Sec. 31. NEW SECTION. 23.5 ELECTION OF REMEDIES.
15 34 1. An aggrieved person, any taxpayer to or citizen of this
15 35 state, the attorney general, or any county attorney may seek



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16 1 enforcement of the requirements of chapters 21 and 22 by
16 2 electing either to file an action pursuant to section 17A.19,
16 3 21.6, or 22.10, whichever is applicable, or in the
16 4 alternative, to file a timely complaint with the board.

16 5 2. If more than one person seeks enforcement of chapter 21
16 6 or 22 with respect to the same incident involving an alleged
16 7 violation, and one or more of such persons elects to do so by
16 8 filing an action under section 17A.19, 21.6, or 22.10 and one
16 9 or more of such persons elects to do so by filing a timely
16 10 complaint with the board, the court in which the action was
16 11 filed shall dismiss the action without prejudice, authorizing
16 12 the complainant to file a complaint with respect to the same
16 13 incident with the board without regard to the timeliness of
16 14 the filing of the complaint at the time the action in court is
16 15 dismissed.

16 16 3. If a person files an action pursuant to section 22.8
16 17 seeking to enjoin the inspection of a public record, the
16 18 respondent or person requesting access to the record which is
16 19 the subject of the request for injunction may remove the
16 20 proceeding to the board for its determination by filing,
16 21 within thirty days of the commencement of the judicial
16 22 proceeding, a complaint with the board alleging a violation of
16 23 chapter 22 in regard to the same matter.

16 24 Sec. 32. NEW SECTION. 23.6 BOARD POWERS AND DUTIES.

16 25 The board shall have all of the following powers and
16 26 duties:

16 27 1. Employ such employees as are necessary to execute its
16 28 authority, including administrative law judges, and attorneys
16 29 to prosecute respondents in proceedings before the board and
16 30 to represent the board in proceedings before a court.
16 31 Notwithstanding section 8A.412, all of the board's employees,
16 32 except for the executive director and attorneys, shall be
16 33 employed subject to the merit system provisions of chapter 8A,
16 34 subchapter IV.

16 35 2. Adopt rules with the force of law pursuant to chapter



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17 1 17A calculated to implement, enforce, and interpret the
17 2 requirements of chapters 21 and 22 and to implement any
17 3 authority delegated to the board by this chapter.
17 4 3. Issue, consistent with the requirements of section
17 5 17A.9, declaratory orders with the force of law determining
17 6 the applicability of chapter 21 or 22 to specified fact
17 7 situations and issue informal advice to any person concerning
17 8 the applicability of chapters 21 and 22.
17 9 4. Receive complaints alleging violations of chapter 21 or
17 10 22, seek resolution of such complaints through informal
17 11 assistance or through mediation and settlement, formally
17 12 investigate such complaints, decide after such an
17 13 investigation whether there is probable cause to believe a
17 14 violation of chapter 21 or 22 has occurred, and if probable
17 15 cause has been found prosecute the respondent before the board
17 16 in a contested case proceeding conducted according to the
17 17 provisions of chapter 17A.
17 18 5. Request and receive from a government body assistance
17 19 and information as necessary in the performance of its duties.
17 20 The board may examine a record of a government body that is
17 21 the subject matter of a complaint, including any record that
17 22 is confidential by law. Confidential records provided to the
17 23 board by a governmental body shall continue to maintain their
17 24 confidential status. Any member or employee of the board is
17 25 subject to the same policies and penalties regarding the
17 26 confidentiality of the document as an employee of the
17 27 government body.
17 28 6. Issue subpoenas enforceable in court for the purpose of
17 29 investigating complaints and to facilitate the prosecution and
17 30 conduct of contested cases before the board.
17 31 7. After appropriate board proceedings, issue orders with
17 32 the force of law, determining whether there has been a
17 33 violation of chapter 21 or 22, requiring compliance with
17 34 specified provisions of those chapters, imposing civil
17 35 penalties equivalent to and to the same extent as those



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18 1 provided for in section 21.6 or 22.10, as applicable, on a
18 2 respondent who has been found in violation of chapter 21 or
18 3 22, and imposing any other appropriate remedies calculated to
18 4 declare, terminate, or remediate any violation of those
18 5 chapters.

18 6 8. Represent itself in judicial proceedings to enforce or
18 7 defend its orders and rules through attorneys on its own
18 8 staff, through the office of the attorney general, or through
18 9 other attorneys retained by the board, at its option.

18 10 9. Make training opportunities available to lawful
18 11 custodians, government bodies, and other persons subject to
18 12 the requirements of chapters 21 and 22 and require, in its
18 13 discretion, appropriate persons who have responsibilities in
18 14 relation to chapters 21 and 22 to receive periodic training
18 15 approved by the board.

18 16 10. Disseminate information calculated to inform members
18 17 of the public about the public's right to access government
18 18 information in this state including procedures to facilitate
18 19 this access and including information relating to the
18 20 obligations of government bodies under chapter 21 and lawful
18 21 custodians under chapter 22 and other laws dealing with this
18 22 subject.

18 23 11. Prepare and transmit to the governor and to the
18 24 general assembly, at least annually, reports describing
18 25 complaints received, board proceedings, investigations,
18 26 hearings conducted, decisions rendered, and other work
18 27 performed by the board.

18 28 12. Make recommendations to the general assembly proposing
18 29 legislation relating to public access to government
18 30 information deemed desirable by the board in light of the
18 31 policy of this state to provide as much public access as
18 32 possible to government information as is consistent with the
18 33 public interest and the need to protect individuals against
18 34 undue invasions of personal privacy.

18 35 Sec. 33. NEW SECTION. 23.7 FILING OF COMPLAINTS WITH THE



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19 1 BOARD.

19 2 1. The board shall adopt rules with the force of law and
19 3 pursuant to chapter 17A providing for the timing, form,
19 4 content, and means by which any aggrieved person, any taxpayer
19 5 to or citizen of this state, the attorney general, or any
19 6 county attorney may file a complaint with the board alleging a
19 7 violation of chapter 21 or 22. The complaint must be filed
19 8 within sixty days from the time the alleged violation occurred
19 9 or the complainant could have become aware of the violation
19 10 with reasonable diligence. All complaints filed with the
19 11 board shall be public records.

19 12 2. All board proceedings in response to the filing of a
19 13 complaint shall be conducted as expeditiously as possible.

19 14 3. The board shall not charge a complainant any fee in
19 15 relation to the filing of a complaint, the processing of a
19 16 complaint, or any board proceeding or judicial proceeding
19 17 resulting from the filing of a complaint.

19 18 Sec. 34. NEW SECTION. 23.8 INITIAL PROCESSING OF
19 19 COMPLAINT.

19 20 Upon receipt of a complaint alleging a violation of chapter
19 21 21 or 22, the board shall do either of the following:

19 22 1. Determine that, on its face, the complaint is within
19 23 the board's jurisdiction, appears legally sufficient, and
19 24 could have merit. In such a case the board shall accept the
19 25 complaint, and shall notify the parties of that fact in
19 26 writing.

19 27 2. Determine that, on its face, the complaint is outside
19 28 its jurisdiction, is legally insufficient, is frivolous, is
19 29 without merit, involves harmless error, or relates to a
19 30 specific incident that has previously been finally disposed of
19 31 on its merits by the board or a court. In such a case the
19 32 board shall decline to accept the complaint. If the board
19 33 refuses to accept a complaint, the board shall provide the
19 34 complainant with a written order explaining its reasons for
19 35 the action.



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20 1 Sec. 35. NEW SECTION. 23.9 INFORMAL ASSISTANCE ==
20 2 MEDIATION AND SETTLEMENT.

20 3 1. After accepting a complaint, the board shall promptly
20 4 work with the parties through its employees to reach an
20 5 informal, expeditious resolution of the complaint. If an
20 6 informal resolution satisfactory to the parties cannot be
20 7 reached, the board or the board's designee shall offer the
20 8 parties an opportunity to resolve the dispute through
20 9 mediation and settlement.

20 10 2. The mediation and settlement process shall enable the
20 11 complainant to attempt to resolve the dispute with the aid of
20 12 a neutral mediator employed and selected by the board, in its
20 13 discretion, from either its own staff or an outside source.

20 14 3. Mediation shall be conducted as an informal,
20 15 nonadversarial process and in a manner calculated to help the
20 16 parties reach a mutually acceptable and voluntary settlement
20 17 agreement. The mediator shall assist the parties in
20 18 identifying issues and shall foster joint problem solving and
20 19 the exploration of settlement alternatives.

20 20 Sec. 36. NEW SECTION. 23.10 ENFORCEMENT.

20 21 1. If any party declines mediation or settlement or if
20 22 mediation or settlement fails to resolve the matter to the
20 23 satisfaction of all parties, the board shall initiate a formal
20 24 investigation concerning the facts and circumstances set forth
20 25 in the complaint. The board shall, after an appropriate
20 26 investigation, make a determination as to whether the
20 27 complaint is within the board's jurisdiction and whether there
20 28 is probable cause to believe that the facts and circumstances
20 29 alleged in the complaint constitute a violation of chapter 21
20 30 or 22.

20 31 2. If the board finds the complaint is outside the board's
20 32 jurisdiction or there is no probable cause to believe there
20 33 has been a violation of chapter 21 or 22, the board shall
20 34 issue a written order explaining the reasons for the board's
20 35 conclusions and dismissing the complaint, and shall transmit a



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21 1 copy to the complainant and to the party against whom the
21 2 complaint was filed.
21 3 3. a. If the board finds the complaint is within the
21 4 board's jurisdiction and there is probable cause to believe
21 5 there has been a violation of chapter 21 or 22, the board
21 6 shall issue a written order to that effect and shall commence
21 7 a contested case proceeding under chapter 17A against the
21 8 respondent. An attorney selected by the director of the board
21 9 shall prosecute the respondent in the contested case
21 10 proceeding. At the termination of the contested case
21 11 proceeding the board shall, by a majority vote of its members,
21 12 render a final decision as to the merits of the complaint. If
21 13 the board finds that the complaint has merit, the board may
21 14 issue any appropriate order to ensure enforcement of chapter
21 15 21 or 22 including but not limited to an order requiring
21 16 specified action or prohibiting specified action and any
21 17 appropriate order to remedy any failure of the respondent to
21 18 observe any provision of those chapters.
21 19 b. If the board determines, by a majority vote of its
21 20 members, that the respondent has violated chapter 21 or 22,
21 21 the board may also do any or all of the following:
21 22 (1) Require the respondent to pay damages as provided for
21 23 in section 21.6 or 22.10, whichever is applicable, to the
21 24 extent that provision would make such damages payable if the
21 25 complainant had sought to enforce a violation in court instead
21 26 of through the board.
21 27 (2) Void any action taken in violation of chapter 21 if a
21 28 court would be authorized to do so in similar circumstances
21 29 pursuant to section 21.6.
21 30 c. The board shall not have the authority to remove a
21 31 person from public office for a violation of chapter 21 or 22.
21 32 The board may file an action under chapter 21 or 22 to remove
21 33 a person from office for violations that would subject a
21 34 person to removal under those chapters.
21 35 d. A final board order resulting from such proceedings may



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22 1 be enforced by the board in court and is subject to judicial
22 2 review pursuant to section 17A.19.

22 3 Sec. 37. NEW SECTION. 23.11 DEFENSES IN A CONTESTED CASE
22 4 PROCEEDING.

22 5 A respondent may defend against a proceeding before the
22 6 board charging a violation of chapter 21 or 22 on the ground
22 7 that if such a violation occurred it was only harmless error
22 8 or that clear and convincing evidence demonstrated that
22 9 grounds existed to justify a court to issue an injunction
22 10 against disclosure pursuant to section 22.8.

22 11 Sec. 38. NEW SECTION. 23.12 JURISDICTION.

22 12 The board shall not have jurisdiction over the judicial or
22 13 legislative branches of state government or any entity,
22 14 officer, or employee of those branches, or over the governor
22 15 or the office of the governor.

22 16 Sec. 39. Section 455K.4, subsection 4, Code 2009, is
22 17 amended to read as follows:

22 18 4. Information that is disclosed under subsection 2,
22 19 paragraph "b", is confidential and is not subject to
22 20 disclosure under chapter 22. ~~A governmental entity,~~
~~22 21 governmental employee, or governmental official who discloses~~
~~22 22 information in violation of this subsection is subject to the~~
~~22 23 penalty provided in section 22.6.~~

22 24 Sec. 40. Section 22.6, Code 2009, is repealed.

22 25 Sec. 41. IOWA PUBLIC INFORMATION BOARD == TRANSITION
22 26 PROVISIONS.

22 27 1. The initial members of the Iowa public information
22 28 board established pursuant to this Act shall be appointed by
22 29 September 1, 2009.

22 30 2. Notwithstanding any provision of this Act to the
22 31 contrary, the director of the board and employees of the board
22 32 shall not be hired prior to July 1, 2010.

22 33 3. Prior to July 1, 2010, the board shall submit a report
22 34 to the governor and the general assembly. The report shall
22 35 include a job description for the executive director of the



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23 1 board, goals for board operations, and performance measures to
23 2 measure achievement of the board's goals.

23 3 Sec. 42. APPROPRIATION == IOWA PUBLIC INFORMATION BOARD.
23 4 There is appropriated from the general fund of the state to
23 5 the department of management for the fiscal year beginning
23 6 July 1, 2009, and ending June 30, 2010, the following amount,
23 7 or so much thereof as is necessary, to be used for the
23 8 following purpose:

23 9 For the initial expenses of the Iowa public information
23 10 board as established in this Act:
23 11 \$ 6,000

23 12 Sec. 43. EFFECTIVE DATE. Except for the sections of this
23 13 Act establishing transition provisions for the Iowa public
23 14 information board and making an appropriation for the initial
23 15 expenses of the Iowa public information board, this Act takes
23 16 effect July 1, 2010.

EXPLANATION

23 17 This bill relates to Iowa's Open Meetings Law (Code chapter
23 18 21) and Iowa's Open Records Law (Code chapter 22) and creates
23 19 the Iowa public information board.

23 20 MEETINGS. The bill provides that except as otherwise
23 21 provided, a reconvened meeting of a governmental body is also
23 22 subject to the meeting notice requirements pursuant to Code
23 23 section 21.4. This requirement does not apply to a meeting of
23 24 a governmental body that is reconvened within four hours of
23 25 the start of its recess, where an announcement of the time,
23 26 date, and place of the reconvened meeting is made at the
23 27 original meeting in open session and recorded in the minutes
23 28 of the meeting and there is no change in the agenda. The
23 29 notice requirement also does not apply to a meeting held by a
23 30 formally constituted subunit of a parent governmental body
23 31 during a lawful meeting of the parent governmental body or
23 32 during a recess in that meeting of up to four hours, or a
23 33 meeting of that subunit immediately following the meeting of
23 34 the parent governmental body, if the meeting of the subunit is
23 35



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24 1 publicly announced in open session at the parent meeting and
24 2 the subject of the meeting reasonably coincides with the
24 3 subjects discussed or acted upon by the parent governmental
24 4 body. The bill also changes all references relating to "tape"
24 5 recordings of closed meetings to "audio" recordings.

24 6 CIVIL AND CRIMINAL PENALTY PROVISIONS. The bill increases
24 7 the civil penalty damage amounts for violations of the open
24 8 meetings and public records laws for each member of the
24 9 governmental body or each person who knowingly participated in
24 10 the violation from not less than \$100 and not more than \$500
24 11 to not less than \$1,000 and not more than \$2,500 subject to
24 12 the existing defenses contained in Code sections 21.6 and
24 13 22.10. The bill retains the current civil penalty damage
24 14 amounts for such violations for each member of the
24 15 governmental body or each person who participated in the
24 16 violation (\$100 to \$500).

24 17 The bill repeals the criminal penalty provision for knowing
24 18 violations or attempts to violate any provisions of the public
24 19 records law.

24 20 OPEN RECORDS == CHAPTER PURPOSE. The bill provides a
24 21 purpose provision in the open records chapter. The bill
24 22 provides the purpose of the open records law is to provide as
24 23 much transparency in government operations as possible
24 24 consistent with the need to avoid undue invasions of personal
24 25 privacy.

24 26 RECORDS REQUESTS == TIME LIMITS. The bill provides that
24 27 upon receipt of an oral or written request to examine or copy
24 28 a public record, the lawful custodian shall, if feasible in
24 29 the ordinary course of business, permit such examination or
24 30 copying at the time of the request. If it is not feasible in
24 31 the ordinary course of business to permit examination or
24 32 copying of the public record at the time of the request, the
24 33 lawful custodian shall immediately notify the requester,
24 34 orally or in writing, when such examination or copying may
24 35 take place which shall be no later than five business days



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Senate File 161 - Introduced continued

25 1 from the time of the request unless there is good cause for
25 2 further delay. If further delay is necessary because of good
25 3 cause, the lawful custodian shall provide the requester with a
25 4 written statement detailing the reason or reasons for the
25 5 delay and the date by which the request will be satisfied. If
25 6 the lawful custodian is in doubt as to whether the record
25 7 requested is a public record or whether the requester should
25 8 be permitted to examine or copy a record specified in Code
25 9 section 22.7, the lawful custodian shall make that
25 10 determination within 10 business days from the date of the
25 11 request unless further delay is necessary. Examination or
25 12 copying of the record shall be allowed within five business
25 13 days from the date the lawful custodian makes the decision to
25 14 permit examination or copying of the record unless there is
25 15 good cause for further delay in fulfilling the request. If
25 16 the lawful custodian denies a request to examine or copy a
25 17 record, the custodian must provide the requester at the time
25 18 of the denial a written statement denying the request and
25 19 detailing the specific reason or reasons for the denial. If
25 20 the lawful custodian does not fulfill a request to examine or
25 21 copy a public record within the time frames prescribed, the
25 22 request shall be deemed denied and the requester shall be
25 23 entitled to file a complaint with the Iowa public information
25 24 board created in Code section 23.7 or may file a lawsuit
25 25 against the lawful custodian pursuant to Code section 22.10.
25 26 APPRAISAL INFORMATION. Current law provides that appraisal
25 27 or appraisal information concerning the purchase of real or
25 28 personal property for public purposes, prior to public
25 29 announcement of a project, shall be confidential. The bill
25 30 amends this law to provide that such information shall remain
25 31 confidential prior to the submission of the appraisal to the
25 32 property owner or other interest holders as provided in Code
25 33 section 6B.45.
25 34 PERSONAL INFORMATION IN CONFIDENTIAL PERSONNEL RECORDS.
25 35 Current law provides that personal information in confidential



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26 1 personnel records of government bodies shall be confidential,
26 2 unless otherwise ordered by a court, by the lawful custodian,
26 3 or by another duly authorized person to release such
26 4 information. The bill specifies that the name and
26 5 compensation of the individual, the date the individual was
26 6 employed by the government body, the positions the individual
26 7 holds or has held with the government body, the individual's
26 8 qualifications for the position that the individual holds or
26 9 has held including but not limited to educational background
26 10 and work experience, and any final disciplinary action taken
26 11 against the individual that resulted in the individual's
26 12 discharge shall be public records.

26 13 PUBLIC EMPLOYMENT APPLICATIONS. The bill provides that
26 14 identity and qualifications of an applicant for employment by
26 15 a government body if the applicant requests anonymity in
26 16 writing and the government body determines that anonymity is
26 17 necessary to induce the applicant to apply for the public
26 18 employment position shall be confidential unless otherwise
26 19 ordered by a court, by the lawful custodian, or by another
26 20 duly authorized person. Such information shall be exempt from
26 21 disclosure until an applicant is considered by the government
26 22 body to be a finalist for a position in public employment.
26 23 "Finalist" means a person who is one of five or fewer
26 24 applicants under final consideration for a public employment
26 25 position. If there are five or fewer applicants for the
26 26 particular position, all of the applicants shall be considered
26 27 finalists. The identities and qualifications of the finalists
26 28 shall be made available for public inspection at least three
26 29 business days prior to the final decision. Documents relating
26 30 to a government body's evaluation of the qualifications and
26 31 merits of an applicant for employment by a government body are
26 32 also confidential records unless otherwise released by the
26 33 appropriate person.

26 34 SETTLEMENT AGREEMENTS. Code chapter 22 currently provides
26 35 that a written summary of the terms of settlement or other



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Senate File 161 - Introduced continued

27 1 disposition of any claim for damages made against any
27 2 government body or against an employee, officer, or agent of a
27 3 government body, by an insurer pursuant to a contract of
27 4 liability insurance issued to the government body, shall be
27 5 filed with the government body and shall be a public record.
27 6 The bill provides that all final binding settlement agreements
27 7 between any government body of this state or other unit or
27 8 official of such a government body that resolves a legal
27 9 dispute between such a government body and another person or
27 10 entity shall be filed with the government body together with a
27 11 brief summary indicating the identity of the parties involved,
27 12 the nature of the dispute, any underlying relevant facts, and
27 13 the terms of the settlement. The settlement agreement and
27 14 summary shall be available for public inspection.

27 15 TAX=EXEMPT BONDING AUTHORITY == 7C == MEETINGS AND RECORDS.
27 16 The bill provides that an entity eligible to exercise
27 17 tax=exempt bonding authority under Code chapter 7C designated
27 18 by the state to serve as a secondary market for student loans
27 19 and a nonprofit tax=exempt bonding authority under chapter 7C
27 20 whose board of directors is appointed by the governor is
27 21 subject to the provisions of the open meetings and open
27 22 records laws.

27 23 JUDICIAL BRANCH == RULES. The bill provides that Code
27 24 chapter 22 does not apply to government records owned,
27 25 created, possessed, or under the control of the judicial
27 26 branch related to the performance by the courts of their
27 27 judicial functions. The bill provides the supreme court shall
27 28 prescribe rules governing access to such records consistent
27 29 with the purposes of Code chapter 22.

27 30 IOWA PUBLIC INFORMATION BOARD. The bill creates the Iowa
27 31 public information board to provide an alternative means by
27 32 which to secure compliance with and enforcement of the
27 33 requirements of Code chapters 21 and 22, to consist of five
27 34 members appointed by the governor, subject to confirmation by
27 35 the senate, to serve four=year staggered terms. The board



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28 1 shall be balanced as to political affiliation and gender.
28 2 Vacancies on the board shall be filled by the governor by
28 3 appointment for the unexpired part of the term of the vacancy.
28 4 Any board member may be removed from office by the governor
28 5 for good cause. The board shall select one of its members to
28 6 serve as chair and shall hire a director who shall serve as
28 7 the executive officer of the board. Board members shall be
28 8 paid a per diem and shall be reimbursed for actual and
28 9 necessary expenses incurred while on official board business.
28 10 All per diem and expense moneys paid to board members shall be
28 11 paid from funds appropriated to the board. The board shall
28 12 not have jurisdiction over the judicial or legislative
28 13 branches of state government or any entity, officer, or
28 14 employee of those branches, or over the governor or the office
28 15 of the governor, but the bill does not alter the current
28 16 applicability of Code chapter 22 and the enforcement
28 17 mechanisms provided in Code chapter 22 to any of those bodies.
28 18 The bill provides that any aggrieved person, any taxpayer
28 19 to or citizen of the state of Iowa, the attorney general, or
28 20 any county attorney, may seek enforcement of the requirements
28 21 of Code chapters 21 and 22 by electing either to file an
28 22 action pursuant to Code section 17A.19, 21.6, or 22.9,
28 23 whichever is applicable, or in the alternative, to file a
28 24 timely complaint with the board. If more than one person
28 25 seeks enforcement of Code chapter 21 or 22 with respect to the
28 26 same incident involving an alleged violation, and one or more
28 27 of such persons elects to do so by filing an action under Code
28 28 section 17A.19, 21.6, or 22.9, and one or more of such persons
28 29 elects to do so by filing a timely complaint with the board,
28 30 the court in which the action was filed shall dismiss the
28 31 action without prejudice authorizing the complainant to file a
28 32 complaint with respect to that same incident with the board
28 33 without regard to the timeliness of the filing of that
28 34 complaint at the time the action in court is dismissed. If a
28 35 person files an action seeking to enjoin the inspection of a



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29 1 public record, the respondent or person requesting access to
29 2 the record which is the subject of the request for injunction,
29 3 may remove the proceeding to the board for its determination
29 4 by filing, within 30 days of the commencement of that judicial
29 5 proceeding, a complaint with the board alleging a violation of
29 6 Code chapter 22 in regard to the same matter.

29 7 The bill provides that the board shall have the authority
29 8 to employ such employees as are necessary to execute its
29 9 authority, adopt rules with the force of law, interpret the
29 10 requirements of Code chapters 21 and 22, implement any
29 11 authority delegated to the board, issue declaratory orders
29 12 with the force of law, issue informal advice to anyone
29 13 concerning the applicability of Code chapters 21 and 22,
29 14 receive complaints alleging violations of Code chapter 21 or
29 15 22, seek resolution of such complaints through mediation and
29 16 settlement, formally investigate such complaints, decide after
29 17 such an investigation whether there is probable cause to
29 18 believe a violation of Code chapter 21 or 22 has occurred, and
29 19 if probable cause has been found, prosecute the respondent
29 20 before the board in a contested case proceeding conducted
29 21 according to the provisions of Code chapter 17A. The board
29 22 shall also have the authority to issue subpoenas enforceable
29 23 in court, issue orders with the force of law, represent itself
29 24 in judicial proceedings, make training opportunities
29 25 available, disseminate information to inform the public about
29 26 the public's right to access government information, prepare
29 27 and transmit reports to the governor and the general assembly,
29 28 at least annually, describing complaints received, board
29 29 proceedings, investigations, hearings conducted, decisions
29 30 rendered, and other work performed by the board, and make
29 31 recommendations to the general assembly concerning legislation
29 32 relating to public information access.

29 33 The bill provides that a complaint must be filed within 60
29 34 days from the time the alleged violation occurred or the
29 35 complainant could have become aware of the violation with



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30 1 reasonable diligence. All complaints filed with the board
30 2 shall be public records. The board shall not charge a
30 3 complainant any fee in relation to the filing of a complaint,
30 4 the processing of a complaint, or any board proceeding or
30 5 judicial proceeding resulting from the filing of a complaint.
30 6 The bill provides that upon receipt of a complaint, the
30 7 board shall either make a determination that, on its face, the
30 8 complaint is within the board's jurisdiction, appears legally
30 9 sufficient, and could have merit, in which case the board
30 10 shall accept the complaint, or make a determination that, on
30 11 its face, the complaint is outside the board's jurisdiction,
30 12 is legally insufficient, is frivolous, is without merit,
30 13 involves harmless error, or relates to a specific incident
30 14 that has previously been finally disposed of on its merits by
30 15 the board or a court, in which case the board shall decline to
30 16 accept the complaint. If the board declines to accept the
30 17 complaint, the board shall provide the complainant with a
30 18 written statement detailing the reasons for the denial.
30 19 After accepting a complaint, and upon the board's
30 20 determination that the matter is unlikely to be resolved with
30 21 the prompt informal assistance of a board employee, the board
30 22 shall offer the parties the opportunity to resolve the dispute
30 23 through mediation and settlement which shall provide the
30 24 complainant the opportunity to resolve the dispute with the
30 25 aid of a neutral mediator employed and selected by the board.
30 26 If any party declines mediation or settlement or if
30 27 mediation or settlement fails to resolve the matter to the
30 28 satisfaction of all parties, the board shall initiate a formal
30 29 investigation concerning the facts and circumstances set forth
30 30 in the complaint. After investigation, the board shall make a
30 31 determination as to whether the complaint is within the
30 32 board's jurisdiction and whether there is probable cause to
30 33 believe that the complaint states a violation of Code chapter
30 34 21 or 22 and if the board finds the complaint is outside the
30 35 board's jurisdiction or there is not probable cause to believe



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31 1 there has been a violation, the board shall issue a written
31 2 order explaining the reasons for the board's conclusions and
31 3 dismissing the complaint. If the board finds the complaint is
31 4 within the board's jurisdiction and there is probable cause to
31 5 believe there has been a violation, the board shall issue a
31 6 written order to that effect and shall commence a contested
31 7 case proceeding against the respondent. An attorney selected
31 8 by the director of the board shall prosecute the respondent in
31 9 the contested case proceeding. At the termination of the
31 10 contested case proceeding the board shall, by a majority vote
31 11 of its members, render a final decision as to the merits of
31 12 the complaint and issue any appropriate order to ensure
31 13 enforcement of Code chapter 21 or 22 or to remedy any failure
31 14 of the respondent to observe any provision of those Code
31 15 chapters. If the board determines, by a majority vote of its
31 16 members, that the respondent has violated Code chapter 21 or
31 17 22, the board may also require the respondent to pay damages
31 18 if such damages would be warranted under either Code chapter
31 19 and may void any action taken in violation of Code chapter 21.
31 20 The board does not have the authority to remove a person from
31 21 public office for a violation of Code chapter 21 or 22 but may
31 22 file an action under either Code chapter to remove a person
31 23 from office for violations that would subject a person to
31 24 removal under those Code chapters. A final board order
31 25 resulting from such proceedings may be enforced by the board
31 26 in court and is subject to judicial review pursuant to Code
31 27 section 17A.19.

31 28 A respondent may defend against a proceeding before the
31 29 board charging a violation of Code chapter 21 or 22 on the
31 30 ground that if such a violation occurred it was only harmless
31 31 error or that clear and convincing evidence demonstrated that
31 32 grounds existed to justify a court to issue an injunction
31 33 against disclosure.

31 34 The bill provides that the initial members of the board
31 35 shall be appointed by September 1, 2009, the director and



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32 1 employees of the board shall not be hired prior to July 1,
32 2 2010, and the board shall submit a report to include a job
32 3 description for the executive director of the board, goals for
32 4 board operations, and performance measures for the board prior
32 5 to July 1, 2010.

32 6 The bill makes an appropriation of \$6,000 from the general
32 7 fund of the state to the department of management for the 2010
32 8 fiscal year for the initial expenses of the board.

32 9 EFFECTIVE DATE. Except as otherwise provided, the bill
32 10 takes effect July 1, 2010.

32 11 LSB 1986SS 83

32 12 rh/rj/14



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Senate File 162 - Introduced

SENATE FILE
BY APPEL

(COMPANION TO 2097HH BY
MASCHER)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act modifying the time period after which certain school
2 district proposals defeated at election may be resubmitted to
3 the voters and providing an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2097SS 83
6 sc/nh/14



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Senate File 162 - Introduced continued

PAG LIN

1 1 Section 1. Section 75.1, subsection 2, Code 2009, is
1 2 amended to read as follows:

1 3 2. a. When a proposition to authorize an issuance of
1 4 bonds has been submitted to the electors under this section
1 5 and the proposal fails to gain approval by the required
1 6 percentage of votes, such proposal, or any proposal which
1 7 incorporates any portion of the defeated proposal, shall not
1 8 be submitted to the electors for a period of six months from
1 9 the date of such regular or special election and may only be
1 10 submitted on a date specified in section 39.2, subsection 4,
1 11 paragraph "a", "b", or "c", as applicable.

1 12 b. Notwithstanding the six-month time period in paragraph
1 13 "a", if a proposition is submitted on behalf of a school
1 14 district and the proposal fails to gain approval by the
1 15 required percentage of votes, such proposal, or any proposal
1 16 which incorporates any portion of the defeated proposal, shall
1 17 not be submitted to the electors until the date of the second
1 18 special election, as specified in section 39.2, subsection 4,
1 19 paragraph "c", following the election at which the proposal
1 20 was defeated or the date of the regular school election,
1 21 whichever is the earlier.

1 22 Sec. 2. Section 257.27, Code 2009, is amended to read as
1 23 follows:

1 24 257.27 CONTINUATION OF INSTRUCTIONAL SUPPORT PROGRAM.

1 25 1. At the expiration of the period for which the
1 26 instructional support program was adopted, the program may be
1 27 extended for a period of not exceeding five or ten years in
1 28 the manner provided in section 257.18.

1 29 2. If the voters do not approve adoption of the
1 30 instructional support program, ~~the board shall wait at least~~
~~1 31 one hundred twenty days following the election before taking~~
~~1 32 action to adopt the program or resubmit the a proposition to~~
1 33 approve the program shall not be submitted anew to the
1 34 registered voters of the school district, either by resolution
1 35 or petition, until the date of the second special election, as



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2 1 specified in section 39.2, subsection 4, paragraph "c",
2 2 following the election at which the proposal was defeated or
2 3 the date of the regular school election, whichever is the
2 4 earlier.

2 5 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
2 6 immediate importance, takes effect upon enactment.

2 7 EXPLANATION

2 8 This bill makes changes relating to the time period after
2 9 which certain school district proposals defeated at election
2 10 may be resubmitted to the voters.

2 11 Under current law, if a proposal to issue bonded
2 12 indebtedness is defeated by the electorate, the proposition,
2 13 or any portion of the proposition, shall not be submitted to
2 14 the voters for six months following the date of the election
2 15 at which it was defeated. The bill provides that following
2 16 defeat at an election of a school district bond issuance, the
2 17 same or similar proposition shall not be submitted to the
2 18 electorate until the date of the second special election, as
2 19 set by statute, following the election at which it was
2 20 defeated or the date of the regular school election, whichever
2 21 is the earlier.

2 22 Also, under current law, if a proposition to adopt an
2 23 instructional support program is defeated by the voters, the
2 24 school district board of directors may not take action to
2 25 adopt, by election or otherwise, an instructional support
2 26 program until 120 days have passed following the election at
2 27 which the proposition was defeated. The bill provides that
2 28 following defeat at an election of a proposition to adopt an
2 29 instructional support program, another proposition to adopt
2 30 such a program shall not be submitted to the electorate until
2 31 the date of the second special election, as set by statute,
2 32 following the election at which it was defeated or the date of
2 33 the regular school election, whichever is the earlier.

2 34 The bill takes effect upon enactment.

2 35 LSB 2097SS 83



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3 1 sc/nh/14



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Senate File 163 - Introduced

SENATE FILE
BY JOCHUM

(COMPANION TO LSB 1956HH BY
SCHUELLER)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act exempting the instructional support property tax levy of a
2 school district from being collected as part of the
3 incremental taxes paid to a municipality for an urban renewal
4 area and providing for the Act's applicability.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 1956XS 83
7 md/sc/14



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Senate File 163 - Introduced continued

PAG LIN

1 1 Section 1. Section 403.19, subsection 2, Code 2009, is
1 2 amended to read as follows:
1 3 2. That portion of the taxes each year in excess of such
1 4 amount shall be allocated to and when collected be paid into a
1 5 special fund of the municipality to pay the principal of and
1 6 interest on loans, moneys advanced to, or indebtedness,
1 7 whether funded, refunded, assumed, or otherwise, including
1 8 bonds issued under the authority of section 403.9, subsection
1 9 1, incurred by the municipality to finance or refinance, in
1 10 whole or in part, an urban renewal project within the area,
1 11 and to provide assistance for low and moderate income family
1 12 housing as provided in section 403.22, except that taxes for
1 13 the instructional support program of a school district imposed
1 14 pursuant to section 257.19 and taxes for the regular and
1 15 voter-approved physical plant and equipment levy of a school
1 16 district imposed pursuant to section 298.2 and taxes for the
1 17 payment of bonds and interest of each taxing district must be
1 18 collected against all taxable property within the taxing
1 19 district without limitation by the provisions of this
1 20 subsection. However, all or a portion of the taxes for the
1 21 physical plant and equipment levy shall be paid by the school
1 22 district to the municipality if the auditor certifies to the
1 23 school district by July 1 the amount of such levy that is
1 24 necessary to pay the principal and interest on bonds issued by
1 25 the municipality to finance an urban renewal project, which
1 26 bonds were issued before July 1, 2001. Indebtedness incurred
1 27 to refund bonds issued prior to July 1, 2001, shall not be
1 28 included in the certification. Such school district shall pay
1 29 over the amount certified by November 1 and May 1 of the
1 30 fiscal year following certification to the school district.
1 31 Unless and until the total assessed valuation of the taxable
1 32 property in an urban renewal area exceeds the total assessed
1 33 value of the taxable property in such area as shown by the
1 34 last equalized assessment roll referred to in subsection 1,
1 35 all of the taxes levied and collected upon the taxable



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2 1 property in the urban renewal area shall be paid into the
2 2 funds for the respective taxing districts as taxes by or for
2 3 the taxing districts in the same manner as all other property
2 4 taxes. When such loans, advances, indebtedness, and bonds, if
2 5 any, and interest thereon, have been paid, all moneys
2 6 thereafter received from taxes upon the taxable property in
2 7 such urban renewal area shall be paid into the funds for the
2 8 respective taxing districts in the same manner as taxes on all
2 9 other property. In those instances where a school district
2 10 has entered into an agreement pursuant to section 279.64 for
2 11 sharing of school district taxes levied and collected from
2 12 valuation described in this subsection and released to the
2 13 school district, the school district shall transfer the taxes
2 14 as provided in the agreement.

2 15 Sec. 2. APPLICABILITY. This Act applies to taxes due and
2 16 payable in fiscal years beginning on or after July 1, 2010.

2 17 EXPLANATION

2 18 This bill exempts the instructional support property tax
2 19 levy of a school district from being collected as part of the
2 20 incremental taxes paid to a municipality for an urban renewal
2 21 area.

2 22 The bill applies to taxes due and payable in fiscal years
2 23 beginning on or after July 1, 2010.

2 24 LSB 1956XS 83

2 25 md/sc/14



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Senate File 164 - Introduced

SENATE FILE

BY ZAUN, SEYMOUR, BEHN, McKINLEY,
JOHNSON, KETTERING, REYNOLDS,
BOETTGER, FEENSTRA, HAHN,
KAPUCIAN, HAMERLINCK, and BARTZ

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for the placement of a right-to-work notice on
- 2 certain state property and publications.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2200SS 83
- 5 tw/rj/8



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Senate File 164 - Introduced continued

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1 1 Section 1. Section 8A.362, subsection 8, Code 2009, is
1 2 amended to read as follows:
1 3 8. The director shall require that a sign be placed on
1 4 each state-owned motor vehicle in a conspicuous place which
1 5 indicates its ownership by the state. The sign shall also
1 6 include the phrase, "Iowa is a Right-to-Work State". This
1 7 ~~requirement~~ subsection shall not apply to motor vehicles
1 8 requested to be exempt by the director or by the commissioner
1 9 of public safety. All state-owned motor vehicles shall
1 10 display registration plates bearing the word "official" except
1 11 motor vehicles requested to be furnished with ordinary plates
1 12 by the director or by the commissioner of public safety
1 13 pursuant to section 321.19. The director shall keep an
1 14 accurate record of the registration plates used on all
1 15 state-owned motor vehicles.

1 16 Sec. 2. Section 15.108, Code 2009, is amended by adding
1 17 the following new subsection:

1 18 NEW SUBSECTION. 12. LABOR RELATIONS. To provide
1 19 information relating to the rights of workers and employers in
1 20 this state. To carry out this responsibility, the department
1 21 shall include the phrase, "Iowa is a Right-to-Work State" in
1 22 bold letters on all business recruitment, tourism, and
1 23 promotional literature.

1 24 Sec. 3. Section 306D.4, Code 2009, is amended to read as
1 25 follows:

1 26 306D.4 SCENIC HIGHWAY ADVERTISING.

1 27 The state department of transportation shall have the
1 28 authority to adopt rules to control the erection of new
1 29 advertising devices on a highway designated as a scenic
1 30 highway or scenic byway in order to comply with federal
1 31 requirements concerning the implementation of a scenic byways
1 32 program. The rules shall provide for the placement of the
1 33 following phrase, "Iowa is a Right-to-Work State" on each new
1 34 advertising device on a scenic highway.

1 35 Sec. 4. Section 307.14, unnumbered paragraph 1, Code 2009,



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2 1 is amended to read as follows:

2 2 The department shall publish a map of the state of Iowa.

2 3 The map shall include the following phrase, "Iowa is a

2 4 Right-to-Work State" below the picture of the governor of Iowa

2 5 on the map. At the request of a citizen of a particular city

2 6 or town, the department shall add the city or town to the

2 7 existing map of Iowa and identify the main road leading into

2 8 the city or town if the city or town meets two or more of the

2 9 following criteria:

2 10

EXPLANATION

2 11 This bill relates to the promotion of Iowa as a

2 12 right-to-work state. The bill requires the placement of the

2 13 phrase, "Iowa is a Right-to-Work State" in the following

2 14 places: (1) on each state-owned vehicle; (2) on the department

2 15 of economic development's business recruitment, tourism, and

2 16 promotional literature; (3) on each new sign the department of

2 17 transportation erects on scenic highways; and (4) on each

2 18 roadmap published by the department of transportation.

2 19 LSB 2200SS 83

2 20 tw/rj/8



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Senate File 165 - Introduced

SENATE FILE
BY BARTZ

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

A BILL FOR

1 An Act providing an exemption from the state individual income
2 tax for retirement pay received from the federal government
3 for military service and including a retroactive applicability
4 date provision.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 2226SS 83
7 tw/mg:sc/14



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Senate File 165 - Introduced continued

PAG LIN

1 1 Section 1. Section 422.7, Code 2009, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 31A. a. Subtract, to the extent
1 4 included, retirement pay received from the federal government
1 5 for military service performed in the armed forces, armed
1 6 forces military reserve, or national guard.

1 7 b. The exclusion of retirement benefits under this
1 8 subsection is in addition to any exclusion provided under
1 9 subsection 31.

1 10 Sec. 2. RETROACTIVE APPLICABILITY DATE. This Act applies
1 11 retroactively to January 1, 2009, for tax years beginning on
1 12 or after that date.

1 13 EXPLANATION

1 14 This bill provides for the exclusion of retirement benefits
1 15 from federal military service in the armed forces, military
1 16 reserve, or national guard. The exemption is in addition to
1 17 the general pension exclusions.

1 18 The bill applies retroactively to January 1, 2009, for tax
1 19 years beginning on or after that date.

1 20 LSB 2226SS 83

1 21 tw/mg:sc/14



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Senate File 166 - Introduced

SENATE FILE
BY BARTZ

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act exempting from the income tax a portion of the retirement
2 pay of certain military retirees and including a retroactive
3 applicability date provision.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1757XS 83
6 tw/mg:sc/5



Iowa General Assembly
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Senate File 166 - Introduced continued

PAG LIN

1 1 Section 1. Section 422.7, subsection 31, Code 2009, is
1 2 amended to read as follows:
1 3 31. For a person who is disabled, or is fifty=five years
1 4 of age or older, or is retired from service in the armed
1 5 forces of the United States, the national guard, or the armed
1 6 forces military reserve and is receiving a full pension for
1 7 such service, or is the surviving spouse of an individual or a
1 8 survivor having an insurable interest in an individual who
1 9 would have qualified for the exemption under this subsection
1 10 for the tax year, subtract, to the extent included, the total
1 11 amount of a governmental or other pension or retirement pay,
1 12 including, but not limited to, defined benefit or defined
1 13 contribution plans, annuities, individual retirement accounts,
1 14 plans maintained or contributed to by an employer, or
1 15 maintained or contributed to by a self=employed person as an
1 16 employer, and deferred compensation plans or any earnings
1 17 attributable to the deferred compensation plans, up to a
1 18 maximum of six thousand dollars for a person, other than a
1 19 husband or wife, who files a separate state income tax return
1 20 and up to a maximum of twelve thousand dollars for a husband
1 21 and wife who file a joint state income tax return. However, a
1 22 surviving spouse who is not disabled or fifty=five years of
1 23 age or older ~~can~~ or is not receiving a full military pension
1 24 may only exclude the amount of pension or retirement pay
1 25 received as a result of the death of the other spouse. A
1 26 husband and wife filing separate state income tax returns or
1 27 separately on a combined state return are allowed a combined
1 28 maximum exclusion under this subsection of up to twelve
1 29 thousand dollars. The twelve thousand dollar exclusion shall
1 30 be allocated to the husband or wife in the proportion that
1 31 each spouse's respective pension and retirement pay received
1 32 bears to total combined pension and retirement pay received.
1 33 Sec. 2. RETROACTIVE APPLICABILITY DATE. This Act applies
1 34 retroactively to January 1, 2009, for tax years beginning on
1 35 or after that date.



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Senate File 166 - Introduced continued

2 1 EXPLANATION
2 2 This bill makes retirees from the armed forces, the
2 3 national guard, and the armed forces military reserve eligible
2 4 for an exemption from the individual income tax if they are
2 5 receiving a full pension for their service. The maximum
2 6 amount of the exemption, which includes other pensions or
2 7 retirement benefits received, is \$6,000 for individuals and
2 8 \$12,000 for married couples.
2 9 The bill applies retroactively to January 1, 2009, for tax
2 10 years beginning on or after that date.
2 11 LSB 1757XS 83
2 12 tw/mg:sc/5



Iowa General Assembly
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Senate File 167 - Introduced

SENATE FILE
BY NOBLE

(COMPANION TO HF 204 BY
PETTENGILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

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 1164XS 83
- 6 md/sc/5



Iowa General Assembly
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Senate File 167 - 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



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Senate File 167 - 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.



Iowa General Assembly
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Senate File 167 - Introduced continued

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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Senate File 167 - Introduced continued

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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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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Senate File 167 - Introduced continued

6 1 adjustments.
6 2 LSB 1164XS 83
6 3 md/sc/5



Iowa General Assembly
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 February 16, 2009

Senate Joint Resolution 2 - Introduced

SENATE JOINT RESOLUTION

BY KETTERING, MCKINLEY, BEHN,
 NOBLE, BOETTGER, WIECK, BARTZ,
 HARTSUCH, REYNOLDS, SEYMOUR,
 HAHN, KAPUCIAN, HAMERLINCK,
 FEENSTRA, JOHNSON, ZAUN,
 HOUSER, and WARD

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

SENATE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution of
 2 the State of Iowa establishing a state general fund
 3 expenditure limitation.
 4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 5 TL5B 1968XS 83
 6 jp/rj/24



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Senate Joint Resolution 2 - Introduced continued

PAG LIN

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

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

1 5 ARTICLE XIII.

1 6 EXPENDITURE LIMITATION.

1 7 GENERAL FUND EXPENDITURE LIMITATION. SECTION 1.

1 8 1. For the purposes of this section:

1 9 a. "Adjusted revenue estimate" means the most recent
1 10 revenue estimate determined before January 1, or a later and
1 11 lesser revenue estimate determined before adjournment of the
1 12 regular session of the General Assembly, for the general fund
1 13 for the following fiscal year as determined by a revenue
1 14 estimating conference which shall be established by the
1 15 General Assembly by law, adjusted by subtracting estimated
1 16 refunds payable from that estimated revenue and adding any
1 17 available surplus in accordance with subsection 6. However,
1 18 if the general assembly holds an extraordinary session prior
1 19 to the commencement of the fiscal year to which the revenue
1 20 estimate applies and before or during the extraordinary
1 21 session the revenue estimating conference determines a lesser
1 22 revenue estimate, the lesser estimate shall be used for the
1 23 adjusted revenue estimate.

1 24 b. "General fund" means the principal operating fund of
1 25 the state which shall be established by the General Assembly
1 26 by law.

1 27 c. "New revenues" means moneys which are received by the
1 28 state due to increased tax rates or fees or newly created
1 29 taxes or fees over and above those moneys which are received
1 30 due to state taxes or fees which are in effect as of January 1
1 31 following the most recent meeting of the state revenue
1 32 estimating conference. "New revenues" also includes moneys
1 33 received by the general fund due to new transfers over and
1 34 above those moneys received by the general fund due to
1 35 transfers which are in effect as of January 1 following the



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Senate Joint Resolution 2 - Introduced continued

2 1 most recent meeting of the state revenue estimating
2 2 conference. The state revenue estimating conference shall
2 3 determine the eligibility of transfers to the general fund
2 4 which are to be considered as new revenue in determining the
2 5 state general fund expenditure limitation.
2 6 2. A state general fund expenditure limitation is created
2 7 and calculated in subsection 3, for each fiscal year beginning
2 8 on or after July 1 following the effective date of this
2 9 section.
2 10 3. Except as otherwise provided in this section, the state
2 11 general fund expenditure limitation for a fiscal year shall be
2 12 ninety-nine percent of the adjusted revenue estimate.
2 13 4. The state general fund expenditure limitation shall be
2 14 used by the Governor in the preparation and approval of the
2 15 budget and by the General Assembly in the budget process. An
2 16 expenditure limitation shall be used for the budget process
2 17 commencing on the date the revenue estimating conference
2 18 agrees to a revenue estimate for the following fiscal year in
2 19 accordance with law, and ending with the close of the fiscal
2 20 year for which the expenditure limitation was calculated.
2 21 Once the fiscal year for which the expenditure limitation was
2 22 calculated commences, the expenditure limitation for that
2 23 fiscal year is not subject to adjustment or readjustment.
2 24 5. If a new revenue source is proposed, the budget revenue
2 25 projection used for that new revenue source for the period
2 26 beginning on the effective date of the new revenue source and
2 27 ending in the fiscal year in which the source is included in
2 28 the adjusted revenue estimate shall be ninety-five percent of
2 29 the amount remaining after subtracting estimated refunds
2 30 payable from the projected revenue from that source. If a new
2 31 revenue source is established and implemented, the original
2 32 state general fund expenditure limitation amount provided for
2 33 in subsection 3 shall be readjusted to include ninety-five
2 34 percent of the estimated revenue from that source.
2 35 6. Any surplus existing at the end of a fiscal year which



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Senate Joint Resolution 2 - Introduced continued

3 1 exceeds ten percent of the adjusted revenue estimate of that
3 2 fiscal year shall be included in the adjusted revenue estimate
3 3 for the following fiscal year. Any surplus equal to ten
3 4 percent or less of the adjusted revenue estimate of the fiscal
3 5 year may be included in the adjusted revenue estimate for the
3 6 following fiscal year if approved in a bill receiving the
3 7 affirmative votes of at least three-fifths of the whole
3 8 membership of each house of the General Assembly. For
3 9 purposes of this section, "surplus" means the cumulative
3 10 excess of revenues and other financing sources over
3 11 expenditures and other financing uses for the general fund at
3 12 the end of a fiscal year.

3 13 7. The scope of the state general fund expenditure
3 14 limitation under subsection 3 shall not include federal funds,
3 15 donations, constitutionally dedicated moneys, and moneys in
3 16 expenditures from a state retirement system.

3 17 8. The Governor shall submit and the General Assembly
3 18 shall pass a budget which does not exceed the state general
3 19 fund expenditure limitation. The Governor shall not approve
3 20 or disapprove appropriation bills or items of appropriation
3 21 bills passed by the General Assembly in a manner that would
3 22 cause the final budget approved by the Governor to exceed the
3 23 state general fund expenditure limitation.

3 24 9. The Governor shall not submit and the General Assembly
3 25 shall not pass a budget which in order to balance assumes
3 26 reversion of any part of the total of the appropriations
3 27 included in the budget.

3 28 10. The state shall use consistent standards, in
3 29 accordance with generally accepted accounting principles, for
3 30 all state budgeting and accounting purposes.

3 31 11. The General Assembly shall enact laws to implement
3 32 this section.

3 33 Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed
3 34 amendment to the Constitution of the State of Iowa is referred
3 35 to the General Assembly to be chosen at the next general



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Senate Joint Resolution 2 - Introduced continued

4 1 election for members of the General Assembly and the Secretary
4 2 of State is directed to cause it to be published for three
4 3 consecutive months previous to the date of that election as
4 4 provided by law.

4 5 EXPLANATION

4 6 This resolution proposes an amendment to the Constitution
4 7 of the State of Iowa relating to state budgets.

4 8 The amendment establishes a state general fund expenditure
4 9 limitation. The amount of the limitation is 99 percent of the
4 10 adjusted revenue estimate. The amendment defines adjusted
4 11 revenue estimate and requires that that estimate be determined
4 12 by a revenue estimating conference which is to be created by
4 13 the general assembly by law. The amendment requires that the
4 14 expenditure limitation be used by the governor in preparation
4 15 of the governor's budget and by the general assembly in the
4 16 budget process. The governor is prohibited from approving or
4 17 disapproving of appropriations in a manner that would cause
4 18 the final budget approved by the governor to exceed the
4 19 expenditure limitation.

4 20 The budget process period begins on the date the revenue
4 21 estimating conference agrees to a revenue estimate for the
4 22 following fiscal year in accordance with law and ends with the
4 23 close of the fiscal year for which the expenditure limitation
4 24 was calculated. Once the fiscal year for which the
4 25 expenditure limitation was calculated commences, the
4 26 expenditure limitation is not subject to adjustment or
4 27 readjustment.

4 28 The amendment also provides that, if a new revenue source
4 29 is established and implemented, 95 percent of the estimate of
4 30 that new revenue shall be included in the expenditure
4 31 limitation.

4 32 The amendment also requires that the amount of any surplus
4 33 which exceeds an amount equal to 10 percent of the adjusted
4 34 revenue estimate be included in the adjusted revenue estimate
4 35 for the following fiscal year. Any surplus which is equal to



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Senate Joint Resolution 2 - Introduced continued

5 1 10 percent or less of the amount of the adjusted revenue
5 2 estimate may be included in the following year's adjusted
5 3 revenue estimate if inclusion is approved in a bill by a
5 4 three=fifths majority of each house of the general assembly.
5 5 The amendment also requires the State to use generally
5 6 accepted accounting principles for state budgeting and
5 7 accounting purposes. The amendment provides that the general
5 8 assembly shall enact laws to implement the amendment.
5 9 The resolution, if adopted, will be referred to the next
5 10 general assembly. If the next general assembly adopts the
5 11 resolution, the amendment will be submitted to the voters for
5 12 ratification.
5 13 LSB 1968XS 83
5 14 jp/rj/24.1



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Senate Study Bill 1204

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act providing for the waiver of wage and benefits requirements
2 in certain economic development programs and including
3 effective and retroactive applicability date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2303SC 83
6 tw/rj/5



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Senate Study Bill 1204 continued

PAG LIN

1 1 Section 1. ECONOMIC DEVELOPMENT WAGE AND BENEFIT WAIVERS.
1 2 1. For each fiscal year of the fiscal period beginning
1 3 July 1, 2008, and ending June 30, 2010, the department of
1 4 economic development may waive the minimum wage and benefits
1 5 requirements for a business eligible for financial assistance
1 6 under any of the programs the department administers which
1 7 include such requirements if the eligible business is located
1 8 in an area declared a disaster area by the governor or by a
1 9 federal official, and if the business sustained physical
1 10 damage as a result of a natural disaster occurring during the
1 11 calendar year 2008.

1 12 2. The wage and benefits requirements to which this Act
1 13 applies include but are not limited to the wage and benefits
1 14 requirements of the high quality job creation program, the
1 15 enterprise zones program, and all programs funded through the
1 16 grow Iowa values fund to which the wage and benefits
1 17 requirements of section 15G.112 apply.

1 18 Sec. 2. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.
1 19 This Act, being deemed of immediate importance, takes effect
1 20 upon enactment and applies retroactively to July 1, 2008.

1 21 EXPLANATION

1 22 This bill authorizes the department of economic development
1 23 to waive the wage and benefits requirements of its financial
1 24 assistance programs for eligible businesses located in
1 25 disaster areas and which sustained physical damage as a result
1 26 of the natural disasters of 2008.

1 27 The bill takes effect upon enactment and applies
1 28 retroactively to July 1, 2008.

1 29 LSB 2303SC 83

1 30 tw/rj/5.1



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Senate Study Bill 1205

SENATE FILE
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL
BY CHAIRPERSON RAGAN)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to runaway assessment centers.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2090XC 83
- 4 jp/rj/8



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Senate Study Bill 1205 continued

PAG LIN

1 1 Section 1. Section 232.2, subsection 6A, Code 2009, is
1 2 amended by striking the subsection.
1 3 Sec. 2. Section 232.2, Code 2009, is amended by adding the
1 4 following new subsection:
1 5 NEW SUBSECTION. 47A. "Runaway child" means the same as
1 6 defined in section 710.8.
1 7 Sec. 3. Section 232.19, subsection 1, paragraph c, Code
1 8 2009, is amended to read as follows:
1 9 c. By a peace officer, when the peace officer has
1 10 reasonable grounds to believe the child has run away from the
1 11 child's parents, guardian, or custodian, for the purposes of
1 12 determining whether the child shall be reunited with the
1 13 child's parents, guardian, or custodian, placed in shelter
1 14 care, or, if ~~the child is a chronic runaway and~~ the county has
1 15 an approved county runaway treatment plan, placed in a runaway
1 16 assessment center under section 232.196.
1 17 Sec. 4. Section 232.195, Code 2009, is amended to read as
1 18 follows:
1 19 232.195 RUNAWAY TREATMENT PLAN.
1 20 A county may develop a runaway treatment plan to address
1 21 problems with ~~chronic~~ runaway children in the county. The
1 22 plan shall identify the problems with ~~chronic~~ runaway children
1 23 in the county and specific solutions to be implemented by the
1 24 county, including the development of a runaway assessment
1 25 center.
1 26 Sec. 5. Section 232.196, Code 2009, is amended to read as
1 27 follows:
1 28 232.196 RUNAWAY ASSESSMENT CENTER.
1 29 1. As part of a county runaway treatment plan under
1 30 section 232.195, a county may establish a runaway assessment
1 31 center or other plan. The center or other plan, if
1 32 established, shall provide services to assess a child who is
1 33 referred to the center or plan for being a ~~chronic~~ runaway
1 34 child and intensive family counseling services designed to
1 35 address any problem causing the child to run away. A center



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Senate Study Bill 1205 continued

2 1 shall at least meet the requirements established for providing
2 2 child foster care under chapter 237.

2 3 2. a. ~~If not sent home with the child's parent, guardian,~~
2 4 ~~or custodian, a chronic~~ A child who is a runaway child may
2 5 either be voluntarily admitted to or may be placed in a
2 6 runaway assessment center by the peace officer who takes the
2 7 child into custody under section 232.19, if the officer
2 8 believes it to be in the child's best interest after
2 9 consulting with the child and the child's parent, guardian, or
2 10 custodian. A ~~chronic~~ runaway child shall not be placed in a
2 11 runaway assessment center for more than forty-eight hours
2 12 without a court order or without the consent of the child and
2 13 the child's parent, guardian, or custodian.

2 14 b. If a runaway child is placed in an assessment center
2 15 according to a county plan, the runaway child shall be
2 16 assessed within twenty-four hours of being placed in the
2 17 center by a center counselor to determine both of the
2 18 following:

2 19 (1) The reasons why the child is a runaway.

2 20 (2) Whether the initiation ~~or continuation~~ of child in
2 21 need of assistance or family in need of assistance proceedings
2 22 is appropriate.

2 23 c. As soon as practicable following the assessment, the
2 24 child and the child's parents, guardian, or custodian shall be
2 25 provided the opportunity for a counseling session to identify
2 26 the underlying causes of the runaway behavior and develop a
2 27 plan to address those causes.

2 28 d. A runaway child shall be released from a runaway
2 29 assessment center, established pursuant to the county plan, to
2 30 the child's parents, guardian, or custodian not later than
2 31 ~~forty-eight~~ ninety-six hours after being placed in the center
2 32 unless the child is placed in shelter care under section
2 33 232.21 or an order is entered under section 232.78. A runaway
2 34 child whose parents, guardian, or custodian failed to attend
2 35 counseling at the center or fail to take custody of the child



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3 1 at the end of placement in the center may be the subject of a
3 2 child in need of assistance petition or such other order as
3 3 the juvenile court finds to be in the child's best interest.

3 4 EXPLANATION

3 5 This bill relates to runaway assessment centers. A center
3 6 may be implemented under current law by a county as part of
3 7 the county's runaway treatment plan under Code sections
3 8 232.195 and 232.196.

3 9 Under current law, a center is targeted to children who are
3 10 a "chronic runaway", defined as a child who is reported to law
3 11 enforcement as a runaway more than once in any 30-day period
3 12 or three or more times in any year. The bill broadens the
3 13 scope for a center to any "runaway child", defined using the
3 14 definition in Code section 710.8, to mean a person under 18
3 15 years of age who is voluntarily absent from the person's home
3 16 without the consent of the person's parent, guardian, or
3 17 custodian.

3 18 Code section 232.19, outlining when a peace officer may
3 19 take custody of a child, is amended to allow any runaway child
3 20 to be placed in a runaway assessment center, when one is
3 21 available, instead of only a chronic runaway.

3 22 Code sections 232.195 and 232.196 are amended to remove
3 23 references to chronic runaways in those sections. In
3 24 addition, the bill authorizes the voluntary admission of a
3 25 child to a runaway assessment center and allows a child to be
3 26 placed for more than 48 hours by court-order or with the
3 27 consent of the child's parent, guardian, or custodian. The
3 28 current restriction requiring release of a child from a center
3 29 to the child's parent, guardian, or custodian after 48 hours
3 30 is increased to 96 hours. After that, placement alternatives
3 31 under current law include court-ordered shelter care placement
3 32 or an ex parte order for removal of the child until another
3 33 hearing can be held.

3 34 LSB 2090XC 83

3 35 jp/rj/8



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Senate Study Bill 1206

SENATE/HOUSE FILE
BY (PROPOSED ATTORNEY
GENERAL BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to actions injurious to dependent adults and
- 2 residents of health care facilities and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1340DP 83
- 5 rh/rj/8



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1 1 Section 1. Section 235B.2, subsection 5, paragraph a,
1 2 subparagraph (1), subparagraph division (a), Code 2009, is
1 3 amended to read as follows:

1 4 (a) ~~Physical Bodily injury to, or injury which is at a~~
~~1 5 variance with the history given of the injury,~~ or unreasonable
1 6 confinement, unreasonable punishment, harassment, or assault
1 7 of a dependent adult.

1 8 Sec. 2. Section 235B.2, subsection 5, paragraph a,
1 9 subparagraph (3), Code 2009, is amended to read as follows:

1 10 (3) (a) Sexual exploitation of a dependent adult by a
1 11 caretaker.

1 12 (b) "Sexual exploitation" means any consensual or
1 13 nonconsensual sexual conduct with a dependent adult ~~for the~~
~~1 14 purpose of arousing or satisfying the sexual desires of the~~
~~1 15 caretaker or dependent adult,~~ which includes but is not
1 16 limited to kissing; touching of the clothed or unclothed inner
1 17 thigh, breast, groin, buttock, anus, pubes, or genitals; or a
1 18 sex act, as defined in section 702.17. "Sexual exploitation"
1 19 includes the transmission, display, taking of electronic
1 20 images of the unclothed breast, groin, buttock, anus, pubes,
1 21 or genitals of a dependent adult by a caretaker for a purpose
1 22 not related to treatment or diagnosis or as part of an ongoing
1 23 investigation. Sexual exploitation does not include touching
1 24 which is part of a necessary examination, treatment, or care
1 25 by a caretaker acting within the scope of the practice or
1 26 employment of the caretaker; the exchange of a brief touch or
1 27 hug between the dependent adult and a caretaker for the
1 28 purpose of reassurance, comfort, or casual friendship; or
1 29 touching between spouses or domestic partners in an intimate
1 30 relationship.

1 31 Sec. 3. Section 235B.2, Code 2009, is amended by adding
1 32 the following new subsection:

1 33 NEW SUBSECTION. 9A. "Intimate relationship" means a
1 34 significant romantic involvement between two persons that need
1 35 not include sexual involvement, but does not include a casual



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2 1 social relationship or association in a business or
2 2 professional capacity. In determining whether persons are in
2 3 an intimate relationship, the following nonexclusive list of
2 4 factors may be considered:

- 2 5 a. The duration of the relationship.
- 2 6 b. The frequency of interaction.
- 2 7 c. Whether the relationship has been terminated.
- 2 8 d. The nature of the relationship, characterized by either
2 9 person's expectation of sexual or romantic involvement.

2 10 Sec. 4. Section 235B.3, subsection 4, Code 2009, is
2 11 amended to read as follows:

2 12 4. An employee of a financial institution ~~may~~ shall report
2 13 suspected financial exploitation of a dependent adult to the
2 14 department.

2 15 Sec. 5. Section 235B.5, subsection 5, Code 2009, is
2 16 amended to read as follows:

2 17 5. An oral report of suspected dependent adult abuse
2 18 initially made to the central registry regarding a facility or
2 19 program as defined in section 235E.1 shall be transmitted by
2 20 the department to the department of inspections and appeals
2 21 and to the appropriate law enforcement agency on the first
2 22 working day following the submitting of the report.

2 23 Sec. 6. Section 235B.6, subsection 2, paragraph b,
2 24 subparagraph (4), Code 2009, is amended to read as follows:

2 25 (4) A law enforcement officer or employee of a county
2 26 attorney's office responsible for assisting in an
2 27 investigation of a dependent adult abuse allegation or a
2 28 prosecution of a case of dependent adult abuse.

2 29 Sec. 7. Section 235B.7, subsection 3, Code 2009, is
2 30 amended to read as follows:

2 31 3. Subsections 1 and 2 do not apply to dependent adult
2 32 abuse information that is disseminated to an employee of the
2 33 department, ~~or to~~ the attorney representing the department as
2 34 authorized by section 235B.6, or to a law enforcement agency
2 35 or county attorney's office investigating or prosecuting a



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3 1 case of dependent adult abuse.

3 2 Sec. 8. Section 235B.17, Code 2009, is amended to read as
3 3 follows:

3 4 235B.17 PROVISION OF PROTECTIVE SERVICES WITH THE CONSENT
3 5 OF DEPENDENT ADULT == CARETAKER REFUSAL.

3 6 1. If a caretaker of a dependent adult, who consents to
3 7 the receipt of protective services, refuses to allow provision
3 8 of the services, the department may petition the court with
3 9 probate jurisdiction in the county in which the dependent
3 10 adult resides for an order enjoining the caretaker from

3 11 interfering with the provision of services.

3 12 2. The petition shall be verified and shall allege
3 13 specific facts sufficient to demonstrate that the dependent
3 14 adult is in need of protective services and consents to the
3 15 provision of services and that the caretaker refuses to allow
3 16 provision of the services. The petition shall include all of
3 17 the following:

3 18 a. The name, date of birth, and address of the dependent
3 19 adult alleged to be in need of protective services.

3 20 b. The protective services required.

3 21 c. The name and address of the caretaker refusing to allow
3 22 the provision of services.

3 23 3. The court shall set the case for hearing within
3 24 fourteen days of the filing of the petition. The dependent
3 25 adult and the caretaker refusing to allow the provision of
3 26 services shall receive at least five days' notice of the
3 27 hearing.

3 28 4. If the judge finds by clear and convincing evidence
3 29 that the dependent adult is in need of protective services and
3 30 consents to the services and that the caretaker refuses to
3 31 allow the services, the judge may issue an order enjoining the
3 32 caretaker from interfering with the provision of the
3 33 protective services.

3 34 Sec. 9. Section 235B.18, Code 2009, is amended by adding
3 35 the following new subsection:



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4 1 NEW SUBSECTION. 1A. The petition specified in subsection
4 2 1 shall be verified and shall include all of the following:
4 3 a. The name, date of birth, and address of the dependent
4 4 adult alleged to be in need of protective services.
4 5 b. The nature of the dependent adult abuse.
4 6 c. The protective services required.
4 7 Sec. 10. Section 235B.20, Code 2009, is amended by
4 8 striking the section and inserting in lieu thereof the
4 9 following:
4 10 235B.20 DEPENDENT ADULT ABUSE == INITIATION OF CHARGES ==
4 11 PENALTY.
4 12 1. Charges of dependent adult abuse may be initiated upon
4 13 complaint of private individuals or as a result of
4 14 investigations by social service agencies or on the direct
4 15 initiative of a county attorney or law enforcement agency.
4 16 2. A caretaker who intentionally commits dependent adult
4 17 abuse on a dependent adult in violation of this chapter is
4 18 guilty of a class "C" felony if the intentional dependent
4 19 adult abuse results in serious injury.
4 20 3. A caretaker who intentionally commits dependent adult
4 21 abuse on a dependent adult in violation of this chapter is
4 22 guilty of a class "D" felony if the intentional dependent
4 23 adult abuse results in bodily injury.
4 24 4. A caretaker who recklessly commits dependent adult
4 25 abuse on a dependent adult in violation of this chapter is
4 26 guilty of a class "D" felony if the reckless dependent adult
4 27 abuse results in serious injury.
4 28 5. A caretaker who recklessly commits dependent adult
4 29 abuse on a dependent adult in violation of this chapter is
4 30 guilty of an aggravated misdemeanor if the reckless dependent
4 31 adult abuse results in bodily injury.
4 32 6. A caretaker who otherwise intentionally, recklessly, or
4 33 knowingly commits dependent adult abuse upon a dependent adult
4 34 in violation of this chapter is guilty of a serious
4 35 misdemeanor.



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5 1 7. A caretaker who commits dependent adult abuse by
5 2 exploiting a dependent adult in violation of this chapter is
5 3 guilty of a simple misdemeanor if the value of the property,
5 4 assets, or resources is one hundred dollars or less.

5 5 8. A caretaker who commits dependent adult abuse by
5 6 exploiting a dependent adult in violation of this chapter is
5 7 guilty of a serious misdemeanor if the value of the property,
5 8 assets, or resources is greater than one hundred dollars but
5 9 not more than two hundred dollars.

5 10 9. A caretaker who commits dependent adult abuse by
5 11 exploiting a dependent adult in violation of this chapter is
5 12 guilty of an aggravated misdemeanor if the value of the
5 13 property, assets, or resources is greater than two hundred
5 14 dollars but not more than five hundred dollars.

5 15 10. A caretaker who commits dependent adult abuse by
5 16 exploiting a dependent adult in violation of this chapter is
5 17 guilty of a class "D" felony if the value of the property,
5 18 assets, or resources is greater than five hundred dollars but
5 19 not more than one thousand dollars.

5 20 11. A caretaker who commits dependent adult abuse by
5 21 exploiting a dependent adult in violation of this chapter is
5 22 guilty of a class "C" felony if the value of the property,
5 23 assets, or resources is greater than one thousand dollars but
5 24 not more than ten thousand dollars.

5 25 12. A caretaker who commits dependent adult abuse by
5 26 exploiting a dependent adult in violation of this chapter is
5 27 guilty of a class "B" felony if the value of the property,
5 28 assets, or resources is greater than ten thousand dollars.

5 29 13. For purposes of this section, "value" shall be
5 30 determined in accordance with section 714.3.

5 31 Sec. 11. Section 235E.1, subsection 5, paragraph a,
5 32 subparagraph (1), subparagraph division (a), Code 2009, is
5 33 amended to read as follows:

5 34 (a) A ~~physical~~ bodily injury to, ~~or injury which is at a~~
~~5 35 variance with the history given of the injury,~~ or unreasonable



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6 1 confinement, unreasonable punishment, harassment or assault of
6 2 a dependent adult which involves a breach of skill, care, and
6 3 learning ordinarily exercised by a caretaker in similar
6 4 circumstances. "Assault of a dependent adult" means the
6 5 commission of any act which is generally intended to cause
6 6 pain or injury to a dependent adult, or which is generally
6 7 intended to result in physical contact which would be
6 8 considered by a reasonable person to be insulting or offensive
6 9 or any act which is intended to place another in fear of
6 10 immediate physical contact which will be painful, injurious,
6 11 insulting, or offensive, coupled with the apparent ability to
6 12 execute the act.

6 13 Sec. 12. Section 235E.2, subsection 4, Code 2009, is
6 14 amended to read as follows:

6 15 4. An employee of a financial institution ~~may~~ shall report
6 16 suspected financial exploitation of a dependent adult to the
6 17 department.

6 18 Sec. 13. Section 726.7, Code 2009, is amended to read as
6 19 follows:

6 20 726.7 WANTON NEGLECT OF A RESIDENT OF A HEALTH CARE
6 21 FACILITY.

6 22 1. A person commits wanton neglect of a resident of a
6 23 health care facility when the person knowingly acts in a
6 24 manner likely to be injurious to the physical, ~~or~~ mental, or
6 25 emotional welfare of a resident of a health care facility as
6 26 defined in section 135C.1.

6 27 2. A person who commits wanton neglect resulting in bodily
6 28 injury to a resident of a health care facility is guilty of a
6 29 class "D" felony.

6 30 ~~2.~~ 3. A person who commits wanton neglect resulting in
6 31 serious injury to a resident of a health care facility is
6 32 guilty of a class "C" felony.

6 33 ~~3.~~ 4. A person who commits wanton neglect not resulting in
6 34 bodily injury or serious injury to a resident of a health care
6 35 facility is guilty of an aggravated misdemeanor.



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7 1 Sec. 14. Section 726.8, Code 2009, is amended to read as
7 2 follows:

7 3 726.8 WANTON NEGLECT OR NONSUPPORT OF A DEPENDENT ADULT.

7 4 1. A ~~caretaker~~ person commits wanton neglect of a
7 5 dependent adult if the ~~caretaker~~ person knowingly acts in a
7 6 manner likely to be injurious to the physical, mental, or
7 7 emotional welfare of a dependent adult. ~~Wanton neglect of a~~
~~7 8 dependent adult is a serious misdemeanor.~~

7 9 a. A person who commits wanton neglect resulting in
7 10 serious injury to a dependent adult is guilty of a class "D"
7 11 felony.

7 12 b. A person who commits wanton neglect resulting in bodily
7 13 injury to a dependent adult is guilty of an aggravated
7 14 misdemeanor.

7 15 c. A person who commits wanton neglect not resulting in
7 16 serious injury or bodily injury to a dependent adult is guilty
7 17 of a serious misdemeanor.

7 18 2. A person who has legal responsibility either through
7 19 contract or court order for support of a dependent adult and
7 20 who fails or refuses to provide support commits nonsupport.
7 21 Nonsupport is a class "D" felony.

7 22 ~~3. A person alleged to have committed wanton neglect or~~
~~7 23 nonsupport of a dependent adult shall be charged with the~~
~~7 24 respective offense unless a charge may be brought based upon a~~
~~7 25 more serious offense, in which case the charge of the more~~
~~7 26 serious offense shall supersede the less serious charge.~~

7 27 ~~4. 3. For the purposes of this section, "dependent adult"~~
7 28 means a dependent adult as defined in section 235B.2,
7 29 subsection 4, and "caretaker" means a caretaker as defined in
~~7 30 section 235B.2, subsection 1.~~

7 31 EXPLANATION

7 32 This bill relates to actions injurious to dependent adults
7 33 and residents of health care facilities and provides
7 34 penalties.

7 35 The bill amends the definition of dependent adult abuse in



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8 1 Code chapter 235B relating to dependent adult abuse and the
8 2 statewide collection and dissemination of dependent adult
8 3 abuse registry information. The bill excludes the element of
8 4 sexual arousal or desire from the definition of sexual
8 5 exploitation, adds harassment of a dependent adult to the
8 6 definition of a dependent adult and amends the definition of
8 7 sexual exploitation of a dependent adult to include the
8 8 transmission, display, taking of electronic images of the
8 9 unclothed breast, groin, buttock, anus, pubes, or genitals of
8 10 a dependent adult by a caretaker for a purpose not related to
8 11 treatment or diagnosis or as part of an ongoing investigation.
8 12 The bill excludes touching between domestic partners in an
8 13 intimate relationship in Code chapter 235B from the definition
8 14 of sexual exploitation and defines "intimate relationship" to
8 15 mean a significant romantic involvement between two persons
8 16 that need not include sexual involvement, but does not include
8 17 a casual social relationship or association in a business or
8 18 professional capacity which includes but is not limited to a
8 19 consideration of the duration of the relationship, the
8 20 frequency of interaction, whether the relationship has been
8 21 terminated, and the nature of the relationship, characterized
8 22 by either person's expectation of sexual or romantic
8 23 involvement.

8 24 The bill requires an employee of a financial institution to
8 25 report suspected financial exploitation of a dependent adult
8 26 to the department of human services.

8 27 The bill requires oral reports of suspected dependent adult
8 28 abuse be given to the appropriate law enforcement agency on
8 29 the first working day following the submitting of the report.

8 30 The bill allows an employee of a county attorney's office
8 31 assisting in an investigation of or prosecuting a case of
8 32 dependent adult abuse access to dependent adult abuse
8 33 information other than unfounded dependent adult abuse
8 34 information and provides an exception for certain written and
8 35 oral requirements for such persons seeking such information.



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9 1 The bill authorizes a court with probate jurisdiction to
9 2 issue a protective order for a dependent adult who lacks the
9 3 ability to consent to protective services and whose caretaker
9 4 refuses to allow the protective services. The bill also
9 5 provides that the petition for a protective order in such a
9 6 case must be verified and contain certain specific
9 7 information.

9 8 The bill amends Code section 235B.20 relating to a
9 9 caretaker of a dependent adult who commits the crime of
9 10 dependent adult abuse. Under current law, a caretaker who
9 11 intentionally commits dependent adult abuse that results in
9 12 either serious injury or physical injury to the dependent
9 13 adult is guilty of a class "C" felony and a caretaker who
9 14 recklessly commits dependent adult abuse that results in
9 15 serious injury commits a class "D" felony and a caretaker who
9 16 recklessly commits dependent adult abuse that results in
9 17 physical injury commits an aggravated misdemeanor. The bill
9 18 lowers the intentional commission of dependent adult abuse
9 19 causing physical injury by a caretaker of a dependent adult to
9 20 a class "D" felony and adds a provision that a caretaker who
9 21 intentionally, recklessly, or knowingly commits dependent
9 22 adult abuse upon a dependent adult in the absence of any
9 23 injury is guilty of a serious misdemeanor. In addition, the
9 24 bill replaces the term "physical injury" with the term "bodily
9 25 injury".

9 26 The bill amends Code section 235B.20 relating to the crime
9 27 of financial exploitation of a dependent adult by a caretaker.
9 28 Current law classifies two levels of financial exploitation of
9 29 a dependent adult by a caretaker: a class "D" felony if the
9 30 value of the property, assets, or resources of the dependent
9 31 adult is more than \$100 and an aggravated misdemeanor if the
9 32 value of the property, assets, or resources of the dependent
9 33 adult is \$100 or less. The bill creates six levels of
9 34 financial exploitation of a dependent adult ranging from a
9 35 simple misdemeanor if the value of the property, assets, or



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10 1 resources of the dependent adult is \$100 or less to a class
10 2 "B" felony if the value of the property, assets, or resources
10 3 of the dependent adult exceeds \$10,000.

10 4 Consistent with the changes to Code chapter 235B, the bill
10 5 amends the definition of dependent adult abuse in Code chapter
10 6 235E (dependent adult abuse in certain facilities and
10 7 programs) by adding harassment of a dependent adult to the
10 8 definition of dependent adult abuse and requires an employee
10 9 of a financial institution to report suspected financial
10 10 exploitation of a dependent adult to the department of human
10 11 services.

10 12 The bill amends Code section 726.7 relating to the crime of
10 13 wanton neglect of a resident of a health care facility to
10 14 include conduct that is injurious to the emotional welfare of
10 15 a resident of a health care facility. Current law provides
10 16 that a person who commits wanton neglect resulting in serious
10 17 injury to a resident of a health care facility is guilty of a
10 18 class "C" felony and a person who commits wanton neglect not
10 19 resulting in serious injury to a resident of a health care
10 20 facility is guilty of an aggravated misdemeanor. The bill
10 21 creates the additional crime of wanton neglect resulting in
10 22 bodily injury to a resident of a health care facility, a class
10 23 "D" felony, and specifies that a person who commits wanton
10 24 neglect not resulting in any type of injury (bodily or
10 25 serious) to a resident of a health care facility is guilty of
10 26 an aggravated misdemeanor.

10 27 The bill amends Code section 726.8 relating to the crime of
10 28 wanton neglect or nonsupport of a dependent adult. Current
10 29 law provides that a caretaker who commits wanton neglect of a
10 30 dependent adult commits a serious misdemeanor. The bill
10 31 amends current law by substituting the word "person" for
10 32 "caretaker" and by adding certain gradations of the offense of
10 33 wanton neglect depending on the injuries suffered by the
10 34 dependent adult. The bill provides that a person who commits
10 35 wanton neglect resulting in serious injury to a dependent



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11 1 adult is guilty of a class "D" felony, a person who commits
11 2 wanton neglect resulting in bodily injury to a dependent adult
11 3 is guilty of an aggravated misdemeanor, and a person who
11 4 commits wanton neglect not resulting in serious injury or
11 5 bodily injury to a dependent adult is guilty of a serious
11 6 misdemeanor.

11 7 A simple misdemeanor is punishable by confinement for no
11 8 more than 30 days or a fine of at least \$65 but not more than
11 9 \$625 or by both, a serious misdemeanor is punishable by
11 10 confinement for no more than one year and a fine of at least
11 11 \$315 but not more than \$1,875, an aggravated misdemeanor is
11 12 punishable by confinement for no more than two years and a
11 13 fine of at least \$625 but not more than \$6,250, a class "D"
11 14 felony is punishable by confinement for no more than five
11 15 years and a fine of at least \$750 but not more than \$7,500, a
11 16 class "C" felony is punishable by confinement for no more than
11 17 10 years and a fine of at least \$1,000 but not more than
11 18 \$10,000, and a class "B" felony is punishable by confinement
11 19 for no more than 25 years.

11 20 LSB 1340DP 83

11 21 rh/rj/8.1



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Senate Study Bill 1207

SENATE FILE
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON SCHMITZ)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act transferring the authority to register postsecondary
- 2 schools from the secretary of state to the college student aid
- 3 commission and providing for related matters.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1860SC 83
- 6 kh/nh/14



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1 1 Section 1. Section 261.2, subsection 7, unnumbered
1 2 paragraph 1, Code 2009, is amended to read as follows:
1 3 Adopt rules to establish reasonable registration standards
1 4 for the approval, pursuant to section 261B.3A, of
1 5 postsecondary schools that are required to register with the
1 6 ~~secretary of state~~ commission in order to operate in this
1 7 state. The registration standards established by the
1 8 commission shall ensure that all of the following conditions
1 9 are satisfied:
1 10 Sec. 2. Section 261.2, subsection 8, Code 2009, is amended
1 11 by striking the subsection.
1 12 Sec. 3. Section 261B.2, Code 2009, is amended by adding
1 13 the following new subsection:
1 14 NEW SUBSECTION. 0A. "Commission" means the college
1 15 student aid commission created pursuant to section 261.1.
1 16 Sec. 4. Section 261B.2, subsection 4, Code 2009, is
1 17 amended by striking the subsection.
1 18 Sec. 5. Section 261B.3, Code 2009, is amended to read as
1 19 follows:
1 20 261B.3 REGISTRATION.
1 21 1. ~~A~~ Except as provided in section 261B.11, a school that
1 22 maintains or conducts one or more courses of instruction,
1 23 including courses of instruction by correspondence or other
1 24 distance delivery method, offered in this state or which has a
1 25 presence in this state and offers courses in other states or
1 26 foreign countries shall register with the ~~secretary~~
1 27 commission. Registrations shall be renewed every four years
1 28 or upon any substantive change in program offerings, location,
1 29 or accreditation. Registration shall be made on application
1 30 forms approved and supplied by the ~~secretary~~ commission and at
1 31 the time and in the manner prescribed by the ~~secretary~~
1 32 commission. Upon receipt of a complete and accurate
1 33 registration application, the ~~secretary~~ commission shall issue
1 34 an acknowledgment of document filed and send it to the school.
1 35 2. The ~~secretary~~ commission may request additional



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2 1 information as necessary to enable the ~~secretary~~ commission to
2 2 determine the accuracy and completeness of the information
2 3 contained in the registration application. If the ~~secretary~~
2 4 commission believes that false, misleading, or incomplete
2 5 information has been submitted in connection with an
2 6 application for registration, the ~~secretary~~ commission may
2 7 deny registration. The ~~secretary~~ commission shall conduct a
2 8 hearing on the denial if a hearing is requested by a school.
2 9 The ~~secretary~~ commission may withhold an acknowledgment of
2 10 document filed pending the outcome of the hearing. Upon a
2 11 finding after the hearing that information contained in the
2 12 registration application is false, misleading, or incomplete,
2 13 the ~~secretary~~ commission shall deny an acknowledgment of
2 14 document filed to the school. The ~~secretary~~ commission shall
2 15 make the final decision on each registration. However, the
2 16 decision of the ~~secretary~~ commission is subject to judicial
2 17 review in accordance with section 17A.19.

2 18 3. The ~~secretary~~ commission shall adopt rules under
2 19 chapter 17A for the implementation of this chapter.

2 20 Sec. 6. Section 261B.3A, Code 2009, is amended to read as
2 21 follows:

2 22 261B.3A REQUIREMENTS.

2 23 1. In order to register, a school shall be accredited by
2 24 an agency or organization approved or recognized by the United
2 25 States department of education or a successor agency, be
2 26 approved by any other state agency authorized to approve the
2 27 school in this state, and, ~~except as provided in subsection 2~~
2 28 subsequently, be approved for operation by the ~~college student~~
2 29 aid commission.

2 30 2. A practitioner preparation program ~~that is~~ operated by
2 31 a school that applies to register the program in accordance
2 32 with this chapter shall, in order to register, be accredited
2 33 by an agency or organization approved or recognized by the
2 34 United States department of education or a successor agency
2 35 ~~and, in addition,~~ be approved by the state board of education



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3 1 pursuant to section 256.7, subsection 3, and, subsequently, be
3 2 approved for operation by the commission.

3 3 3. Nothing in this chapter shall be construed to exempt a
3 4 school from the requirements of chapter 490 or 491.

3 5 Sec. 7. Section 261B.4, unnumbered paragraph 1, Code 2009,
3 6 is amended to read as follows:

3 7 As a basis for registration, schools shall provide the
3 8 ~~secretary~~ commission with the following information:

3 9 Sec. 8. Section 261B.5, Code 2009, is amended to read as
3 10 follows:

3 11 261B.5 CHANGES.

3 12 If any information provided to the ~~secretary~~ commission
3 13 under section 261B.3 or 261B.4 changes, the school shall
3 14 inform the ~~secretary~~ commission within ninety days of the
3 15 effective date of the ~~change on forms prescribed and furnished~~
3 16 in the format specified by the ~~secretary~~ commission.

3 17 Sec. 9. Section 261B.6, Code 2009, is amended to read as
3 18 follows:

3 19 261B.6 LIST OF SCHOOLS.

3 20 The ~~secretary~~ commission shall maintain a list of
3 21 registered schools and the list and the information submitted
3 22 under sections 261B.3 and 261B.4 are public records under
3 23 chapter 22.

3 24 Sec. 10. Section 261B.7, Code 2009, is amended to read as
3 25 follows:

3 26 261B.7 UNAUTHORIZED REPRESENTATION.

3 27 Neither a school nor its officials or employees shall
3 28 advertise or represent that the school is approved or
3 29 accredited by the ~~secretary~~ commission or the state of Iowa
3 30 nor shall it use the registration as a reference in
3 31 promotional materials.

3 32 Sec. 11. Section 261B.8, subsection 1, Code 2009, is
3 33 amended to read as follows:

3 34 1. The ~~secretary~~ commission shall set by rule and collect
3 35 a nonrefundable initial registration fee and a renewal of



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4 1 registration fee from each registered school.
4 2 Sec. 12. Section 261B.10, Code 2009, is amended by
4 3 striking the section and inserting in lieu thereof the
4 4 following:
4 5 261B.10 ADVISORY COMMITTEE.
4 6 1. The commission shall establish an advisory committee on
4 7 postsecondary registration to review and make recommendations
4 8 relating to applications from schools required to register
4 9 pursuant to this chapter. The commission shall adopt rules
4 10 establishing the policies and procedures of the advisory
4 11 committee. Meetings of the advisory committee are subject to
4 12 the requirements of chapter 21.
4 13 2. The members of the advisory committee on postsecondary
4 14 registration shall include one representative from the
4 15 commission and one representative from each of the following:
4 16 a. The state board of regents.
4 17 b. The department of education.
4 18 c. The office of the attorney general.
4 19 d. A community college located in this state.
4 20 e. A not-for-profit accredited private institution as
4 21 defined in section 261.9, incorporated or otherwise organized
4 22 under the laws of this state.
4 23 f. A for-profit accredited private institution as defined
4 24 in section 261.9, subsection 1, incorporated or otherwise
4 25 organized under the laws of this state.
4 26 Sec. 13. Section 261B.11, subsections 8 and 9, Code 2009,
4 27 are amended to read as follows:
4 28 8. Schools and educational programs conducted by religious
4 29 organizations solely for the religious instruction of ~~members~~
4 30 leadership practitioners of that religious organization.
4 31 9. Postsecondary educational institutions licensed by the
4 32 state of Iowa prior to July 1, 2009, to conduct business in
4 33 the state.
4 34 Sec. 14. Section 261B.12, Code 2009, is amended to read as
4 35 follows:



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5 1 261B.12 ENFORCEMENT.

5 2 1. When the ~~secretary~~ commission or the ~~secretary's~~
5 3 commission's designee believes a school is in violation of
5 4 this chapter, the ~~secretary~~ commission shall order the school
5 5 to show cause why the ~~secretary~~ commission should not issue a
5 6 cease and desist order to the school.

5 7 2. After the school's response to the show cause order has
5 8 been reviewed by the ~~secretary~~ commission, the ~~secretary~~
5 9 commission may issue a cease and desist order to the school if
5 10 the ~~secretary~~ commission believes the school continues to be
5 11 in violation of this chapter. If the school does not cease
5 12 and desist, the ~~secretary~~ commission may seek judicial
5 13 enforcement of the cease and desist order in any district
5 14 court.

5 15 Sec. 15. Section 714.18, Code 2009, is amended to read as
5 16 follows:

5 17 714.18 EVIDENCE OF FINANCIAL RESPONSIBILITY.

5 18 1. Except as otherwise provided in subsection 4 2, every
5 19 person, firm, association, or corporation maintaining or
5 20 conducting in Iowa any such course of instruction, by
5 21 classroom instruction or by correspondence, or other distance
5 22 delivery method, or soliciting in Iowa the sale of such
5 23 course, shall file with the ~~secretary of state~~ college student
5 24 aid commission the following:

5 25 ~~1.~~ a. A continuous corporate surety bond to the state of
5 26 Iowa in the sum of fifty thousand dollars conditioned for the
5 27 faithful performance of all contracts and agreements with
5 28 students made by such person, firm, association, or
5 29 corporation, or their salespersons; but the aggregate
5 30 liability of the surety for all breaches of the conditions of
5 31 the bond shall not exceed the sum of the bond. The surety on
5 32 the bond may cancel the bond upon giving thirty days' written
5 33 notice to the ~~secretary of state~~ college student aid
5 34 commission and thereafter shall be relieved of liability for
5 35 any breach of condition occurring after the effective date of



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6 1 the cancellation.

6 2 2. b. A statement designating a resident agent for the
6 3 purpose of receiving service in civil actions. In the absence
6 4 of such designation, service may be had upon the secretary of
6 5 state if service cannot otherwise be made in this state.

6 6 3. c. A copy of any catalog, prospectus, brochure, or
6 7 other advertising material intended for distribution in Iowa.
6 8 Such material shall state the cost of the course offered, the
6 9 schedule of refunds for portions of the course not completed,
6 10 and if no refunds are to be paid, the material shall so state.
6 11 Any contract induced by advertising materials not previously
6 12 filed as provided in this chapter shall be voidable on the
6 13 part of the pupil or any person liable for the tuition
6 14 provided for in the contract.

6 15 4. 2. A school licensed under the provisions of section
6 16 157.8 or 158.7 shall file with the ~~secretary of state~~ college
6 17 student aid commission the following:

6 18 a. (1) A continuous corporate surety bond to the state of
6 19 Iowa in the sum of fifty thousand dollars or ten percent of
6 20 the total annual tuition collected, whichever is less,
6 21 conditioned for the faithful performance of all contracts and
6 22 agreements with students made by such school. A school
6 23 desiring to file a surety bond based on a percentage of annual
6 24 tuition shall provide to the ~~secretary of state~~ college
6 25 student aid commission, in the form prescribed by the
6 26 ~~secretary commission~~, a notarized statement attesting to the
6 27 total amount of tuition collected in the preceding
6 28 twelve-month period. The ~~secretary commission~~ shall determine
6 29 the sufficiency of the statement and the amount of the bond.
6 30 Tuition information submitted pursuant to this ~~paragraph~~
6 31 subparagraph shall be kept confidential.

6 32 (2) If the school has filed a performance bond with an
6 33 agency of the United States government pursuant to federal
6 34 law, the ~~secretary of state~~ college student aid commission
6 35 shall reduce the bond required by this paragraph "a" by an



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7 1 amount equal to the amount of the federal bond.

7 2 (3) The aggregate liability of the surety for all breaches
7 3 of the conditions of the bond shall not exceed the sum of the
7 4 bond. The surety on the bond may cancel the bond upon giving
7 5 thirty days' written notice to the ~~secretary of state college~~
7 6 student aid commission and thereafter shall be relieved of
7 7 liability for any breach of condition occurring after the
7 8 effective date of the cancellation.

7 9 (4) The ~~secretary of state college student aid commission~~
7 10 may accept a letter of credit from a bank in lieu of the
7 11 corporate surety bond required by this paragraph "a".

7 12 b. The statement required in subsection ~~2~~ 1, paragraph
7 13 "b".

7 14 c. The materials required in subsection ~~3~~ 1, paragraph
7 15 "c".

7 16 Sec. 16. Section 714.22, subsections 1 and 2, Code 2009,
7 17 are amended to read as follows:

7 18 1. File a bond or a bond is filed on their behalf by a
7 19 parent corporation with the ~~secretary of state college student~~
7 20 aid commission as required by section 714.18.

7 21 2. File an annual sworn statement, or such statement is
7 22 filed on their behalf by a parent corporation, certified by a
7 23 certified public accountant, showing all assets and
7 24 liabilities of the trade or vocational school and the assets
7 25 of any parent corporation. The statement shall show the trade
7 26 or vocational school's net worth, or the net worth of the
7 27 parent corporation, to be not less than five times the amount
7 28 of the bond required by section 714.18. If a parent
7 29 corporation files the statement or its net worth is included
7 30 in the statement to comply with this subsection, the parent
7 31 corporation shall appoint a registered agent and otherwise is
7 32 subject to section 714.18, subsection ~~2~~ 1, paragraph "b", and
7 33 is liable for the breach of any contract or agreement with
7 34 students as well as liable for any fraud in connection with
7 35 the contract or agreement or for any violation of section



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8 1 714.16 by the trade or vocational school or any of its agents
8 2 or salespersons.

8 3 EXPLANATION

8 4 This bill transfers the administrative duties relating to
8 5 the registration of postsecondary schools, and the evidence of
8 6 financial responsibility those schools must file, from the
8 7 office of the secretary of state to the college student aid
8 8 commission. The bill also establishes that a postsecondary
8 9 school that maintains or conducts courses of instruction by
8 10 distance delivery methods in Iowa must register with the
8 11 commission and provide evidence of financial responsibility.
8 12 The bill makes conforming changes to a number of Code
8 13 provisions.

8 14 The bill modifies the registration requirements by adding
8 15 that the school must be approved by all state agencies
8 16 authorized to approve the school before being approved to
8 17 operate by the commission. The bill also adds that a
8 18 practitioner preparation program, which must be accredited and
8 19 approved by the state board of education to operate in this
8 20 state, must also be approved for operation by the commission.

8 21 The bill alters the membership on the advisory committee on
8 22 postsecondary registration to replace the representative of
8 23 the office of secretary of state with a representative of the
8 24 commission, and adds to the membership a representative from a
8 25 for-profit accredited private institution.

8 26 The bill modifies the list of schools and courses of
8 27 instruction exempt from Code chapter 261B, relating to the
8 28 registration of postsecondary schools, by providing that
8 29 schools and education programs conducted by religious
8 30 organizations are only exempt when providing instruction to
8 31 leadership practitioners of that religious organization, and
8 32 by providing that postsecondary educational institutions must
8 33 be licensed by the state to conduct business in the state
8 34 prior to July 1, 2009, in order to be exempt from the Code
8 35 chapter.



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9 1 The bill also specifies that registration under Code
9 2 chapter 261B does not exempt a school from the requirements of
9 3 the Iowa business corporation Act or for organization of a
9 4 corporation for pecuniary profit under Code chapter 491.
9 5 LSB 1860SC 83
9 6 kh/nh/14



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Senate Study Bill 1208

SENATE FILE
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON WARNSTADT)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to disclosures required to be made by a
- 2 prospective transferor of real property.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2302SC 83
- 5 rn/nh/5



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Senate Study Bill 1208 continued

PAG LIN

1 1 Section 1. Section 558A.4, Code 2009, is amended by adding
1 2 the following new subsections:
1 3 NEW SUBSECTION. 4. The disclosures required pursuant to
1 4 this section shall be applicable to information or conditions
1 5 known or in existence during the ten-year period preceding a
1 6 proposed transfer of real property or the transferor's term of
1 7 ownership, whichever is less.

1 8 NEW SUBSECTION. 5. A transferee is responsible for
1 9 requesting the disclosure of information of a significant or
1 10 material nature beyond information which is required to be
1 11 included in the disclosure statement pursuant to subsection 1.
1 12 A transferor, or a broker or salesperson, shall not be held
1 13 liable for the failure to disclose such information unless a
1 14 request for such disclosure was received and the transferor,
1 15 or broker or salesperson, failed to exercise ordinary care in
1 16 obtaining the requested information.

1 17 EXPLANATION

1 18 This bill relates to disclosures required to be made by a
1 19 prospective transferor of real property to a prospective
1 20 transferee. The bill provides that required disclosures shall
1 21 apply only to information or conditions known or in existence
1 22 during the 10-year period preceding the proposed transfer or
1 23 the transferor's term of ownership, whichever is less. The
1 24 bill also provides that a transferee is responsible for
1 25 requesting the disclosure of information of a significant or
1 26 material nature beyond that which is required in rules
1 27 established by the real estate commission to be included in
1 28 the disclosure statement. The bill adds that a transferor or
1 29 salesperson shall not be liable for failing to disclose such
1 30 information unless a request has been received and they failed
1 31 to exercise ordinary care in obtaining the information.

1 32 LSB 2302SC 83

1 33 rn/nh/5



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Senate Study Bill 1209

SENATE FILE
 BY (PROPOSED COMMITTEE ON
 WAYS AND MEANS BILL BY
 CHAIRPERSON BOLKCOM)

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act providing a sales tax exemption for purchases made by a
 2 nonprofit blood bank licensed by the federal food and drug
 3 administration.
 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 5 TLSB 1218XC 83
 6 ak/sc/8



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Senate Study Bill 1209 continued

PAG LIN

1 1 Section 1. Section 423.3, subsection 26, Code 2009, is
1 2 amended to read as follows:
1 3 26. The sales price of tangible personal property sold, or
1 4 of services furnished, to a statewide nonprofit organ
1 5 procurement organization, as defined in section 142C.2, or a
1 6 nonprofit blood bank, as defined in section 141A.1, that is
1 7 licensed by the federal food and drug administration.

1 8 EXPLANATION

1 9 This bill creates a sales tax exemption on the sales price
1 10 of goods sold to or services provided to a nonprofit blood
1 11 bank that is licensed by the federal food and drug
1 12 administration.

1 13 LSB 1218XC 83

1 14 ak/sc/8



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Senate Study Bill 1210

SENATE FILE
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON BOLKCOM)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act providing a sales tax exemption from the sale of certain
2 automotive paints and materials to retailers to be used for
3 motor vehicle collision repairs.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1985SC 83
6 ak/mg:sc/8



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Senate Study Bill 1210 continued

PAG LIN

1 1 Section 1. Section 423.3, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 40A. The sales price from the sale of
1 4 automotive refinish repair paint and other vehicle body
1 5 materials to a retailer to be used in providing a service that
1 6 is subject to section 423.2, subsection 6, if the service
1 7 provided includes the permanent application or use of the
1 8 paint and materials during a motor vehicle collision repair.

1 9 EXPLANATION

1 10 This bill provides a state sales tax exemption for the
1 11 sales of automotive refinish repair paint and other vehicle
1 12 body materials to a retailer who will use the paint and
1 13 materials to provide a service that includes the permanent
1 14 application or consumption of the paint and materials for the
1 15 repair of a motor vehicle collision. The bill requires that
1 16 in order to qualify for the exemption, the retailer's services
1 17 must be subject to Code section 423.2, subsection 6, which
1 18 requires the retailer to charge sales tax on the automotive
1 19 services the retailer provides.

1 20 LSB 1985SC 83

1 21 ak/mg:sc/8



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Senate Study Bill 1211

SENATE FILE
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON BOLKCOM)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act repealing the authorization to use local sales and
2 services tax revenue to fund urban renewal projects and
3 including an effective date provision.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1087XC 83
6 md/sc:mg/14



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PAG LIN

1 1 Section 1. Section 423B.1, subsection 6, paragraph c, Code
1 2 2009, is amended by striking the paragraph.

1 3 Sec. 2. Section 423B.7, subsection 1, Code 2009, is
1 4 amended to read as follows:

1 5 1. ~~a. Except as provided in paragraph "b", the~~ The
1 6 director shall credit the local sales and services tax
1 7 receipts and interest and penalties from a county-imposed tax
1 8 to the county's account in the local sales and services tax
1 9 fund and from a city-imposed tax under section 423B.1,
1 10 subsection 2, to the city's account in the local sales and
1 11 services tax fund. If the director is unable to determine
1 12 from which county any of the receipts were collected, those
1 13 receipts shall be allocated among the possible counties based
1 14 on allocation rules adopted by the director.

1 15 ~~b. Notwithstanding paragraph "a", the director shall~~
~~1 16 credit the designated amount of the increase in local sales~~
~~1 17 and services tax receipts, as computed in section 423B.10,~~
~~1 18 collected in an urban renewal area of an eligible city that~~
~~1 19 has adopted an ordinance pursuant to section 423B.10,~~
~~1 20 subsection 2, into a special city account in the local sales~~
~~1 21 and services tax fund.~~

1 22 Sec. 3. Section 423B.7, subsection 6, Code 2009, is
1 23 amended by striking the subsection.

1 24 Sec. 4. Section 423B.10, Code 2009, is repealed.

1 25 Sec. 5. TAXES RECEIVED PRIOR TO EFFECTIVE DATE. All local
1 26 sales and services taxes received by a city under chapter 423B
1 27 prior to the effective date of this Act that have been
1 28 designated by a city by ordinance to fund urban renewal
1 29 projects pursuant to section 423B.10, as repealed under this
1 30 Act, shall be deposited in the city's general fund.

1 31 Sec. 6. EFFECTIVE DATE. This Act, being deemed of
1 32 immediate importance, takes effect upon enactment.

1 33 EXPLANATION

1 34 This bill repeals Code section 423B.10, which provides that
1 35 a city with a local sales and services tax imposed by the



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2 1 county may designate an amount of the increased tax revenues
2 2 attributable to retail establishments in an urban renewal area
2 3 to fund urban renewal projects in the area. The bill provides
2 4 that all local sales and services taxes received by a city
2 5 under Code chapter 423B prior to the effective date of the
2 6 bill that have been designated by a city by ordinance to fund
2 7 urban renewal projects pursuant to Code section 423B.10 shall
2 8 be deposited in the city's general fund.

2 9 This bill takes effect upon enactment.

2 10 LSB 1087XC 83

2 11 md/sc:mg/14