



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Amendment 1065

PAG LIN

1 1 Amend the amendment, H=1063, to House File 333 as
1 2 follows:
1 3 #1. Page 1, line 5, by striking the words
1 4 <community college,>.
1 5
1 6
1 7
1 8 UPMEYER of Hancock
1 9
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1 11
1 12 KAUFMANN of Cedar
1 13 HF 333.707 83
1 14 ak/rj/21833
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Amendment 1066

PAG LIN

1 1 Amend the amendment, H=1063, to House File 333 as
1 2 follows:
1 3 #1. Page 1, line 13, by inserting after the figure
1 4 <2009.> the following: <For the purposes of this
1 5 subparagraph, any public improvement project funded in
1 6 any part by secure an advanced vision for education
1 7 fund moneys pursuant to chapter 423F shall be exempt
1 8 from the requirement to pay not less than the current
1 9 specified prevailing wage rate.>
1 10
1 11
1 12
1 13 KAUFMANN of Cedar
1 14
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1 16
1 17 DOLECHECK of Ringgold
1 18 HF 333.708 83
1 19 ak/rj/21834
1 20
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Amendment 1067

PAG LIN

1 1 Amend House File 364 as follows:
1 2 #1. Page 5, line 1, by striking the word
1 3 <ENFORCEMENT.> and inserting the following:
1 4 <VIOLATIONS == ENFORCEMENT.>
1 5 #2. Page 5, by inserting after line 14 the
1 6 following:
1 7 <3. A violation of this chapter constitutes an
1 8 unlawful practice pursuant to section 714.16.>
1 9 #3. Page 7, line 17, by striking the figure and
1 10 word <714.18, or> and inserting the following:
1 11 <714.18,>.
1 12 #4. Page 7, line 18, by inserting after the figure
1 13 <714.20> the following: <, 714.23, or 714.25>.
1 14 #5. By renumbering as necessary.
1 15
1 16
1 17
1 18 WINCKLER of Scott
1 19 HF 364.501 83
1 20 kh/nh/21711
1 21
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Amendment 1068

PAG LIN

1 1 Amend the amendment, H=1063, to House File 333 as
1 2 follows:
1 3 #1. Page 1, by inserting before line 2 the
1 4 following:
1 5 <#___. Page 3, by inserting after line 3 the
1 6 following:
1 7 <___. "Horizontal and transportation
1 8 infrastructure" includes but is not limited to water,
1 9 storm water, and sanitary sewer projects, and roads
1 10 and streets as defined in section 306.3.>>
1 11 #2. Page 1, by striking lines 7 through 20 and
1 12 inserting the following:
1 13 <#___. Page 4, lines 2 and 3, by striking the
1 14 words <paragraphs "b" and "c"> and inserting the
1 15 following: <paragraph "b">.
1 16 #___. By striking page 4, line 34, through page 5,
1 17 line 35, and inserting the following:
1 18 <b. The public improvement meets one of the
1 19 following criteria:
1 20 (1) The public improvement project's total
1 21 estimated cost is one million five hundred thousand
1 22 dollars or more and at least twenty percent of the
1 23 funding is satisfied by state funds, as defined in
1 24 section 8.2, directed for infrastructure purposes.
1 25 (2) The public improvement project is for a school
1 26 district and its total estimated cost is three hundred
1 27 thousand dollars or more.
1 28 (3) The public improvement project is under the
1 29 control of the state board of regents or a community
1 30 college.>
1 31 #___. Page 6, by inserting before line 1 the
1 32 following:
1 33 <___. "Vertical infrastructure" includes but is
1 34 not limited to the public improvement of buildings,
1 35 appurtenant structures, and utilities; and site
1 36 development.>
1 37 #___. Page 7, by striking lines 20 through 35 and
1 38 inserting the following:
1 39 <4. a. (1) Vertical infrastructure-related state
1 40 licensing boards shall require licensees to submit
1 41 wage rates and fringe benefits rates data once a year.
1 42 A state licensing board shall transmit the data
1 43 annually to the division.
1 44 (2) Vertical infrastructure-related contractors,
1 45 who are registered with the division pursuant to
1 46 chapter 91C, who participate in an apprenticeship
1 47 program approved by and registered with the United
1 48 States department of labor's office of apprenticeship,
1 49 and who provide health insurance and retirement
1 50 benefits for their workers shall submit wage rates and



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Amendment 1068 continued

2 1 fringe benefits rates data once a year to the
2 2 division. The commissioner shall create an internet
2 3 website and paper forms for contractors to submit the
2 4 required information.
2 5 (3) All parties shall keep the wage rates and
2 6 fringe benefits rates information confidential.
2 7 (4) An individual who intentionally provides
2 8 misinformation about wage rates, fringe benefits
2 9 rates, or work locations commits a violation under
2 10 this chapter and shall be penalized one hundred
2 11 dollars per violation. A violation under this
2 12 subsection is grounds for a loss of licensure or
2 13 registration with the division, as applicable, which
2 14 shall be in addition to any penalty otherwise
2 15 authorized by this subsection.
2 16 b. The labor commissioner shall determine wage
2 17 rates and fringe benefits rates using data only from
2 18 licensees who receive health insurance and retirement
2 19 benefits collected under paragraph "a", subparagraph
2 20 (1), and all data collected under paragraph "a",
2 21 subparagraph (2). The prevailing wage rates and
2 22 fringe benefits rates determined in each locality
2 23 shall be set at the wage rate and fringe benefits rate
2 24 that thirty percent or more of those employed in a
2 25 particular craft, classification, or type of work are
2 26 paid in total. If a common wage rate and fringe
2 27 benefits rate is not paid to at least thirty percent
2 28 of those employed in a particular craft,
2 29 classification, or type of work, the total of the wage
2 30 rates and fringe benefits rates of all workers in a
2 31 particular craft, classification, or type of work
2 32 shall be calculated and the average wage rate and
2 33 fringe benefits rate shall be the prevailing wage rate
2 34 for that particular craft, classification, or type of
2 35 worker in that locality.>
2 36 #___. Page 8, line 1, by striking the word <b.>
2 37 and inserting the following: <c.>
2 38 #___. Page 8, by striking lines 5 through 11.
2 39 #___. Page 8, line 12, by inserting after the
2 40 figure <6.> the following: <a.>
2 41 #___. Page 8, by striking lines 17 through 23 and
2 42 inserting the following: <horizontal and
2 43 transportation infrastructure.
2 44 b. However, for federal Davis=Bacon Act prevailing
2 45 wage rates to apply, the public improvement described
2 46 in paragraph "a" must meet one of the following
2 47 descriptions:
2 48 (1) The project is funded by the state or the
2 49 state board of regents and the total estimated cost is
2 50 one hundred thousand dollars or more.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Amendment 1068 continued

3 1 (2) The project is funded by a school district and
3 2 the total estimated cost is three hundred thousand
3 3 dollars or more.

3 4 (3) The project is funded by a county with a
3 5 population of forty thousand or more and the total
3 6 estimated cost is one hundred thousand dollars or
3 7 more. Population, for the purposes of this
3 8 subparagraph, shall be based on the most recent United
3 9 States census bureau annual census figures. Beginning
3 10 in 2011, the most recent United States census bureau
3 11 decennial census figures shall be used to calculate
3 12 population for the purposes of this subparagraph.

3 13 (4) The project is funded by a city with a
3 14 population of twenty thousand or more and the total
3 15 estimated cost is one hundred thousand dollars or
3 16 more. Population, for the purposes of this
3 17 subparagraph, shall be based on the most recent United
3 18 State census bureau annual census figures. Beginning
3 19 in 2011, the most recent United States census bureau
3 20 decennial census figures shall be used to calculate
3 21 population for the purposes of this subparagraph.

3 22 (5) The total estimated cost of the project is one
3 23 million five hundred thousand dollars or more,
3 24 regardless of the public body's population.

3 25 c. An objections and appeals process to be
3 26 established by the department of transportation in
3 27 accordance with chapter 17A shall be made applicable
3 28 to the public improvement described in paragraph
3 29 "a".>>

3 30 #3. Page 1, by inserting after line 32 the
3 31 following:

3 32 <#___. Page 15, line 29, by inserting after the
3 33 word <file.> the following: <An individual who
3 34 intentionally provides misinformation in a written
3 35 complaint commits a violation and shall be penalized
3 36 one hundred dollars and such a violation may result in
3 37 the loss of the individual's license or registration,
3 38 if applicable.>

3 39 #___. Page 18, line 28, by inserting after the
3 40 word <assessments> the following: <from the
3 41 members>.>

3 42 #4. Page 2, by inserting after line 7 the
3 43 following:

3 44 <#___. Page 20, by inserting after line 18 the
3 45 following:

3 46 <Sec. ____. NEW SECTION. 91F.14 DISASTER AREAS.
3 47 For public improvements in an area that includes a
3 48 county with a population according to the United
3 49 States census bureau 2000 decennial census between
3 50 110,000 and 375,000 that the governor has proclaimed a



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Amendment 1068 continued

4 1 disaster emergency or the United States president has
4 2 declared a major disaster during 2008, the
4 3 commissioner shall utilize the wage rates and fringe
4 4 benefits rates as set by the federal Davis=Bacon Act,
4 5 40 U.S.C., } 3141, et seq., as they apply to this
4 6 section and the public improvement criteria in section
4 7 91F.3, subsection 10, paragraph "b", shall not apply
4 8 until such time as the commissioner may determine the
4 9 appropriate wage rates and fringe benefits rates for
4 10 each locality as prescribed in this chapter.>
4 11 #__. Page 20, by striking lines 29 through 35.
4 12 #__. Page 21, by striking line 1 and inserting
4 13 the following:
4 14 <Sec. ____. EFFECTIVE DATE. The section of this
4 15 act enacting section 91F.14, being deemed of>.
4 16 #__. Page 21, line 2, by inserting after the word
4 17 <enactment.> the following: <This Act shall not apply
4 18 to public improvement bids that have been awarded to a
4 19 contractor before July 1, 2009.>>
4 20 #5. By renumbering and correcting internal
4 21 references as necessary.
4 22
4 23
4 24
4 25 R. OLSON of Polk
4 26 HF 333.711 83
4 27 ak/rj/21658



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Amendment 1069

PAG LIN

1 1 Amend the amendment, H=1032, to House File 333 as
1 2 follows:
1 3 #1. Page 1, by striking line 5 and inserting the
1 4 following: <person, firm, association, corporation,
1 5 or labor organization working>.
1 6
1 7
1 8
1 9 HORBACH of Tama
1 10 HF 333.712 83
1 11 ak/nh/21844
1 12
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Amendment 1070

PAG LIN

1 1 Amend the amendment, H=1049, to House File 333, as
1 2 follows:
1 3 #1. Page 1, by striking line 11 and inserting the
1 4 following: <development's internet website, and shall
1 5 hold a public hearing in each county at least ninety
1 6 days>.
1 7
1 8
1 9
1 10 HORBACH of Tama
1 11 HF 333.214 83
1 12 ak/nh/21845
1 13
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Amendment 1071

PAG LIN

1 1 Amend the amendment, H=1030, to House File 333, as
1 2 follows:
1 3 #1. Page 1, by striking line 4 and inserting the
1 4 following:
1 5 <<____. Protect taxpayers from higher property,
1 6 income, or sales>.
1 7
1 8
1 9
1 10 WATTS of Dallas
1 11 HF 333.215 83
1 12 ak/nh/21846
1 13
1 14
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 376 - Introduced

HOUSE FILE
BY COWNIE and HAGENOW

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

A BILL FOR

1 An Act adding personal finance skills and financial literacy
2 requirements to the education programs school districts and
3 accredited nonpublic schools must offer.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1930YH 83
6 kh/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 376 - Introduced continued

PAG LIN

1 1 Section 1. Section 256.11, subsections 2, 3, and 4, Code
1 2 2009, are amended to read as follows:

1 3 2. The kindergarten program shall include experiences
1 4 designed to develop healthy emotional and social habits and
1 5 growth in the language arts and communication skills, as well
1 6 as a capacity for the completion of individual tasks, and
1 7 protect and increase physical well-being with attention given
1 8 to experiences relating to the development of life skills,
1 9 including but not limited to personal finance skills, and

1 10 human growth and development. A kindergarten teacher shall be
1 11 licensed to teach in kindergarten. An accredited nonpublic
1 12 school must meet the requirements of this subsection only if
1 13 the nonpublic school offers a kindergarten program.

1 14 3. The following areas shall be taught in grades one
1 15 through six: English=language arts, social studies, financial
1 16 literacy, mathematics, science, health, age=appropriate and
1 17 research-based human growth and development, physical
1 18 education, traffic safety, music, and visual art. The health
1 19 curriculum shall include the characteristics of communicable
1 20 diseases including acquired immune deficiency syndrome. The
1 21 state board as part of accreditation standards shall adopt
1 22 curriculum definitions for implementing the elementary
1 23 program.

1 24 4. The following shall be taught in grades seven and
1 25 eight: English=language arts; social studies; financial
1 26 literacy; mathematics; science; health; age=appropriate and
1 27 research-based human growth and development; family, consumer,
1 28 career, and technology education; physical education; music;
1 29 and visual art. The health curriculum shall include
1 30 age=appropriate and research-based information regarding the
1 31 characteristics of sexually transmitted diseases, including
1 32 HPV and the availability of a vaccine to prevent HPV, and
1 33 acquired immune deficiency syndrome. The state board as part
1 34 of accreditation standards shall adopt curriculum definitions
1 35 for implementing the program in grades seven and eight.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 376 - Introduced continued

2 1 However, this subsection shall not apply to the teaching of
2 2 family, consumer, career, and technology education in
2 3 nonpublic schools. For purposes of this section,
2 4 "age=appropriate", "HPV", and "research=based" mean the same
2 5 as defined in section 279.50.

2 6 Sec. 2. Section 256.11, subsection 5, Code 2009, is
2 7 amended by adding the following new paragraph:

2 8 NEW PARAGRAPH. k. One-half unit of financial literacy
2 9 that meets the core curriculum requirements established
2 10 pursuant to section 256.7, subsection 26, paragraph "a".

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

2 22 EXPLANATION

2 23 This bill requires school districts and accredited
2 24 nonpublic schools to offer personal finance skills and
2 25 literacy in their kindergarten through grade 12 education
2 26 programs. The kindergarten program must include personal
2 27 finance skills; the grade 1=8 programs must include financial
2 28 literacy; and the grade 9=12 program must provide one-half
2 29 unit of financial literacy that meets the core curriculum
2 30 requirements established by the state board of education.

2 31 The bill may include a state mandate as defined in Code
2 32 section 25B.3. The bill requires that the state cost of any
2 33 state mandate included in the bill be paid by a school
2 34 district from state school foundation aid received by the
2 35 school district under Code section 257.16. The specification



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

House File 376 - Introduced continued

3 1 is deemed to constitute state compliance with any state
3 2 mandate funding-related requirements of Code section 25B.2.
3 3 The inclusion of this specification is intended to reinstate
3 4 the requirement of political subdivisions to comply with any
3 5 state mandates included in the bill.
3 6 LSB 1930YH 83
3 7 kh/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 377 - Introduced

HOUSE FILE
BY THOMAS

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

A BILL FOR

- 1 An Act concerning the sale of beer and wine by native wineries
- 2 and breweries.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2199YH 83
- 5 ec/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 377 - Introduced continued

PAG LIN

1 1 Section 1. Section 123.56, subsection 5, Code 2009, is
1 2 amended to read as follows:
1 3 5. Notwithstanding any other provision of this chapter, a
1 4 person engaged in the business of manufacturing native wine
1 5 may sell beer purchased from a brewery holding a class "A"
1 6 beer permit and native wine at retail for consumption on the
1 7 premises of the manufacturing facility by applying for a class
1 8 "C" native wine permit as provided in section 123.178B. A
1 9 manufacturer of native wine may be granted not more than one
1 10 class "C" native wine permit.

1 11 Sec. 2. Section 123.130, unnumbered paragraph 3, Code
1 12 2009, is amended to read as follows:

1 13 A person who holds a special class "A" permit for the same
1 14 location at which the person holds a class "C" liquor control
1 15 license or class "B" beer permit may manufacture and sell beer
1 16 to be consumed on the premises and may sell beer to a class
1 17 "A" permittee for resale purposes. In addition, a person who
1 18 holds a special class "A" permit for the same location at
1 19 which the person holds a class "B" beer permit may purchase
1 20 wine from a native winery holding a class "A" wine permit for
1 21 sale at retail for consumption on the premises.

1 22 Sec. 3. Section 123.178B, Code 2009, is amended by adding
1 23 the following new subsection:

1 24 NEW SUBSECTION. 4. A person holding a class "C" native
1 25 wine permit and a class "A" native wine permit may purchase
1 26 beer from a brewery holding a class "A" beer permit for sale
1 27 at retail for consumption on the premises.

1 28 EXPLANATION

1 29 This bill concerns the sale of native wines and beer.

1 30 Code sections 123.56 and 123.178B are amended to allow a
1 31 person holding a class "C" native wine permit and a class "A"
1 32 native wine permit to purchase beer from a brewery holding a
1 33 class "A" beer permit for sale at retail for consumption on
1 34 the premises.

1 35 Code section 123.130 is amended to allow a person who holds



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

House File 377 - Introduced continued

2 1 a special class "A" beer permit and a class "B" beer permit to
2 2 purchase and sell wine from a native winery for sale at retail
2 3 for consumption on the premises.
2 4 LSB 2199YH 83
2 5 ec/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 378 - Introduced

HOUSE FILE
BY MERTZ

(COMPANION TO SF 120 BY KIBBIE)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act allowing one member of the racing and gaming commission to
2 be an owner of a dog or horse involved in a race meeting
3 conducted in this state.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2136HH 83
6 ec/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 378 - Introduced continued

PAG LIN

1 1 Section 1. Section 99D.5, subsection 3, Code 2009, is
1 2 amended to read as follows:
1 3 3. Not more than three members of the commission shall
1 4 belong to the same political party. A member of the
1 5 commission shall not have a financial interest in a racetrack.
1 6 Notwithstanding any provision of subsection 5 or 6 to the
1 7 contrary, not more than one member of the commission may be an
1 8 owner or owner=trainer of a dog or horse involved in a race
1 9 meeting conducted in this state.

1 10 EXPLANATION

1 11 This bill provides that no more than one member of the
1 12 racing and gaming commission may be an owner or owner=trainer
1 13 of a dog or horse involved in racing in this state. Current
1 14 law prohibits any owner or owner=trainer of a dog or horse
1 15 involved in racing from being a member of the commission.
1 16 LSB 2136HH 83
1 17 ec/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 379 - Introduced

HOUSE FILE

BY WESSEL=KROESCHELL, ISENHART,
MASCHER, STECKMAN, KUHN,
BEARD, FREVERT, HUNTER,
WINCKLER, SMITH, LENSING,
GASKILL, WHITAKER, FORD, BERRY,
ABDUL=SAMAD, WHITEAD, GAYMAN,
SWAIM, T. TAYLOR, and D. TAYLOR

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to campaign finance by requiring electronic
2 filing of certain reports and by establishing a voter-owned
3 Iowa clean elections Act, providing for funding of the Act,
4 including an income tax checkoff, and providing an income tax
5 exemption, penalties, and effective dates.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 1740YH 83
8 jr/sc/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 379 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 68A.401B ELECTRONIC FILING.
1 2 Reports filed with the board pursuant to the requirements
1 3 of section 68A.401 shall be filed in an electronic format if a
1 4 candidate or committee accepts contributions in excess of
1 5 twenty thousand dollars in the aggregate, makes expenditures
1 6 in excess of twenty thousand dollars in the aggregate, or
1 7 incurs indebtedness in excess of twenty thousand dollars in
1 8 the aggregate. The board shall establish a system to verify
1 9 the identity of the person filing the report.

1 10 Sec. 2. Section 68A.603, Code 2009, is amended to read as
1 11 follows:

1 12 68A.603 RULES PROMULGATED.

1 13 The ethics and campaign disclosure board shall administer
1 14 the provisions of sections 68A.601 ~~through 68A.609~~, 68A.602,
1 15 and 68A.604 through 68A.610 and shall promulgate all necessary
1 16 rules in accordance with chapter 17A.

1 17 Sec. 3. NEW SECTION. 68A.610 CHECKOFF == INCOME TAX ==
1 18 VOTER=OWNED IOWA CLEAN ELECTIONS.

1 19 A person whose state income tax liability for any taxable
1 20 year is five dollars or more may direct that five dollars of
1 21 that liability be paid over to the voter-owned Iowa clean
1 22 elections fund, as established in section 68A.823, when
1 23 submitting the person's state income tax return to the
1 24 department of revenue. In the case of a joint return of
1 25 husband and wife having a state income tax liability of ten
1 26 dollars or more, each spouse may direct that five dollars be
1 27 paid to the fund. The director of revenue shall provide space
1 28 for the voter-owned Iowa clean elections fund income tax
1 29 checkoff on the income tax form. An explanation shall be
1 30 included which clearly states that this checkoff does not
1 31 constitute an additional tax liability. The action taken by a
1 32 person for the checkoff is irrevocable.

1 33 Sec. 4. NEW SECTION. 68A.801 DEFINITIONS.

1 34 For the purposes of this subchapter:

1 35 1. "Allowable contribution" means a qualifying



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 379 - Introduced continued

2 1 contribution or a seed money contribution.
2 2 2. "Board" means the Iowa ethics and campaign disclosure
2 3 board established under section 68B.32.
2 4 3. "Clean election campaign qualifying period" means the
2 5 period during which candidates are permitted to collect
2 6 qualifying contributions in order to qualify for clean
2 7 election campaign funding. The period begins ninety days
2 8 before the beginning of the primary election campaign period
2 9 and ends thirty days before the beginning of the primary
2 10 election campaign period.
2 11 4. "Coordination" means a payment made for a communication
2 12 or anything of value that is for the purpose of influencing
2 13 the outcome of an election and that is made by a person
2 14 according to at least one of the following:
2 15 a. In cooperation, consultation, or concert with, at the
2 16 request or suggestion of, or pursuant to, a particular
2 17 understanding with a candidate, a candidate's committee, or an
2 18 agent acting on behalf of a candidate or candidate's
2 19 committee.
2 20 b. For the dissemination, distribution, or republication,
2 21 in whole or in part, of any broadcast or any written, graphic,
2 22 or other form of campaign material prepared by a candidate, a
2 23 candidate's committee, or an agent of a candidate or
2 24 candidate's committee.
2 25 c. Based on specific information about the candidate's
2 26 plans, projects, or needs provided to the person making the
2 27 payment by the candidate or the candidate's agent who provides
2 28 the information with a view toward having the payment made.
2 29 d. If, in the same election cycle in which the payment is
2 30 made, the person making the payment is serving or has served
2 31 as a member, employee, fundraiser, or agent of the candidate
2 32 or candidate's committee in an executive or policymaking
2 33 position.
2 34 e. If the person making the payment has served in any
2 35 formal policy or advisory position with the candidate's



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 379 - Introduced continued

3 1 campaign or has participated in strategic or policymaking
3 2 discussions with the candidate's campaign relating to the
3 3 candidate's pursuit of nomination for election, or election,
3 4 to office, in the same election cycle as the election cycle in
3 5 which the payment is made.

3 6 f. If the person making the payment retains the
3 7 professional services of an individual or person who, in a
3 8 nonministerial capacity, has provided or is providing
3 9 campaign-related services in the same election cycle to a
3 10 candidate who is pursuing the same nomination or election as
3 11 any of the candidates to whom the communication refers. For
3 12 purposes of this section, "professional services" includes
3 13 services in support of a candidate's pursuit of nomination for
3 14 election or election to office such as polling, media advice,
3 15 direct mail, fundraising, or campaign research services.

3 16 5. "Electioneering communication" means any communication
3 17 that refers to a clearly identified candidate for elected
3 18 public office, if the communication has the effect of
3 19 encouraging or discouraging a vote for the candidate,
3 20 regardless of whether the communication expressly advocates a
3 21 vote for or against the candidate.

3 22 6. "Excess expenditure amount" means the amount of money
3 23 spent or obligated to be spent by a nonparticipating candidate
3 24 in excess of the clean money amount available to a
3 25 participating candidate running for the same office.

3 26 7. "Express advocacy" means the same as defined in section
3 27 68A.102.

3 28 8. "General election campaign period" means the period
3 29 beginning the day after the primary election and ending on the
3 30 day of the general election.

3 31 9. "Independent candidate" means a candidate who does not
3 32 represent a political party that has been granted ballot
3 33 status and that holds a primary election to choose its nominee
3 34 for the general election.

3 35 10. "Independent expenditure" means an expenditure made by



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 379 - Introduced continued

4 1 a person or group of persons other than a candidate or
4 2 candidate's committee that meets both of the following
4 3 conditions:
4 4 a. The expenditure is made for a communication that
4 5 contains express advocacy.
4 6 b. The expenditure is made without the participation or
4 7 cooperation of and without coordination with a candidate or a
4 8 candidate's committee.
4 9 11. "Nonparticipating candidate" means a candidate who is
4 10 on the ballot but has chosen not to apply for clean election
4 11 campaign funding, or a candidate who is on the ballot and has
4 12 applied for but has not satisfied the requirements for
4 13 receiving clean election campaign funding.
4 14 12. "Participating candidate" means a candidate who
4 15 qualifies for clean election campaign funding. Such
4 16 candidates are eligible to receive clean election campaign
4 17 funding during primary or general election campaign periods.
4 18 13. "Party candidate" means a candidate who represents a
4 19 political party as defined by section 43.2.
4 20 14. "Primary election campaign period" means the period
4 21 beginning ninety days before the primary election and ending
4 22 on the day of the primary election.
4 23 15. "Qualifying contribution" means a contribution of five
4 24 dollars that is received during the designated clean election
4 25 campaign qualifying period by a candidate seeking to become
4 26 eligible for clean election campaign funding and that is
4 27 acknowledged by a written receipt identifying the contributor.
4 28 However, if the annual median household income of a
4 29 legislative district is at or below one hundred percent of the
4 30 most recent federal poverty guideline based on United States
4 31 census bureau data, the qualifying contribution is one dollar.
4 32 16. "Seed money contribution" means a contribution of no
4 33 more than one hundred dollars made by an individual adult
4 34 during the seed money period, but specifically excludes all of
4 35 the following:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 379 - Introduced continued

5 1 a. Payments by a membership organization for the costs of
5 2 communications to its members.

5 3 b. Payments by a membership organization for the purpose
5 4 of facilitating the making of qualifying contributions.

5 5 c. The cash value of volunteer activity, including the
5 6 payment of incidental expenses of volunteers.

5 7 17. "Seed money period" means the period beginning the day
5 8 following the previous general election for that office and
5 9 ending on the last day of the clean election campaign
5 10 qualifying period. The "seed money period" is the exploratory
5 11 period during which candidates who wish to become eligible for
5 12 clean election campaign funding for the next elections are
5 13 permitted to raise and spend a limited amount of private seed
5 14 money, from contributions of up to one hundred dollars per
5 15 individual, for the purpose of determining whether to become a
5 16 candidate and fulfilling the clean election campaign
5 17 eligibility requirements.

5 18 Sec. 5. NEW SECTION. 68A.802 ELIGIBILITY FOR PARTY
5 19 CANDIDATES.

5 20 1. A party candidate qualifies as a participating
5 21 candidate for the primary election campaign period if the
5 22 candidate does both of the following:

5 23 a. The candidate files a declaration with the board that
5 24 the candidate has complied and will comply with all of the
5 25 requirements of this subchapter, including the requirement
5 26 that during the seed money period and the clean election
5 27 campaign qualifying period the candidate not accept or spend
5 28 private contributions from any source other than seed money
5 29 contributions and clean election campaign qualifying
5 30 contributions, unless the provisions of section 68A.804 apply.

5 31 b. The candidate meets both of the following qualifying
5 32 contribution requirements before the close of the clean
5 33 election campaign qualifying period:

5 34 (1) A party candidate must collect both qualifying
5 35 contributions and signatures as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 379 - Introduced continued

6 1 (a) For the office of governor, from five hundred eligible
6 2 electors in each congressional district.

6 3 (b) For statewide office other than governor, from two
6 4 hundred fifty eligible electors in each congressional
6 5 district.

6 6 (c) For the Iowa senate, from two hundred eligible
6 7 electors in the senate candidate's electoral district.

6 8 (d) For the Iowa house of representatives, from one
6 9 hundred eligible electors in the house candidate's electoral
6 10 district.

6 11 (2) Each qualifying contribution must meet all
6 12 requirements of this section.

6 13 2. Contributors shall be eligible electors who reside
6 14 within the candidate's electoral district and who are
6 15 therefore eligible to vote for that candidate.

6 16 3. Qualifying contributions shall be:

6 17 a. Made in cash, check, money order, or credit or debit
6 18 card.

6 19 b. Gathered by the candidate personally or by volunteers
6 20 who do not receive compensation.

6 21 c. Acknowledged by a receipt to the contributor, with a
6 22 copy to be kept by the candidate and a third copy to be
6 23 submitted to the board. The receipt shall include a signed
6 24 statement that the contributor understands that the purpose of
6 25 the contribution is to help the candidate qualify for clean
6 26 election campaign funding and that the contribution is made
6 27 without coercion or reimbursement. The receipt shall include
6 28 the contributor's signature, printed name, home address, and
6 29 telephone number, and the name of the candidate on whose
6 30 behalf the contribution is made.

6 31 d. Paid over to the board for deposit in the voter-owned
6 32 Iowa clean elections fund established under section 68A.823,
6 33 with the signed and completed receipt, according to a schedule
6 34 and procedure to be determined by the board. A contribution
6 35 submitted as a qualifying contribution that does not include



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 379 - Introduced continued

7 1 the signed and completed receipt shall not be counted as a
7 2 qualifying contribution.
7 3 4. A party candidate qualifies as a participating
7 4 candidate for the general election campaign period when the
7 5 candidate does both of the following:
7 6 a. The candidate has met all of the applicable
7 7 requirements of this subchapter and filed a declaration with
7 8 the board that the candidate has fulfilled and will fulfill
7 9 all of the requirements of a participating candidate as stated
7 10 in this subchapter.
7 11 b. As a participating candidate during the primary
7 12 election campaign period, the candidate had the highest number
7 13 of votes of the candidates contesting the primary election
7 14 from the candidate's respective party and won the party's
7 15 nomination.
7 16 Sec. 6. NEW SECTION. 68A.803 ELIGIBILITY FOR INDEPENDENT
7 17 CANDIDATES.
7 18 1. An independent candidate qualifies as a participating
7 19 candidate for the primary election campaign period if the
7 20 candidate does both of the following:
7 21 a. The candidate files a declaration with the board that
7 22 the candidate has complied and will comply with all of the
7 23 requirements of this subchapter, including the requirement
7 24 that during the seed money period and the clean election
7 25 campaign qualifying period the candidate not accept or spend
7 26 private contributions from any source other than seed money
7 27 contributions and clean election campaign qualifying
7 28 contributions, unless the provisions of section 68A.804 apply.
7 29 b. The candidate meets the following qualifying
7 30 contribution requirements before the close of the clean
7 31 election campaign qualifying period:
7 32 (1) An independent candidate shall collect the same number
7 33 of qualifying contributions as required of a party candidate
7 34 for the same office under section 68A.802.
7 35 (2) Each qualifying contribution must meet all



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 379 - Introduced continued

8 1 requirements of this section.

8 2 2. Contributors shall be registered voters who reside
8 3 within the candidate's electoral district and who are
8 4 therefore eligible to vote for that candidate.

8 5 3. Qualifying contributions shall be:

8 6 a. Made in cash, check, money order, or credit or debit
8 7 card.

8 8 b. Gathered by the candidate personally or by volunteers
8 9 who do not receive compensation.

8 10 c. Acknowledged by a receipt to the contributor, with a
8 11 copy to be kept by the candidate and a third copy to be
8 12 submitted to the board. The receipt shall include a signed
8 13 statement that the contributor understands that the purpose of
8 14 the contribution is to help the candidate qualify for clean
8 15 election campaign funding and that the contribution is made
8 16 without coercion or reimbursement. The receipt shall include
8 17 the contributor's signature, printed name, home address, and
8 18 telephone number, and the name of the candidate on whose
8 19 behalf the contribution is made.

8 20 d. Paid over to the board for deposit in the voter-owned
8 21 Iowa clean elections fund established under section 68A.823,
8 22 with the signed and completed receipt, according to a schedule
8 23 and procedure to be determined by the board. A contribution
8 24 submitted as a qualifying contribution that does not include
8 25 the signed and completed receipt shall not be counted as a
8 26 qualifying contribution.

8 27 4. An independent candidate qualifies as a participating
8 28 candidate for the general election campaign period when the
8 29 candidate does both of the following:

8 30 a. If, prior to the primary election, the candidate has
8 31 met all of the applicable requirements of this subchapter and
8 32 filed a declaration with the board that the candidate has
8 33 fulfilled and will fulfill all of the requirements of a
8 34 participating candidate as stated in this subchapter.

8 35 b. If, during the primary election campaign period, the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 379 - Introduced continued

9 1 candidate has fulfilled all the requirements of a
9 2 participating candidate as stated in this subchapter.

9 3 Sec. 7. NEW SECTION. 68A.804 TRANSITION RULE FOR CURRENT
9 4 ELECTION CYCLE.

9 5 During the election cycle in effect on the date of
9 6 enactment of this Act, a candidate may be certified as a
9 7 participating candidate, notwithstanding the acceptance of
9 8 contributions or making of expenditures from private funds
9 9 before the date of enactment of this Act that would, absent
9 10 this section, disqualify the candidate as a participating
9 11 candidate, provided that any private funds accepted but not
9 12 expended before the date of enactment of this Act shall either
9 13 be returned to the contributor or submitted to the board for
9 14 deposit in the voter-owned Iowa clean elections fund
9 15 established under section 68A.823.

9 16 Sec. 8. NEW SECTION. 68A.805 CONTINUING OBLIGATION TO
9 17 COMPLY.

9 18 A participating candidate who accepts any benefits under
9 19 section 68A.813 during the primary election campaign period
9 20 shall comply with all the requirements of this subchapter
9 21 through any remaining time during the primary election
9 22 campaign period as well as through the general election
9 23 campaign period whether or not the candidate continues to
9 24 accept benefits.

9 25 Sec. 9. NEW SECTION. 68A.806 CONTRIBUTIONS AND
9 26 EXPENDITURES.

9 27 1. During the primary and general election campaign
9 28 periods, a participating candidate who has voluntarily agreed
9 29 to participate in clean election campaign financing shall not
9 30 accept private contributions from any source other than the
9 31 candidate's political party as specified in section 68A.808.

9 32 2. A person shall not make a contribution in violation of
9 33 section 68A.502. A participating candidate who receives a
9 34 qualifying contribution or a seed money contribution that is
9 35 not from the person listed on the receipt as required by this



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 379 - Introduced continued

10 1 subchapter shall pay to the board for deposit in the
10 2 voter-owned Iowa clean elections fund established under
10 3 section 68A.823 the entire amount of such contribution.
10 4 3. The board shall issue each participating candidate a
10 5 card known as the "clean election campaign debit card", and a
10 6 line of debit entitling the candidate to draw clean election
10 7 campaign funds to pay for all campaign costs and expenses up
10 8 to the amount of funding the candidate has received. A
10 9 participating candidate shall not pay campaign costs by cash,
10 10 check, money order, loan, or by any other financial means
10 11 other than the clean election campaign debit card. During the
10 12 primary and general election campaign periods, a participating
10 13 candidate shall pay by means of the board's clean election
10 14 campaign debit card.

10 15 4. Eligible candidates shall furnish complete campaign
10 16 records, including all records of seed money contributions and
10 17 qualifying contributions, to the board at regular filing
10 18 times, or on request by the board. Candidates shall cooperate
10 19 with any audit or examination conducted or ordered by the
10 20 board.

10 21 Sec. 10. NEW SECTION. 68A.807 NONPARTICIPATING
10 22 CANDIDATES == CONTRIBUTION LIMITS.

10 23 Nonparticipating candidates shall be subject to the
10 24 following contribution limits:

10 25 1. Candidates for statewide office:

10 26 a. One thousand dollars in the aggregate per individual
10 27 contribution.

10 28 b. Five thousand dollars in the aggregate per political
10 29 committee contribution.

10 30 2. Candidates for the Iowa senate and house of
10 31 representatives:

10 32 a. Five hundred dollars in the aggregate per individual
10 33 contribution.

10 34 b. One thousand dollars in the aggregate per political
10 35 committee contribution.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 379 - Introduced continued

11 1 Sec. 11. NEW SECTION. 68A.808 POLITICAL PARTY
11 2 CONTRIBUTIONS AND EXPENDITURES.
11 3 1. Participating candidates may accept monetary or in-kind
11 4 contributions from political parties provided that the
11 5 aggregate amount of such contributions from all political
11 6 party committees combined does not exceed the equivalent of
11 7 five percent of the clean election campaign financing amount
11 8 for that office.
11 9 2. In-kind contributions made during a general election
11 10 campaign period on behalf of a group of the party's candidates
11 11 shall not be considered a prohibited party contribution or
11 12 count against the five percent limit established in subsection
11 13 1 if such group includes at least fifty-one percent of the
11 14 candidates whose names will appear on the general election
11 15 ballot in the political subdivision represented by the party
11 16 committee making such in-kind contributions.
11 17 3. Contributions made to, and expenditures made by,
11 18 political parties during primary and general campaign periods
11 19 shall be reported to the board on the same basis as
11 20 contributions and expenditures made to or by candidates.
11 21 4. This section and this subchapter shall not prevent
11 22 political party funds from being used for any of the
11 23 following:
11 24 a. General operating expenses of the party.
11 25 b. Conventions.
11 26 c. Nominating and endorsing candidates.
11 27 d. Identifying, researching, and developing the party's
11 28 positions on issues.
11 29 e. Party platform activities.
11 30 f. Noncandidate-specific voter registration.
11 31 g. Noncandidate-specific get-out-the-vote drives.
11 32 h. Travel expenses for noncandidate party leaders and
11 33 staff.
11 34 i. Other noncandidate-specific party-building activities,
11 35 as defined by rule of the board.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 379 - Introduced continued

12 1 j. Employing a staff person to provide election services
12 2 to two or more candidates.
12 3 Sec. 12. NEW SECTION. 68A.809 USE OF PERSONAL FUNDS.
12 4 1. Personal funds contributed as seed money by a candidate
12 5 seeking to become eligible as a participating candidate or by
12 6 the candidate's spouse shall not exceed one hundred dollars
12 7 per contributor.
12 8 2. Personal funds shall not be used to meet the qualifying
12 9 contribution requirement except for one five-dollar
12 10 contribution from the candidate and one five-dollar
12 11 contribution from the candidate's spouse.
12 12 Sec. 13. NEW SECTION. 68A.810 SEED MONEY.
12 13 1. The only private contributions a candidate seeking to
12 14 become eligible for clean election campaign funding shall
12 15 accept, other than qualifying contributions, are seed money
12 16 contributions contributed by individual adults prior to the
12 17 end of the clean election campaign qualifying period.
12 18 2. A seed money contribution shall not exceed one hundred
12 19 dollars, and the aggregate amount of seed money contributions
12 20 accepted by a candidate seeking to become eligible for clean
12 21 election campaign funding shall not exceed the relevant limit,
12 22 as follows:
12 23 a. Twenty-five thousand dollars for a candidate team
12 24 running for governor and lieutenant governor.
12 25 b. Fifteen thousand dollars for a candidate running for
12 26 statewide office other than governor or lieutenant governor.
12 27 c. Two thousand dollars for a candidate running for the
12 28 Iowa senate.
12 29 d. One thousand dollars for a candidate running for the
12 30 Iowa house of representatives.
12 31 3. Receipts for seed money contributions shall include the
12 32 contributor's signature, printed name, street address and zip
12 33 code, telephone number, occupation, and name of employer.
12 34 Contributions shall not be accepted if the required disclosure
12 35 information is not received.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 379 - Introduced continued

13 1 4. Seed money shall be spent only during the clean
13 2 election campaign qualifying period. Seed money shall not be
13 3 spent during the primary or general election campaign periods.
13 4 5. Within forty-eight hours after the close of the clean
13 5 election campaign qualifying period, candidates seeking to
13 6 become eligible for clean election campaign funding shall do
13 7 both of the following:
13 8 a. Fully disclose all seed money contributions and
13 9 expenditures to the board.
13 10 b. Pay over to the board for deposit in the voter-owned
13 11 Iowa clean elections fund any seed money the candidate has
13 12 raised during the designated seed money period that exceeds
13 13 the aggregate seed money limit.
13 14 Sec. 14. NEW SECTION. 68A.811 PARTICIPATION IN DEBATES.
13 15 1. Participating candidates in contested races shall
13 16 participate in all of the following:
13 17 a. For the offices of governor and lieutenant governor:
13 18 (1) One one-hour debate during a contested primary
13 19 election.
13 20 (2) Two one-hour debates during a contested general
13 21 election.
13 22 b. For all other offices:
13 23 (1) One one-hour debate during a contested primary
13 24 election.
13 25 (2) One one-hour debate during a contested general
13 26 election.
13 27 2. Nonparticipating candidates for the same office whose
13 28 names will appear on the ballot shall be invited to join the
13 29 debates.
13 30 Sec. 15. NEW SECTION. 68A.812 CERTIFICATION.
13 31 1. No more than five days after a candidate applies for
13 32 clean election campaign funding benefits, the board shall
13 33 certify that the candidate is or is not eligible to receive
13 34 clean election campaign funds.
13 35 2. Eligibility can be revoked if the candidate violates



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 379 - Introduced continued

14 1 the requirements of this subchapter, in which case all clean
14 2 election campaign funds shall be repaid.

14 3 3. The candidate's request for certification shall be
14 4 signed by the candidate and the treasurer of the candidate's
14 5 committee, both under penalty of perjury.

14 6 4. The board's determination is final except that it is
14 7 subject to examination and audit by an outside agency
14 8 according to rule and to prompt judicial review according to
14 9 rule and chapter 17A.

14 10 Sec. 16. NEW SECTION. 68A.813 BENEFITS PROVIDED TO
14 11 CANDIDATES ELIGIBLE TO RECEIVE CLEAN ELECTION CAMPAIGN
14 12 FUNDING.

14 13 1. Candidates who qualify for clean election campaign
14 14 funding for primary and general elections shall receive all of
14 15 the following:

14 16 a. Clean election campaign funding from the board for each
14 17 election, the amount of which is specified in section 68A.815.
14 18 This funding may be used to finance any and all campaign
14 19 expenses during the particular campaign period for which it
14 20 was received.

14 21 b. Additional clean election campaign funding to match any
14 22 excess expenditure amount spent by a nonparticipating
14 23 candidate, as specified in section 68A.817.

14 24 c. Additional clean election campaign funding to match any
14 25 independent expenditure made in opposition to their
14 26 candidacies or on behalf of their opponents' candidacies, as
14 27 specified in section 68A.819.

14 28 d. Additional clean election campaign funding to match any
14 29 electioneering communication expenditure, as specified in
14 30 section 68A.820.

14 31 2. The maximum aggregate amount of additional funding,
14 32 above the initial allocation as determined in section 68A.815
14 33 that a participating candidate shall receive to match
14 34 independent expenditures, the excess expenditures of
14 35 nonparticipating candidates, and electioneering communication



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 379 - Introduced continued

15 1 expenditures shall be two hundred percent of the full amount
15 2 of clean election campaign funding allocated to a
15 3 participating candidate for a particular primary or general
15 4 election campaign period.
15 5 Sec. 17. NEW SECTION. 68A.814 SCHEDULE OF CLEAN ELECTION
15 6 CAMPAIGN FUNDING PAYMENTS.
15 7 1. An eligible candidate shall receive clean election
15 8 campaign funding for the primary election campaign period on
15 9 the date on which the board certifies the candidate as a
15 10 participating candidate. This certification shall take place
15 11 no later than five days after the candidate has submitted the
15 12 required number of qualifying contributions and a declaration
15 13 stating that the candidate has complied with all other
15 14 requirements for eligibility as a participating candidate, but
15 15 no earlier than the beginning of the primary election campaign
15 16 period.
15 17 2. An eligible candidate shall receive clean election
15 18 campaign funding for the general election campaign period
15 19 within forty-eight hours after certification of the primary
15 20 election results.
15 21 Sec. 18. NEW SECTION. 68A.815 DETERMINATION OF CLEAN
15 22 ELECTION CAMPAIGN FUNDING AMOUNTS.
15 23 1. a. For party candidates, the amount of clean election
15 24 campaign funding for a contested primary election is as
15 25 follows:
15 26 (1) Seven hundred fifty thousand dollars for a candidate
15 27 team running for governor and lieutenant governor.
15 28 (2) Seventy-five thousand dollars for a candidate for
15 29 statewide office other than governor and lieutenant governor.
15 30 (3) Twenty-two thousand five hundred dollars for a
15 31 candidate running for the Iowa senate.
15 32 (4) Fifteen thousand dollars for a candidate running for
15 33 the Iowa house of representatives.
15 34 b. The clean election campaign funding amount for an
15 35 eligible party candidate in an uncontested primary election is



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 379 - Introduced continued

16 1 twenty=five percent of the amount provided in a contested
16 2 primary election.

16 3 c. In a contested general election, if an eligible party
16 4 candidate or all of the candidates of the candidate's party
16 5 combined received at least twenty percent of the total number
16 6 of votes cast for all candidates seeking that office in the
16 7 most recent primary election or in the previous general
16 8 election, the candidate shall receive the full amount of clean
16 9 election campaign funding for the general election, as
16 10 follows:

16 11 (1) Three million dollars for a candidate team running for
16 12 governor and lieutenant governor.

16 13 (2) Two hundred thousand dollars for a candidate for
16 14 statewide office other than governor and lieutenant governor.

16 15 (3) Forty thousand dollars for a candidate running for the
16 16 Iowa senate.

16 17 (4) Thirty thousand dollars for a candidate running for
16 18 the Iowa house of representatives.

16 19 d. The clean election campaign funding amount for an
16 20 eligible party candidate in an uncontested general election is
16 21 ten percent of the amount provided in a contested general
16 22 election for the same office.

16 23 2. a. For eligible independent candidates, the clean
16 24 election campaign funding amount for the primary election
16 25 campaign period is twenty=five percent of the amount of clean
16 26 election campaign funding received by a party candidate in a
16 27 contested primary election for the same office.

16 28 b. The clean election campaign funding amount for an
16 29 eligible independent candidate in the general election is the
16 30 same as the full amount received by a party candidate in the
16 31 general election for the same office.

16 32 c. After the first cycle of clean election campaign
16 33 financing elections, the board shall modify all clean election
16 34 campaign funding amounts based on the percentage increase in
16 35 the consumer price index, for all urban consumers, United



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 379 - Introduced continued

17 1 States city average, as published in the federal register by
17 2 the United States department of labor, bureau of labor
17 3 statistics, that reflects the percentage increase in the
17 4 consumer price index for the twelve=month period ending
17 5 December 31 of the previous year.

17 6 Sec. 19. NEW SECTION. 68A.816 EXPENDITURES MADE WITH
17 7 CLEAN ELECTION CAMPAIGN FUNDS.

17 8 1. The clean election campaign funding received by a
17 9 participating candidate shall be used only for the purpose of
17 10 defraying that candidate's campaign=related expenses during
17 11 the particular election campaign period for which the clean
17 12 election campaign funding was received.

17 13 2. Payments shall not be used for the following:

17 14 a. Payments that are in violation of the law.

17 15 b. Payments that repay any personal, family, or business
17 16 loans, expenditures, or debts.

17 17 Sec. 20. NEW SECTION. 68A.817 DISCLOSURE OF EXCESS
17 18 SPENDING BY NONPARTICIPATING CANDIDATES.

17 19 1. If a nonparticipating candidate's total expenditures
17 20 exceed the amount of clean election campaign funding allocated
17 21 to the candidate's clean election campaign opponent, the
17 22 candidate shall declare to the board within forty=eight hours
17 23 every excess expenditure amount that, in the aggregate, is
17 24 more than one thousand dollars.

17 25 2. During the last twenty days before the end of the
17 26 relevant campaign period, a nonparticipating candidate shall
17 27 declare to the board each excess expenditure amount over five
17 28 hundred dollars within twenty=four hours of when the
17 29 expenditure is made or obligated to be made.

17 30 3. The board may make its own determination as to whether
17 31 excess expenditures have been made by nonparticipating
17 32 candidates.

17 33 4. Upon receiving an excess expenditure declaration, the
17 34 board shall immediately release additional clean election
17 35 campaign funding to the opposing participating candidate or



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 379 - Introduced continued

18 1 candidates equal to the excess expenditure amount the
18 2 nonparticipating candidate has spent or intends to spend,
18 3 subject to the limit set forth in section 68A.813.

18 4 Sec. 21. NEW SECTION. 68A.818 CAMPAIGN ADVERTISEMENTS.
18 5 All broadcast and print advertisements placed by candidates
18 6 or candidate's committees shall include a clear written or
18 7 spoken statement indicating that the candidate has approved of
18 8 the contents of the advertisement.

18 9 Sec. 22. NEW SECTION. 68A.819 DISCLOSURE OF INDEPENDENT
18 10 EXPENDITURES == ADDITIONAL CLEAN ELECTION CAMPAIGN FUNDING.

18 11 1. Any person or group of persons who makes or obligates
18 12 to make an independent expenditure during a primary or general
18 13 election campaign period which, in the aggregate, exceeds one
18 14 thousand dollars, shall report each expenditure within forty=
18 15 eight hours to the board.

18 16 2. The report to the board shall include a statement,
18 17 under penalty of perjury, by the person or persons making the
18 18 independent expenditure identifying the candidate whom the
18 19 independent expenditure is intended to help elect or defeat
18 20 and affirming that the expenditure is totally independent and
18 21 involves no coordination with a candidate or a political
18 22 party.

18 23 a. An individual or organization may file a complaint with
18 24 the board if the candidate or the organization believes that
18 25 the statement according to this subsection is false.

18 26 b. A hearing on a complaint under this subsection shall be
18 27 held within three business days of filing and a decision
18 28 issued within seven days of filing.

18 29 3. Any person or group of persons who makes or obligates
18 30 to make an independent expenditure during the last twenty days
18 31 before the end of the relevant campaign period which, in the
18 32 aggregate, exceeds five hundred dollars, shall report each
18 33 expenditure within twenty=four hours to the board.

18 34 4. Upon receiving a report that an independent expenditure
18 35 has been made or obligated to be made, the board shall



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 379 - Introduced continued

19 1 immediately release additional clean election campaign
19 2 funding, equal in amount to the cost of the independent
19 3 expenditure, to all participating candidates whom the
19 4 independent expenditure is intended to oppose or defeat,
19 5 subject to the limit set forth in section 68A.813.
19 6 Sec. 23. NEW SECTION. 68A.820 DEFINITION AND DISCLOSURE
19 7 OF ELECTIONEERING COMMUNICATIONS == ADDITIONAL CLEAN ELECTION
19 8 CAMPAIGN FUNDING.
19 9 1. A person who makes or obligates to make a disbursement
19 10 to purchase an electioneering communication shall file a
19 11 report with the board not later than forty-eight hours after
19 12 making or obligating to make the disbursement, containing the
19 13 following information:
19 14 a. The amount of the disbursement.
19 15 b. The name and address of the person making the
19 16 disbursement.
19 17 c. The purpose of the electioneering communication.
19 18 2. Upon receiving a report that an electioneering
19 19 communication has been made or obligated to be made, and upon
19 20 determination that the electioneering communication can
19 21 reasonably be interpreted as having the effect of promoting
19 22 the defeat of a participating candidate or the election of
19 23 that candidate's opponent, the board shall immediately release
19 24 to that candidate additional clean election campaign funding,
19 25 equal in amount to the cost of the electioneering
19 26 communication, subject to the limit set forth in section
19 27 68A.813.
19 28 Sec. 24. NEW SECTION. 68A.821 VOTER INFORMATION PROGRAM.
19 29 1. The board shall establish and administer a nonpartisan
19 30 voter information program, including an advisory council
19 31 consisting of representatives of nonprofit organizations,
19 32 political parties, the media, and interested citizens.
19 33 2. The voter information program advisory council may
19 34 establish a voter information program for the purpose of
19 35 providing voters with election-related information and



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 379 - Introduced continued

20 1 fostering political dialogue and debate.
20 2 3. The voter information program advisory council shall
20 3 organize the publication and distribution of a voter
20 4 information guide that includes important information about
20 5 the following issues:
20 6 a. Candidates appearing on the ballot, including
20 7 biographical material submitted by the candidates.
20 8 b. Whether candidates are funding their campaigns with
20 9 public money or private money.
20 10 c. Policy statements by the candidates or their political
20 11 parties on issues designated by the council and other issues.
20 12 d. Candidates' voting records.
20 13 Sec. 25. NEW SECTION. 68A.822 DEBATES.
20 14 1. A nonpartisan organization that is involved in
20 15 providing information to the public concerning elections, or a
20 16 nonpartisan organization that has been involved in education
20 17 and the advocacy of open, clean election and campaign laws for
20 18 at least five years, may host and sponsor voter-owned Iowa
20 19 clean election candidate debates in contested primary and
20 20 general elections.
20 21 2. All participating candidates shall participate in the
20 22 debates and all nonparticipating candidates for the same
20 23 office whose names will appear on the ballot shall be invited
20 24 to join the debates.
20 25 Sec. 26. NEW SECTION. 68A.823 VOTER-OWNED IOWA CLEAN
20 26 ELECTIONS FUND (VOICE) == NATURE AND PURPOSES.
20 27 1. A voter-owned Iowa clean elections fund is established
20 28 as a separate fund within the office of the state treasurer,
20 29 under the control of the board, for the following purposes:
20 30 a. Providing public financing for the election campaigns
20 31 of certified participating candidates during primary election
20 32 and general election campaign periods.
20 33 b. Paying for the administrative and enforcement costs of
20 34 the board in relation to this subchapter.
20 35 2. The fund shall consist of moneys received pursuant to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 379 - Introduced continued

21 1 section 68A.824. Notwithstanding section 8.33, unencumbered
21 2 or unobligated moneys and any interest earned on moneys in the
21 3 fund on June 30 of any fiscal year shall not revert to the
21 4 general fund of the state but shall remain in the fund and be
21 5 available for expenditure in subsequent years.

21 6 Sec. 27. NEW SECTION. 68A.824 FUNDING.

21 7 In addition to any moneys appropriated by the general
21 8 assembly to the voter-owned Iowa clean elections fund
21 9 established in section 68A.823, the following moneys shall be
21 10 deposited in the fund:

21 11 1. The qualifying contributions required of candidates
21 12 seeking to become certified as participating candidates
21 13 according to section 68A.802 or 68A.803 and candidates' excess
21 14 qualifying contributions.

21 15 2. Moneys deposited in the fund pursuant to section
21 16 68A.610 or section 556.18.

21 17 3. The excess seed money contributions of candidates
21 18 seeking to become certified as participating candidates.

21 19 4. Moneys distributed to any participating candidate who
21 20 does not remain a candidate until the primary or general
21 21 election for which they were distributed.

21 22 5. Civil penalties levied by the board against candidates
21 23 for violations of this subchapter.

21 24 6. Voluntary donations made directly to the fund.

21 25 7. Any other sources of revenue designated by the general
21 26 assembly.

21 27 Sec. 28. NEW SECTION. 68A.825 POWERS AND PROCEDURES.

21 28 The board shall have the following powers and duties, in
21 29 addition to those granted in this chapter and chapter 68B,
21 30 when administering this subchapter:

21 31 1. After every primary and general election, the board may
21 32 conduct random audits and investigations to ensure compliance
21 33 with this subchapter. The subjects of such audits and
21 34 investigations shall be selected on the basis of impartial
21 35 criteria established by a vote of at least four members of the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 379 - Introduced continued

22 1 board.
22 2 2. a. The board may investigate anonymous complaints.
22 3 b. The identity of a complainant may be kept confidential
22 4 if the complainant states in the complaint that revealing the
22 5 identity of the complainant could reasonably result in
22 6 disciplinary action or loss of employment.
22 7 3. The board may seek injunctions when all of the
22 8 following conditions are met:
22 9 a. There is a substantial likelihood that a violation of
22 10 this subchapter is occurring or is about to occur.
22 11 b. The failure to act expeditiously will result in
22 12 irreparable harm to a party affected by the violation or
22 13 potential violation.
22 14 c. Expeditious action will not cause undue harm or
22 15 prejudice to the interests of others.
22 16 d. The public interest would be best served by the
22 17 issuance of an injunction.
22 18 4. The board may levy civil penalties for violations of
22 19 this subchapter. Civil penalties shall be deposited in the
22 20 voter-owned Iowa clean elections fund.
22 21 5. The board shall refer criminal violations to the county
22 22 attorney or attorney general for prosecution.
22 23 6. The board may participate fully in any actions filed
22 24 under this section.
22 25 7. The board shall adopt rules pursuant to chapter 17A as
22 26 necessary to administer this subchapter.
22 27 Sec. 29. NEW SECTION. 68A.826 CIVIL ACTIONS.
22 28 1. A citizen who believes a candidate has violated this
22 29 subchapter may pursue a civil action in a court of relevant
22 30 jurisdiction, provided that both of the following are true:
22 31 a. The citizen has previously filed a complaint with the
22 32 board regarding the same alleged violation.
22 33 b. The board has failed to make a determination within
22 34 thirty days of the filing of the complaint.
22 35 2. A complainant who prevails in a civil action charging a



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 379 - Introduced continued

23 1 violation of this subchapter shall be entitled to receive
23 2 reasonable attorney fees and court costs from the defendant.
23 3 3. If a court in which a civil action has been filed under
23 4 subsection 1 finds that the complaint in that action was made
23 5 frivolously or without cause, the court may require the
23 6 complainant to pay the costs of the board, the court, and the
23 7 defendant parties.

23 8 Sec. 30. NEW SECTION. 68A.827 BOARD REPORTS.

23 9 1. The board shall report to the general assembly after
23 10 each election cycle.

23 11 2. The report shall include a detailed summary of all seed
23 12 money contributions, qualifying contributions, and clean
23 13 election campaign funding benefits received, and expenditures
23 14 made, by all participating candidates. The report shall also
23 15 include a summary and evaluation of the board's activities and
23 16 recommendations relating to the implementation,
23 17 administration, and enforcement of this subchapter.

23 18 Sec. 31. NEW SECTION. 68A.828 REPAYMENTS OF EXCESS
23 19 EXPENDITURES.

23 20 1. If a participating candidate spends or obligates to
23 21 spend more than the clean election campaign funding the
23 22 candidate receives, and if such is determined not to be an
23 23 amount that had or could have been expected to have a
23 24 significant impact on the outcome of the election, the
23 25 candidate shall personally repay to the voter-owned Iowa clean
23 26 elections fund an amount equal to the excess.

23 27 2. If a participating candidate spends or obligates to
23 28 spend more than the clean election campaign funding the
23 29 candidate receives, and if such is determined to be an amount
23 30 that had or could have been expected to have a significant
23 31 impact on the outcome of the election, the candidate shall
23 32 personally repay to the voter-owned Iowa clean elections fund
23 33 an amount equal to five times the value of the excess.

23 34 Sec. 32. NEW SECTION. 68A.829 PENALTIES.

23 35 1. A candidate shall not knowingly accept more benefits



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 379 - Introduced continued

24 1 than those to which the candidate is entitled, spend more than
24 2 the amount of clean election campaign funding received, or
24 3 misuse such clean election campaign funding benefits or clean
24 4 election campaign funding.

24 5 2. If a violation of subsection 1 was intentional and
24 6 involved an amount that had or could have been expected to
24 7 have a significant impact on the outcome of the election, the
24 8 candidate commits an aggravated misdemeanor.

24 9 3. If it is determined that the violation of subsection 1
24 10 was intentional and involved an amount that had or could have
24 11 been expected to have a significant impact on the outcome of
24 12 the election, and if, in the judgment of the board, the
24 13 violation is believed to have contributed to the violator
24 14 winning the election, the board may recommend to the
24 15 appropriate authority that proceedings be commenced to remove
24 16 the violator from office or to impeach the violator if
24 17 applicable.

24 18 4. A person shall not provide false information to the
24 19 board or conceal or withhold information from the board. A
24 20 violation of this subsection is an aggravated misdemeanor.

24 21 Sec. 33. NEW SECTION. 68A.830 LOCAL PROVISION.

24 22 Each city council, school board, and county board of
24 23 supervisors shall have the authority to adopt and fund a
24 24 voter-owned Iowa clean elections fund, consistent with this
24 25 section, for local government elections.

24 26 Sec. 34. Section 422.7, Code 2009, is amended by adding
24 27 the following new subsection:

24 28 NEW SUBSECTION. 54. Subtract, to the extent not otherwise
24 29 excluded, up to two hundred dollars of the amount contributed
24 30 to the voter-owned Iowa clean elections fund pursuant to
24 31 section 68A.824, subsection 6.

24 32 Sec. 35. Section 422.12E, subsection 1, Code 2009, is
24 33 amended to read as follows:

24 34 1. For tax years beginning on or after January 1, 2004,
24 35 there shall be allowed no more than four income tax return



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 379 - Introduced continued

25 1 checkoffs on each income tax return. When the same four
25 2 income tax return checkoffs have been provided on the income
25 3 tax return for two consecutive years, the two checkoffs for
25 4 which the least amount has been contributed, in the aggregate
25 5 for the first tax year and through March 15 of the second tax
25 6 year, are repealed. This section does not apply to the income
25 7 tax return ~~checkoff~~ checkoffs provided in ~~section~~ sections
25 8 68A.601 and 68A.610.

25 9 Sec. 36. NEW SECTION. 422.12G INCOME TAX CHECKOFF FOR
25 10 VOTER=OWNED IOWA CLEAN ELECTIONS FUND.

25 11 A person who files an individual or a joint income tax
25 12 return with the department of revenue under section 422.13 may
25 13 designate a contribution to the voter=owned Iowa clean
25 14 elections fund authorized pursuant to section 68A.610.

25 15 Sec. 37. Section 556.18, subsections 2 and 3, Code 2009,
25 16 are amended to read as follows:

25 17 2. Before making any deposit to the credit of the general
25 18 funds, the state treasurer may deduct:

25 19 a. Any costs in connection with sale of abandoned
25 20 property.

25 21 b. Any costs of mailing and publication in connection with
25 22 any abandoned property.

25 23 c. Reasonable service charges.

25 24 d. Any costs in connection with information on outstanding
25 25 state warrants addressed pursuant to section 556.2C.

25 26 e. Ten million dollars to be deposited in the voter=owned
25 27 Iowa clean elections fund established in section 68A.823.

25 28 3. The treasurer of state shall annually credit all moneys
25 29 received under section 556.4 to the general fund of the state.

25 30 Moneys credited to the general fund of the state pursuant to
25 31 this subsection are subject to the requirements of subsections

25 32 1 and 2 and section 8.60. However, if the amount collected

25 33 under subsection 2, paragraph "e", does not equal ten million

25 34 dollars, the treasurer of state shall annually pay over an

25 35 amount received under section 556.4 as necessary to bring the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 379 - Introduced continued

26 1 amount deposited with the voter-owned Iowa clean elections
26 2 fund to ten million dollars.

26 3 Sec. 38. SEVERABILITY. The provisions of this Act are
26 4 severable as provided in section 4.12.

26 5 Sec. 39. EFFECTIVE DATES.

26 6 1. The sections of this Act enacting sections 68A.610 and
26 7 422.12G and amending sections 422.7 and 556.18 are effective
26 8 January 1, 2010.

26 9 2. The remaining sections of this Act take effect November
26 10 6, 2012.

26 11 Sec. 40. IMPLEMENTATION OF ACT. Section 25B.2, subsection
26 12 3, shall not apply to this Act.

26 13 EXPLANATION

26 14 This bill amends Code chapter 68A, relating to campaign
26 15 finance law, in three distinct ways: new Code section
26 16 68A.401B requires electronic filing by any candidate or
26 17 committee that reaches a \$20,000 threshold; Code sections
26 18 68A.610 through 68A.628 create a voluntary mechanism for
26 19 publicly financed elections; and Code section 68A.807
26 20 establishes contribution limits for candidates who do not
26 21 participate in the public financing process.

26 22 The bill enacts a process for public financing for
26 23 statewide and legislative elections, and enacts new Code
26 24 section 68A.801, providing definitions for key terms related
26 25 to this process.

26 26 New Code section 68A.823 establishes a separate,
26 27 nonreverting fund in the state treasury to be known as the
26 28 voter-owned Iowa clean elections fund (VOICE), and new Code
26 29 section 68A.824 provides sources of revenue for the fund.

26 30 New Code sections 68A.802 and 68A.803 specify eligibility
26 31 procedures for both party and independent candidates,
26 32 specifying the number and details for collection of qualifying
26 33 contributions.

26 34 New Code section 68A.806 prohibits a participating
26 35 candidate from accepting private funding during the primary



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 379 - Introduced continued

27 1 and general election campaign periods other than certain
27 2 permitted party funding. Contributions in the name of another
27 3 person are prohibited and subject to payment to the board as
27 4 are any applicable penalties. The use of personal funds for
27 5 seed money or as qualifying contributions is limited by new
27 6 Code section 68A.809. Contributions to nonparticipating
27 7 candidates are limited in Code section 68A.807.
27 8 New Code section 68A.807 establishes contribution limits
27 9 for those candidates who do not choose to participate in the
27 10 public financing process.
27 11 New Code section 68A.808 limits political party
27 12 contributions and expenditures on behalf of candidates.
27 13 New Code section 68A.810 details the collection of private
27 14 contributions for use as seed money, limited to \$100 per
27 15 individual contributor, and also limited in the aggregate in
27 16 differing amounts for candidates for governor and lieutenant
27 17 governor, for other statewide candidates, for Iowa senate
27 18 candidates, and for Iowa house of representatives candidates.
27 19 Seed money expenditures are limited to the clean election
27 20 campaign qualifying period and seed money contributions and
27 21 expenditures must be fully disclosed at the end of the public
27 22 financing qualifying period.
27 23 New Code section 68A.812 provides for a certification
27 24 process after a candidate applies for public financing
27 25 campaign funding benefits and requires repayment of funds if
27 26 eligibility is revoked. The bill provides for audit and
27 27 judicial review of the certification decision.
27 28 New Code section 68A.813 provides certain benefits for
27 29 participating candidates, including specified amounts of
27 30 public funding pursuant to new Code section 68A.815, mandatory
27 31 participation in debates pursuant to new Code sections 68A.811
27 32 and 68A.822, and additional limited public funding to respond
27 33 to certain excess expenditures by nonparticipating candidates,
27 34 independent expenditures, and electioneering communications
27 35 expenditures. Any candidate who accepts benefits during the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 379 - Introduced continued

28 1 primary campaign must continue to comply with the requirements
28 2 of the public financing program, even if the candidate stops
28 3 accepting benefits of the program at any point during the
28 4 primary or general election according to new Code section
28 5 68A.805.

28 6 New Code section 68A.814 provides for a schedule of
28 7 payments to participating candidates, and new Code section
28 8 68A.815 specifies differing total amounts for primary and
28 9 general elections for candidates for governor and lieutenant
28 10 governor, for other statewide candidates, for Iowa senate
28 11 candidates, and for Iowa house of representatives candidates.
28 12 Alternate amounts are provided for uncontested races. Clean
28 13 election campaign funding payments must be used only for
28 14 campaign-related expenses, and cannot be used for payments in
28 15 violation of law or to repay personal or business loans,
28 16 expenditures, or debts, pursuant to new Code section 68A.816.

28 17 Nonparticipating candidates must disclose within 48 hours
28 18 every expenditure in excess of the public financing funding
28 19 allocated to the candidate's participating opponent, that in
28 20 the aggregate is more than \$1,000, pursuant to new Code
28 21 section 68A.817. Certain other reporting requirements apply
28 22 during the last 20 days of a campaign.

28 23 All candidates must include a statement with all
28 24 advertisements indicating that the candidate has approved of
28 25 the contents of the advertisement pursuant to new Code section
28 26 68A.818.

28 27 Persons making certain independent expenditures must report
28 28 such expenditures to the board, along with an affidavit
28 29 affirming that the expenditure has not been coordinated with
28 30 the candidate or party, pursuant to new Code section 68A.819.
28 31 Alleged violations of the coordination affirmation are subject
28 32 to an expedited hearing procedure.

28 33 Persons making certain electioneering communications must
28 34 also report to the board pursuant to new Code section 68A.820.

28 35 New Code section 68A.821 provides that the board shall



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 379 - Introduced continued

29 1 administer a voter information program, including
29 2 establishment of an advisory council, to provide voters with
29 3 election-related information, including a voter guide with
29 4 candidate biographical material, policy statements, voting
29 5 records, and whether the candidate funds the campaign with
29 6 public or private money.
29 7 New Code section 68A.825 provides the board with certain
29 8 specific enforcement powers and duties in relation to the new
29 9 subchapter, and new Code section 68A.827 provides for an
29 10 election cycle report to the general assembly on the public
29 11 funding program.
29 12 New Code section 68A.826 creates a civil right of action
29 13 for citizens alleging that a candidate has violated the law.
29 14 Violations of the public funding program are subject to
29 15 aggravated misdemeanor penalties, pursuant to new Code section
29 16 68A.829. An aggravated misdemeanor is punishable by
29 17 confinement for not more than two years and a fine of at least
29 18 \$625 but not more than \$6,250. New Code section 68A.828
29 19 provides for repayment of certain excess expenditures by the
29 20 candidate.
29 21 New Code sections 68A.610 and 422.12G create an income tax
29 22 checkoff for the voter-owned Iowa clean elections fund. This
29 23 checkoff allows a person to direct that \$5 of that person's
29 24 state income tax liability be paid over to the Iowa
29 25 voter-owned clean elections fund.
29 26 Code section 422.7, new subsection 54, is amended to
29 27 provide up to a \$200 exemption from income for purposes of the
29 28 individual income tax for contributions to the Iowa
29 29 voter-owned clean elections fund.
29 30 Code section 556.18 is amended to provide that ten million
29 31 dollars shall be annually transferred from the proceeds from
29 32 the sale of lost or unclaimed property to the voter-owner Iowa
29 33 clean elections fund.
29 34 The sections of the bill enacting the income tax checkoff
29 35 and the transfer in Code section 556.18 take effect January 1,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 379 - Introduced continued

30 1 2010. The remainder of the bill takes effect November 6,
30 2 2012, which is the day after general election day 2010, to
30 3 allow the new system to commence with a new campaign cycle.
30 4 New Code section 68A.804 provides guidelines for dealing with
30 5 money collected by candidates prior to the effective date of
30 6 the public financing program.
30 7 The bill may include a state mandate as defined in Code
30 8 section 25B.3. The bill makes inapplicable Code section
30 9 25B.2, subsection 3, which would relieve a political
30 10 subdivision from complying with a state mandate if funding for
30 11 the cost of the state mandate is not provided or specified.
30 12 Therefore, political subdivisions are required to comply with
30 13 any state mandate included in the bill.
30 14 LSB 1740YH 83
30 15 jr/sc/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 380 - Introduced

HOUSE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 132)

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

A BILL FOR

1 An Act relating to the administration of programs under the
2 jurisdiction of the department of public health and increasing
3 a penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1149HV 83
6 jr/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 380 - Introduced continued

PAG LIN

1 1 Section 1. Section 144.39, Code 2009, is amended to read
1 2 as follows:

1 3 144.39 CHANGE OF NAME.

1 4 Upon receipt of a certified copy of a court order from a
1 5 court of competent jurisdiction or certificate of the clerk of
1 6 court pursuant to chapter 674 changing the name of a person
1 7 born in this state ~~and upon request of the person or the~~

~~1 8 person's parent, guardian, or legal representative, the state~~
1 9 registrar shall amend the certificate of birth to reflect the
1 10 new name. A fee established by the department by rule based
1 11 on average administrative cost shall be collected ~~for each~~
~~1 12 amended to amend the certificate of birth to reflect a new~~
1 13 name. Fees collected under this section shall be deposited in
1 14 the general fund of the state.

1 15 Sec. 2. Section 147.14, subsection 1, paragraph d, Code
1 16 2009, is amended to read as follows:

1 17 d. For dentistry, five members licensed to practice
1 18 dentistry, two members licensed to practice dental hygiene,
1 19 and two members not licensed to practice dentistry or dental
1 20 hygiene and who shall represent the general public. ~~No member~~
~~1 21 of the dental faculty of the school of dentistry at the state~~
~~1 22 university of Iowa shall be eligible to be appointed. Persons~~
~~1 23 appointed to the board as dental hygienist members shall not~~
~~1 24 be employed by or receive any form of remuneration from a~~
~~1 25 dental or dental hygiene educational institution. The two~~
1 26 dental hygienist board members and one dentist board member
1 27 shall constitute a dental hygiene committee of the board as
1 28 provided in section 153.33A.

1 29 Sec. 3. Section 149.7, Code 2009, is amended to read as
1 30 follows:

1 31 149.7 TEMPORARY ~~CERTIFICATE~~ LICENSE.

1 32 1. The board may issue a temporary ~~certificate~~ license
1 33 authorizing the licensee ~~named in the certificate~~ to practice
1 34 podiatry if, in the opinion of the board, a need exists and
1 35 the person possesses the qualifications prescribed by the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 380 - Introduced continued

2 1 board for the ~~certificate~~ temporary license, which shall be
2 2 substantially equivalent to those required for ~~regular~~
2 3 permanent licensure under this chapter. The board shall
2 4 determine in each instance the applicant's eligibility for the
2 5 ~~certificate~~ temporary license, whether or not an examination
2 6 shall be given, and the type of examination. The requirements
2 7 of the law pertaining to ~~regular~~ permanent licensure shall not
2 8 be mandatory for ~~this~~ temporary ~~certificate~~ licensure except
2 9 as specifically designated by the board. The granting of a
2 10 temporary ~~certificate~~ license does not in any way indicate
2 11 that the person licensed is necessarily eligible for ~~regular~~
2 12 permanent licensure, and the board is not obligated to issue a
2 13 permanent license to the person.

2 14 ~~2. The temporary certificate shall be issued for one year~~
~~2 15 and may be renewed, but a person shall not be entitled to~~
~~2 16 practice podiatry in excess of three years while holding a~~
~~2 17 temporary certificate. The board shall determine the duration~~
2 18 of time a person is qualified to practice podiatry while
2 19 holding a temporary license. The fee for this ~~certificate~~
2 20 license shall be set by the board, and if extended beyond one
2 21 year, a renewal fee per year shall be set by the board. The
2 22 fees shall be based on the administrative costs of issuing and
2 23 renewing the ~~certificates~~ temporary licenses.

2 24 Sec. 4. Section 153.13, subsection 2, Code 2009, is
2 25 amended to read as follows:

2 26 2. Persons who perform examination, diagnosis, treatment,
2 27 ~~and~~ removal of stains, accretions, or deposits from human
2 28 teeth, or attempted correction by any medicine, appliance,
2 29 surgery, or other appropriate method of any disease,
2 30 condition, disorder, lesion, injury, deformity, or defect of
2 31 the oral cavity and maxillofacial area, including teeth, gums,
2 32 jaws, and associated structures and tissue, which methods by
2 33 education, background experience, and expertise are common to
2 34 the practice of dentistry.

2 35 Sec. 5. Section 158.1, subsection 1, paragraph d, Code



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 380 - Introduced continued

3 1 2009, is amended to read as follows:

3 2 d. Applying cosmetic preparations, antiseptics, powders,
3 3 oils, clays, waxes, or lotions to scalp, face, or neck.

3 4 Sec. 6. Section 158.3, subsection 3, Code 2009, is amended
3 5 by striking the subsection.

3 6 Sec. 7. Section 158.7, Code 2009, is amended to read as
3 7 follows:

3 8 158.7 LICENSING BARBER SCHOOLS.

3 9 1. It is unlawful for a barber school to operate unless
3 10 the owner has obtained a license issued by the department.

3 11 The owner shall file a verified application with the
3 12 department on forms prescribed by the board.

3 13 2. Any person employed as a barbering instructor in a
3 14 licensed barber school shall be a licensed barber and shall
3 15 possess a separate instructor's license which shall be renewed
3 16 ~~annually~~ biennially. An instructor shall file an application
3 17 with the department on forms prescribed by the board.

3 18 3. The barber school must pass a sanitary inspection, and
3 19 the course of study of the school must be approved by the
3 20 board under the provisions of section 158.8.

3 21 4. An annual inspection of each barber school, including
3 22 the educational activities of each school, shall be conducted
3 23 and completed by the board prior to renewal of the license.

3 24 5. The application shall be accompanied by the annual
3 25 license fee determined under the provisions of section 147.80
3 26 and shall state the name and location of the school, name of
3 27 the owner, name of the manager, and such other additional
3 28 information as the board may require. The license is valid for
3 29 one year and may be renewed.

3 30 6. A license for a barber school shall not be issued for
3 31 any space in any location where the same space is licensed as
3 32 a school of cosmetology.

3 33 Sec. 8. Section 158.8, Code 2009, is amended to read as
3 34 follows:

3 35 158.8 COURSE OF STUDY.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 380 - Introduced continued

4 1 1. The course of study of a barber school shall consist of
4 2 at least two thousand one hundred hours of instruction as
4 3 prescribed by the board and shall include instruction in all
4 4 phases of the practice of barbering as defined in section
4 5 158.1, subsection 1. The course shall require at least ten
4 6 months of instruction for completion. The course shall
4 7 include not less than three hundred hours of demonstrations
4 8 and lectures in the following areas: ~~Law~~ law; ethics;
4 9 equipment; shop management; history of barbering; sanitation;
4 10 sterilization; personal hygiene; first aid; bacteriology;
4 11 anatomy; scalp, skin, hair and their common disorders;
4 12 electricity as applied to barbering; chemistry and
4 13 pharmacology; scalp care; hair body processing; hairpieces;
4 14 honing and stropping; shaving; facials, massage and packs;
4 15 haircutting; hair tonics; dyeing and bleaching; instruments;
4 16 soaps; and shampoos, creams, lotions, waxes, and tonics. It
4 17 shall include not less than one thousand four hundred hours of
4 18 supervised practical instruction in the following areas:
4 19 ~~Scalp~~ scalp care and shampooing, honing and stropping,
4 20 shaving, haircutting, hairstyling and blow waving, dyeing and
4 21 bleaching, hair body processing, facials, waxing, massage and
4 22 packs, beard and mustache trimming, and hairpieces.
4 23 2. A person licensed under section 157.3 who enrolls in a
4 24 barber school shall be granted full credit for each course
4 25 successfully completed which meets the requirements of the
4 26 barber school, which shall be credited toward the two thousand
4 27 one hundred hour requirement, and the ten-month period does
4 28 not apply. A person who has been a student in a school of
4 29 cosmetology arts and sciences licensed under chapter 157 may
4 30 enroll in a barber school and shall be granted, at the
4 31 discretion of the school, at least half credit and up to full
4 32 credit for each course successfully completed which meets the
4 33 requirements of the barber school.
4 34 Sec. 9. Section 158.16, Code 2009, is amended to read as
4 35 follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 380 - Introduced continued

5 1 158.16 PENALTY.

5 2 A person convicted of violating any of the provisions of
5 3 this chapter shall be fined not to exceed one ~~hundred~~ thousand
5 4 dollars.

5 5 Sec. 10. Section 691.6C, Code 2009, is amended to read as
5 6 follows:

5 7 691.6C STATE MEDICAL EXAMINER ADVISORY COUNCIL.

5 8 A state medical examiner advisory council is established to
5 9 advise and consult with the state medical examiner on a range
5 10 of issues affecting the organization and functions of the
5 11 office of the state medical examiner and the effectiveness of
5 12 the medical examiner system in the state. Membership of the
5 13 state medical examiner advisory council shall be determined by
5 14 the state medical examiner, in consultation with the director
5 15 of public health, and shall include, but not necessarily be
5 16 limited to, representatives from the office of the attorney
5 17 general, the Iowa county attorneys association, the Iowa
5 18 medical society, the Iowa association of pathologists, the
5 19 Iowa association of county medical examiners, the departments
5 20 of public safety and public health, the statewide emergency
5 21 medical system, and the Iowa funeral directors association.

5 22 The advisory council shall meet ~~on a quarterly or more~~
5 23 ~~frequent basis~~ on a regular basis, and shall be organized and
5 24 function as established by the state medical examiner by rule.

5 25 Sec. 11. Sections 135.30, 148B.8, 155.7, 155.17, and
5 26 155.18, Code 2009, are repealed.

5 27 EXPLANATION

5 28 This bill makes revisions to various programs under the
5 29 jurisdiction of the department of public health. The bill
5 30 conforms language in Code section 144.39 relating to the
5 31 duties of the state registrar of vital statistics in regard to
5 32 name changes with language in Code chapter 674 relating to
5 33 name changes.

5 34 The bill allows the board of podiatrists to determine the
5 35 duration of a temporary license to accommodate changes in



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 380 - Introduced continued

6 1 podiatric residency program requirements, prevents the risk of
6 2 providing permanent licensure to individuals who do not
6 3 complete an approved residency program, and clarifies
6 4 terminology regarding temporary and permanent licensure.

6 5 The bill strikes antiquated language concerning barber
6 6 apprentices. The definition of the practice of barbering is
6 7 expanded to include the application of waxes. The barber
6 8 instructor license currently must be renewed annually; the
6 9 bill provides for biennial renewal. The maximum penalty for
6 10 violation of any provision of the barber licensing law is
6 11 raised from \$100 to \$1,000.

6 12 The bill revises a current requirement that the state
6 13 medical examiner advisory council meet at least quarterly to
6 14 require the council to meet on a regular basis.

6 15 The bill repeals Code section 135.30, which requires that
6 16 all spectacles be fitted with plastic lenses, laminated
6 17 lenses, heat-treated glass lenses, or glass lenses made impact
6 18 resistant. Federal regulations address impact resistance and
6 19 testing.

6 20 The bill repeals Code section 148B.8, which allows the
6 21 board of physical and occupational therapy to hire its own
6 22 staff. Code sections 147.22 and 147.24 contain language
6 23 relating to board officers and compensation.

6 24 Code sections 155.7, 155.17, and 155.18 are repealed. Code
6 25 chapter 155 relates to the board of nursing home
6 26 administrators. The repealed Code sections relate to the
6 27 organization of the board, confidential information, and the
6 28 suspension or revocation of a license. These provisions are
6 29 now generally applicable to all boards; set out in Code
6 30 sections 147.21, 147.22, 147.24, and 147.55.

6 31 The bill strikes current provisions which prohibit faculty
6 32 members from the University of Iowa from serving on the board.
6 33 The bill also defines the practice of dentistry to include the
6 34 removal of stains, accretions, or deposits from the teeth.

6 35 LSB 1149HV 83



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

House File 380 - Introduced continued

7 1 jr/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 381 - Introduced

HOUSE FILE
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 51)

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

A BILL FOR

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 381 - Introduced continued

PAG LIN

1 1 Section 1. Section 4.1, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 9B. "Internet site" means a specific
1 4 location on the internet that is determined by internet
1 5 protocol numbers, by a domain name, or by both, including but
1 6 not limited to domain names that use the designations ".com",
1 7 ".edu", ".gov", ".org", and ".net".
1 8 Sec. 2. Section 155A.2, Code 2009, is amended by adding
1 9 the following new subsection:
1 10 NEW SUBSECTION. 3. A family planning clinic is not
1 11 regulated by this chapter when engaged in the dispensing of
1 12 birth control drugs and devices pursuant to section 147.107,
1 13 subsection 7.
1 14 Sec. 3. NEW SECTION. 155A.6B PHARMACY SUPPORT PERSON
1 15 REGISTRATION.
1 16 1. The board shall establish a registration program for
1 17 pharmacy support persons who work in a licensed pharmacy and
1 18 who are not licensed pharmacists or registered pharmacy
1 19 technicians for the purposes of identification, tracking, and
1 20 disciplinary action for the violation of federal drug laws or
1 21 regulations, state drug or pharmacy laws, or board rules. The
1 22 registration shall not include any determination of the
1 23 competency of the registered individual and, notwithstanding
1 24 section 272C.2, subsection 1, shall not require continuing
1 25 education for renewal.
1 26 2. A person registered with the board as a pharmacy
1 27 support person may assist pharmacists by performing routine
1 28 clerical and support functions. Such a person shall not
1 29 perform any professional duties or any technical or dispensing
1 30 duties. The ultimate responsibility for the actions of a
1 31 pharmacy support person working under a licensed pharmacist's
1 32 supervision shall remain with the licensed pharmacist.
1 33 3. Applicants for registration must apply to the board for
1 34 registration on a form prescribed by the board.
1 35 4. The board shall adopt rules in accordance with chapter



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 381 - Introduced continued

2 1 17A on matters pertaining to pharmacy support persons, and
2 2 pharmacy support person exemptions, registration, application,
2 3 renewals, fees, termination of registration, training, and any
2 4 other relevant matters.

2 5 5. The board may deny, suspend, or revoke the registration
2 6 of a pharmacy support person or otherwise discipline the
2 7 pharmacy support person for any violation of the laws of this
2 8 state, another state, or the United States relating to
2 9 prescription drugs, controlled substances, or nonprescription
2 10 drugs, or for any violation of this chapter or chapter 124,
2 11 124A, 124B, 126, 147, 205, or 272C, or any rule of the board.

2 12 Sec. 4. NEW SECTION. 155A.13B PHARMACY INTERNET SITES.

2 13 1. As used in this section:

2 14 a. "Electronic mail" means any message transmitted through
2 15 the internet including but not limited to messages transmitted
2 16 from or to any address affiliated with an internet site.

2 17 b. "Internet broker" means an entity that serves as an
2 18 agent or intermediary or other capacity that causes the
2 19 internet to be used to bring together a buyer and seller.

2 20 c. "Internet sale" means a transaction, initiated via an
2 21 internet site, that includes the order of and the payment for
2 22 a prescription drug product.

2 23 2. A pharmacy operating within or outside this state shall
2 24 not sell, dispense, distribute, deliver, or participate in the
2 25 sale, dispensing, distribution, or delivery of any
2 26 prescription drug to any patient in this state through an
2 27 internet site or by electronic mail unless all of the
2 28 following are met:

2 29 a. All internet sites and electronic mail used by the
2 30 pharmacy for purposes of sales or delivery of a
2 31 prescription-only drug are in compliance with all requirements
2 32 of federal law applicable to the site or electronic mail.

2 33 b. (1) The pharmacy that sells, dispenses, distributes,
2 34 or delivers the prescription-only drugs is in compliance with
2 35 all requirements of relevant state law.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 381 - Introduced continued

3 1 (2) The pharmacy is properly licensed and regulated by the
3 2 board to operate a pharmacy pursuant to section 155A.13 or
3 3 155A.13A.

3 4 c. The pharmacist who fills the prescription drug order is
3 5 not in violation of subsection 4.

3 6 d. (1) The pharmacy is not in violation of subsection 6.

3 7 (2) The pharmacy is in compliance with an Iowa
3 8 prescription drug monitoring program if an Iowa prescription
3 9 drug monitoring program exists and the pharmacy is subject to
3 10 reporting or other requirements of the program.

3 11 3. A practitioner who writes a prescription drug order
3 12 through an internet site or electronic mail for a patient
3 13 physically located in this state must be licensed by the
3 14 applicable licensing authority and in compliance with all
3 15 applicable laws.

3 16 4. A pharmacist practicing within or outside this state
3 17 shall not fill a prescription drug order to dispense a
3 18 prescription drug to a patient if the pharmacist knows or
3 19 reasonably should have known under the circumstances that the
3 20 prescription drug order was issued under both of the
3 21 following:

3 22 a. Solely on the basis of an internet questionnaire, an
3 23 internet consultation, or a telephonic consultation.

3 24 b. Without a valid patient=practitioner relationship.

3 25 5. An internet broker operating within or outside this
3 26 state may participate in the sale of a prescription drug in
3 27 this state only if the internet broker knows that the
3 28 pharmacist who dispenses the drug is not in violation of
3 29 subsection 4.

3 30 6. A pharmacy shall not sell, dispense, distribute,
3 31 deliver, or participate in the sale, dispensing, distribution,
3 32 or delivery of any prescription=only drug to a consumer in
3 33 this state if any part of the transaction was conducted
3 34 through an internet site unless the internet site displays in
3 35 a clear and conspicuous manner all of the following:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 381 - Introduced continued

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 381 - Introduced continued

5 1 matters.

5 2 Sec. 5. Section 155A.27, unnumbered paragraph 1, Code
5 3 2009, is amended to read as follows:

5 4 ~~Each~~ To be valid, each prescription drug order issued or
5 5 ~~filled~~ dispensed in this state must be based on a valid
5 6 patient=practitioner relationship, and:

5 7 Sec. 6. Section 155A.29, Code 2009, is amended by adding
5 8 the following new subsection:

5 9 NEW SUBSECTION. 4. An authorization to refill a
5 10 prescription drug order may be transmitted to a pharmacist by
5 11 a prescriber or the prescriber's agent through word of mouth,
5 12 note, telephone, facsimile, or other means of communication
5 13 initiated by or directed by the practitioner. The
5 14 transmission shall include the information required pursuant
5 15 to section 155A.27 and, if not transmitted directly by the
5 16 practitioner, shall identify by name and title the
5 17 practitioner's agent completing the transmission.

5 18 EXPLANATION

5 19 This bill establishes a registration program for pharmacy
5 20 support persons who may perform only routine clerical and
5 21 support functions. A pharmacy support person shall not
5 22 perform any professional duties or any technical or dispensing
5 23 duties.

5 24 The bill also establishes new requirements for the internet
5 25 sale of prescription drugs by pharmacies. In part, the bill
5 26 prohibits a pharmacist from filling a prescription drug order
5 27 from a provider if both of the following conditions are met:

5 28 1. The order is based solely on an internet questionnaire,
5 29 an internet consultation, or a telephonic consultation.

5 30 2. A valid patient=practitioner relationship does not
5 31 exist.

5 32 The bill requires internet pharmacies to display certain
5 33 information on their internet sites and requires them to
5 34 obtain certification as a verified internet pharmacy practice
5 35 site from the national association of boards of pharmacy. The



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 381 - Introduced continued

6 1 bill requires internet pharmacies to obtain an internet site
6 2 registration from the board and prevents internet pharmacies
6 3 from disclaiming, limiting, or waiving liability to which they
6 4 otherwise would be subject under the law.

6 5 The bill allows a prescriber or the prescriber's agent to
6 6 authorize the refill of a prescription by any means of
6 7 communication, including word of mouth.

6 8 The bill exempts family planning clinics that dispense
6 9 birth control pills and devices from pharmacy regulation under
6 10 Code chapter 155A.

6 11 The bill also amends Code chapter 4, adding a general
6 12 definition of the term "internet site".

6 13 LSB 1416HV 83

6 14 jr/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 382 - Introduced

HOUSE FILE
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 111)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the public health system by providing for the
2 voluntary accreditation of certain public health agencies, the
3 adoption of Iowa public health standards, the establishment of
4 an accreditation data collection system, creating a fund, and
5 providing for a penalty and an effective date.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 1148HV 83
8 jr/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 382 - Introduced continued

PAG LIN

1 1 Section 1. LEGISLATIVE FINDINGS AND INTENT == PURPOSE.

1 2 The general assembly finds all of the following:

1 3 1. A sound public health system is vital to the good
1 4 health of all Iowans. Iowa's public health system reduces
1 5 health care costs by promoting healthy behaviors, preventing
1 6 disease and injury, and protecting the health of the
1 7 population.

1 8 2. The current foundation and organizational capacity for
1 9 the governmental public health system does not allow for the
1 10 equitable delivery of public health services. Governmental
1 11 public health is provided by county boards of health, city
1 12 boards of health, one district board of health, the state
1 13 board of health, and the department. Varying degrees of
1 14 authority, administration, and organizational capacity for
1 15 providing public health services exist from community to
1 16 community.

1 17 3. This Act will allow boards of health, designated local
1 18 public health agencies, and the department to increase system
1 19 capacity, improve the equitable delivery of public health
1 20 services, address quality improvement, improve system
1 21 performance, and provide a foundation to measure outcomes
1 22 through a voluntary accreditation program. This Act will
1 23 assure the public of the availability of a basic level of
1 24 public health service in every community.

1 25 4. This Act is the result of extensive collaboration among
1 26 governmental public health entities, including local boards of
1 27 health, local public health agencies, the department, and the
1 28 state board of health; academia; and professional
1 29 associations.

1 30 Sec. 2. NEW SECTION. 135A.1 SHORT TITLE.

1 31 This chapter shall be known and may be cited as the "Iowa
1 32 Public Health Modernization Act".

1 33 Sec. 3. NEW SECTION. 135A.2 DEFINITIONS.

1 34 As used in this chapter, unless the context otherwise
1 35 requires, the following definitions apply:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 382 - Introduced continued

- 2 1 1. "Academic institution" means an institution of higher
2 2 education in the state which grants undergraduate and
2 3 postgraduate degrees and is accredited by a nationally
2 4 recognized accrediting agency as determined by the United
2 5 States secretary of education. For purposes of this
2 6 definition, "accredited" means a certification of the quality
2 7 of an institution of higher education.
- 2 8 2. "Accrediting entity" means a legal, independent,
2 9 nonprofit or governmental entity or entities approved by the
2 10 state board of health for the purpose of accrediting
2 11 designated local public health agencies and the department
2 12 pursuant to the voluntary accreditation program developed
2 13 under this chapter.
- 2 14 3. "Administration" means the operational procedures,
2 15 personnel and fiscal management systems, and facility
2 16 requirements that must be in place for the delivery and
2 17 assurance of public health services.
- 2 18 4. "Committee" means the governmental public health
2 19 evaluation committee as established in this chapter.
- 2 20 5. "Communication and information technology" means the
2 21 processes, procedures, and equipment needed to provide public
2 22 information and transmit and receive information among public
2 23 health entities and community partners; and applies to the
2 24 procedures, physical hardware, and software required to
2 25 transmit, receive, and process electronic information.
- 2 26 6. "Council" means the governmental public health advisory
2 27 council as established in this chapter.
- 2 28 7. "Department" means the department of public health.
- 2 29 8. "Designated local public health agency" means an entity
2 30 that is either governed by or contractually responsible to a
2 31 local board of health and designated by the local board to
2 32 comply with the Iowa public health standards for a
2 33 jurisdiction.
- 2 34 9. "Governance" means the functions and responsibilities
2 35 of the local boards of health and the state board of health to



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

House File 382 - Introduced continued

3 1 oversee governmental public health matters.
3 2 10. "Governmental public health system" means the system
3 3 described in section 135A.6.
3 4 11. "Iowa public health standards" means the governmental
3 5 public health standards adopted by rule by the state board of
3 6 health.
3 7 12. "Local board of health" means a county or district
3 8 board of health.
3 9 13. "Organizational capacity" means the governmental
3 10 public health infrastructure that must be in place in order to
3 11 deliver public health services.
3 12 14. "Public health region" means, at a minimum, one of six
3 13 geographical areas approved by the state board of health for
3 14 the purposes of coordination, resource sharing, and planning
3 15 and to improve delivery of public health services.
3 16 15. "Public health services" means the basic public health
3 17 services that all Iowans should reasonably expect to be
3 18 provided by designated local public health agencies and the
3 19 department.
3 20 16. "Voluntary accreditation" means verification of a
3 21 designated local public health agency or the department that
3 22 demonstrates compliance with the Iowa public health standards
3 23 by an accrediting entity.
3 24 17. "Workforce" means the necessary qualified and
3 25 competent staff required to deliver public health services.
3 26 Sec. 4. NEW SECTION. 135A.3 GOVERNMENTAL PUBLIC HEALTH
3 27 SYSTEM MODERNIZATION == LEAD AGENCY.
3 28 1. The department is designated as the lead agency in this
3 29 state to administer this chapter.
3 30 2. The department, in collaboration with the governmental
3 31 public health advisory council and the governmental public
3 32 health evaluation committee, shall coordinate implementation
3 33 of this chapter including but not limited to the voluntary
3 34 accreditation of designated local public health agencies and
3 35 the department in accordance with the Iowa public health



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 382 - Introduced continued

4 1 standards. Such implementation shall include evaluation of
4 2 and quality improvement measures for the governmental public
4 3 health system.

4 4 Sec. 5. NEW SECTION. 135A.4 GOVERNMENTAL PUBLIC HEALTH
4 5 ADVISORY COUNCIL.

4 6 1. A governmental public health advisory council is
4 7 established to advise the department and make policy
4 8 recommendations to the director of the department concerning
4 9 administration, implementation, and coordination of this
4 10 chapter and to make recommendations to the department
4 11 regarding the governmental public health system. The council
4 12 shall meet at a minimum of quarterly. The council shall
4 13 consist of no fewer than fifteen members and no greater than
4 14 twenty-three members. The members shall be appointed by the
4 15 director. The director may solicit and consider
4 16 recommendations from professional organizations, associations,
4 17 and academic institutions in making appointments to the
4 18 council.

4 19 2. Council members shall not be members of the
4 20 governmental public health evaluation committee.

4 21 3. Council members shall serve for a term of two years and
4 22 may be reappointed for a maximum of three consecutive terms.
4 23 Initial appointment shall be in staggered terms. Vacancies
4 24 shall be filled for the remainder of the original appointment.

4 25 4. The membership of the council shall satisfy all of the
4 26 following requirements:

4 27 a. One member who has expertise in injury prevention.
4 28 b. One member who has expertise in environmental health.
4 29 c. One member who has expertise in emergency preparedness.
4 30 d. One member who has expertise in health promotion and
4 31 chronic disease prevention.
4 32 e. One member who has epidemiological expertise in
4 33 communicable and infectious disease prevention and control.
4 34 f. One member representing each of Iowa's six public
4 35 health regions who is an employee of a designated local public



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 382 - Introduced continued

5 1 health agency or member of a local board of health. Such
5 2 members shall include a minimum of one local public health
5 3 administrator and one physician member of a local board of
5 4 health.

5 5 g. Two members who are representatives of the department.

5 6 h. The director of the state hygienic laboratory at the
5 7 university of Iowa, or the director's designee.

5 8 i. At least one representative from academic institutions
5 9 which grant undergraduate and postgraduate degrees in public
5 10 health or other related health field and are accredited by a
5 11 nationally recognized accrediting agency as determined by the
5 12 United States secretary of education. For purposes of this
5 13 paragraph, "accredited" means a certification of the quality
5 14 of an institution of higher education.

5 15 j. Two members who serve on a county board of supervisors.

5 16 k. Four nonvoting, ex officio members who shall consist of
5 17 four members of the general assembly, two from the senate and
5 18 two from the house of representatives, with not more than one
5 19 member from each chamber being from the same political party.
5 20 The two senators shall be designated one member each by the
5 21 majority leader of the senate after consultation with the
5 22 president and by the minority leader of the senate. The two
5 23 representatives shall be designated one member each by the
5 24 speaker of the house of representatives after consultation
5 25 with the majority leader of the house of representatives and
5 26 by the minority leader of the house of representatives.

5 27 l. A member of the state board of health who shall be a
5 28 nonvoting, ex officio member.

5 29 5. The council may utilize other relevant public health
5 30 expertise when necessary to carry out its roles and
5 31 responsibilities.

5 32 6. The council shall do all of the following:

5 33 a. Advise the department and make policy recommendations
5 34 to the director of the department concerning administration,
5 35 implementation, and coordination of this chapter and the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 382 - Introduced continued

6 1 governmental public health system.
6 2 b. Propose to the director public health standards that
6 3 should be utilized for voluntary accreditation of designated
6 4 local public health agencies and the department that include
6 5 but are not limited to the organizational capacity and public
6 6 health service components described in section 135A.6,
6 7 subsection 1, by October 1, 2009.
6 8 c. Recommend to the department an accrediting entity and
6 9 identify the roles and responsibilities for the oversight and
6 10 implementation of the voluntary accreditation of designated
6 11 local public health agencies and the department by January 2,
6 12 2010. This shall include completion of a pilot accreditation
6 13 process for one designated local public health agency and the
6 14 department by July 1, 2011.
6 15 d. Recommend to the director strategies to implement
6 16 voluntary accreditation of designated local public health
6 17 agencies and the department effective January 2, 2012.
6 18 e. Periodically review and make recommendations to the
6 19 department regarding revisions to the public health standards
6 20 pursuant to paragraph "b", as needed and based on reports
6 21 prepared by the governmental public health evaluation
6 22 committee pursuant to section 135A.5.
6 23 f. Review rules developed and adopted by the state board
6 24 of health under this chapter and make recommendations to the
6 25 department for revisions to further promote implementation of
6 26 this chapter and modernization of the governmental public
6 27 health system.
6 28 g. Form and utilize subcommittees as necessary to carry
6 29 out the duties of the council.
6 30 Sec. 6. NEW SECTION. 135A.5 GOVERNMENTAL PUBLIC HEALTH
6 31 EVALUATION COMMITTEE.
6 32 1. A governmental public health evaluation committee is
6 33 established to develop, implement, and evaluate the
6 34 governmental public health system and voluntary accreditation
6 35 program. The committee shall meet at least quarterly. The



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 382 - Introduced continued

7 1 committee shall consist of no fewer than eleven members and no
7 2 greater than thirteen members. The members shall be appointed
7 3 by the director of the department. The director may solicit
7 4 and consider recommendations from professional organizations,
7 5 associations, and academic institutions in making appointments
7 6 to the committee.

7 7 2. Committee members shall not be members of the
7 8 governmental public health advisory council.

7 9 3. Committee members shall serve for a term of two years
7 10 and may be reappointed for a maximum of three consecutive
7 11 terms. Initial appointment shall be in staggered terms.
7 12 Vacancies shall be filled for the remainder of the original
7 13 appointment.

7 14 4. The membership of the committee shall satisfy all of
7 15 the following requirements:

7 16 a. At least one member representing each of Iowa's six
7 17 public health regions. Each representative shall be an
7 18 employee or administrator of a designated local public health
7 19 agency or a member of a local board of health. Such members
7 20 shall be appointed to ensure expertise in the areas of
7 21 communicable and infectious diseases, environmental health,
7 22 injury prevention, healthy behaviors, and emergency
7 23 preparedness.

7 24 b. Two members who are representatives of the department.

7 25 c. A representative of the state hygienic laboratory at
7 26 the university of Iowa.

7 27 d. At least two representatives from academic institutions
7 28 which grant undergraduate and postgraduate degrees in public
7 29 health or other health-related fields.

7 30 e. At least one economist who has demonstrated experience
7 31 in public health, health care, or a health-related field.

7 32 f. At least one research analyst.

7 33 5. The committee may utilize other relevant public health
7 34 expertise when necessary to carry out its roles and
7 35 responsibilities.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 382 - Introduced continued

- 8 1 6. The committee shall do all of the following:
- 8 2 a. Develop and implement processes for evaluation of the
- 8 3 governmental public health system and the voluntary
- 8 4 accreditation program.
- 8 5 b. Collect and report baseline information for
- 8 6 organizational capacity and public health service delivery
- 8 7 based on the Iowa public health standards prior to
- 8 8 implementation of the voluntary accreditation program on
- 8 9 January 2, 2012.
- 8 10 c. Evaluate the effectiveness of the accrediting entity
- 8 11 and the voluntary accreditation process.
- 8 12 d. Evaluate the appropriateness of the Iowa public health
- 8 13 standards and develop measures to determine reliability and
- 8 14 validity.
- 8 15 e. Determine what process and outcome improvements in the
- 8 16 governmental public health system are attributable to
- 8 17 voluntary accreditation.
- 8 18 f. Assure that the evaluation process is capturing data to
- 8 19 support key research in public health system effectiveness and
- 8 20 health outcomes.
- 8 21 g. Annually submit a report to the department by July 1.
- 8 22 h. Form and utilize subcommittees as necessary to carry
- 8 23 out the duties of the committee.
- 8 24 Sec. 7. NEW SECTION. 135A.6 GOVERNMENTAL PUBLIC HEALTH
- 8 25 SYSTEM.
- 8 26 1. The governmental public health system, in accordance
- 8 27 with the Iowa public health standards, shall include but not
- 8 28 be limited to the following organizational capacity components
- 8 29 and public health service components:
- 8 30 a. Organizational capacity components shall include all of
- 8 31 the following:
- 8 32 (1) Governance.
- 8 33 (2) Administration.
- 8 34 (3) Communication and information technology.
- 8 35 (4) Workforce.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 382 - Introduced continued

9 1 (5) Community assessment and planning. This component
9 2 consists of collaborative data collection and analysis for the
9 3 completion of population-based community health assessments
9 4 and community health profiles and the process of developing
9 5 improvement plans to address the community health needs and
9 6 identified gaps in public health services.

9 7 (6) Evaluation.

9 8 b. Public health service components shall include all of
9 9 the following:

9 10 (1) Prevention of epidemics and the spread of disease.
9 11 This component includes the surveillance, detection,
9 12 investigation, and prevention and control measures that
9 13 prevent, reduce, or eliminate the spread of infectious
9 14 disease.

9 15 (2) Protection against environmental hazards. This
9 16 component includes activities that reduce or eliminate the
9 17 risk factors detrimental to the public's health within the
9 18 natural or man-made environment.

9 19 (3) Prevention of injuries. This component includes
9 20 activities that facilitate the prevention, reduction, or
9 21 elimination of intentional and unintentional injuries.

9 22 (4) Promotion of healthy behaviors. This component
9 23 includes activities to assure services that promote healthy
9 24 behaviors to prevent chronic disease and reduce illness.

9 25 (5) Preparation for, response to, and recovery from public
9 26 health emergencies. This component includes activities to
9 27 prepare the public health system and community partners to
9 28 respond to public health threats, emergencies, and disasters
9 29 and to assist in the recovery process.

9 30 2. The governmental public health system shall include but
9 31 not be limited to the following entities:

9 32 a. Local boards of health.

9 33 b. State board of health.

9 34 c. Designated local public health agencies.

9 35 d. The department.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 382 - Introduced continued

10 1 Sec. 8. NEW SECTION. 135A.7 GOVERNMENTAL PUBLIC HEALTH
10 2 SYSTEM AND ACCREDITATION DATA COLLECTION SYSTEM.
10 3 1. The department shall establish and maintain a
10 4 governmental public health system and an accreditation data
10 5 collection system by which the state board of health, the
10 6 director, the department, the council, and the committee may
10 7 monitor the implementation and effectiveness of the
10 8 governmental public health system based on the Iowa public
10 9 health standards.
10 10 2. Notwithstanding section 22.7 or any other provision of
10 11 law, local boards of health shall provide to the department
10 12 and the accrediting entity upon request all data and
10 13 information necessary to determine the local board's capacity
10 14 to comply with the Iowa public health standards, including but
10 15 not limited to data and information regarding governance,
10 16 administration, communication and information technology,
10 17 workforce, personnel, staffing, budget, contracts, and other
10 18 program and agency information.
10 19 3. The department may share any data or information
10 20 collected pursuant to this section with the council or the
10 21 committee as necessary to perform the duties of the council
10 22 and committee. Data and information provided to the
10 23 department under this section which are confidential pursuant
10 24 to section 22.7, subsection 2, 11, or 50, section 139A.3, or
10 25 other provision of law, remain confidential and shall not be
10 26 released by the department, the council, or the committee.
10 27 4. During the pendency of the accreditation process, all
10 28 accreditation files and reports prepared for or maintained by
10 29 the accrediting entity are confidential and are not subject to
10 30 discovery, subpoena, or other means of legal compulsion for
10 31 their release. After the accrediting entity has issued its
10 32 recommendation or report only the preliminary drafts of the
10 33 recommendation or report, and records otherwise confidential
10 34 pursuant to chapter 22 or other provision of state or federal
10 35 law, shall remain confidential and are not subject to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 382 - Introduced continued

11 1 discovery, subpoena, or other means of legal compulsion for
11 2 their release.
11 3 5. To the extent possible, activities under this section
11 4 shall be coordinated with other health data collection systems
11 5 including those maintained by the department.
11 6 Sec. 9. NEW SECTION. 135A.8 GOVERNMENTAL PUBLIC HEALTH
11 7 SYSTEM FUND.
11 8 1. The department is responsible for the funding of the
11 9 administrative costs for implementation of this chapter. A
11 10 governmental public health system fund is created as a
11 11 separate fund in the state treasury under the control of the
11 12 department. The fund shall consist of moneys obtained from
11 13 any source, including the federal government, unless otherwise
11 14 prohibited by law or the entity providing the funding. Moneys
11 15 deposited in the fund are appropriated to the department for
11 16 the public health purposes specified in this chapter. Moneys
11 17 in the fund shall not be transferred, used, obligated,
11 18 appropriated, or otherwise encumbered except as provided in
11 19 this section. Notwithstanding section 8.33, moneys in the
11 20 governmental public health system fund at the end of the
11 21 fiscal year shall not revert to any other fund but shall
11 22 remain in the fund for subsequent fiscal years.
11 23 2. The fund is established to assist local boards of
11 24 health and the department with the provision of governmental
11 25 public health system organizational capacity and public health
11 26 service delivery and to achieve and maintain voluntary
11 27 accreditation in accordance with the Iowa public health
11 28 standards. At least seventy percent of the funds shall be
11 29 made available to local boards of health and up to thirty
11 30 percent of the funds may be utilized by the department.
11 31 3. Moneys in the fund may be allocated by the department
11 32 to a local board of health for organizational capacity and
11 33 service delivery. Such allocation may be made on a matching,
11 34 dollar=for=dollar basis for the acquisition of equipment, or
11 35 by providing grants to achieve and maintain voluntary



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 382 - Introduced continued

12 1 accreditation in accordance with the Iowa public health
12 2 standards.
12 3 4. A local board of health seeking matching funds or
12 4 grants under this section shall apply to the department. The
12 5 state board of health shall adopt rules concerning the
12 6 application and award process for the allocation of moneys in
12 7 the fund and shall establish the criteria for the allocation
12 8 of moneys in the fund if the moneys are insufficient to meet
12 9 the needs of local boards of health.
12 10 Sec. 10. NEW SECTION. 135A.9 RULES.
12 11 The state board of health shall adopt rules pursuant to
12 12 chapter 17A to implement this chapter which shall include but
12 13 are not limited to the following:
12 14 1. Incorporation of the Iowa public health standards
12 15 recommended to the department pursuant to section 135A.5,
12 16 subsection 6.
12 17 2. A voluntary accreditation process to begin no later
12 18 than January 2, 2012, for designated local public health
12 19 agencies and the department.
12 20 3. Rules relating to the operation of the governmental
12 21 public health advisory council.
12 22 4. Rules relating to the operation of the governmental
12 23 public health system evaluation committee.
12 24 5. The application and award process for governmental
12 25 public health system fund moneys.
12 26 6. Rules relating to data collection for the governmental
12 27 public health system and the voluntary accreditation program.
12 28 7. Rules otherwise necessary to implement the chapter.
12 29 Sec. 11. NEW SECTION. 135A.10 PROHIBITED ACTS ==
12 30 FRAUDULENTLY CLAIMING ACCREDITATION == CIVIL PENALTY.
12 31 A local board of health or local public health agency that
12 32 imparts or conveys, or causes to be imparted or conveyed,
12 33 information claiming that it is accredited pursuant to this
12 34 chapter or that uses any other term to indicate or imply it is
12 35 accredited without being accredited under this chapter is



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 382 - Introduced continued

13 1 subject to a civil penalty not to exceed one thousand dollars
13 2 per day for each offense. However, nothing in this chapter
13 3 shall be construed to restrict a local board of health or
13 4 local public health agency from providing any services for
13 5 which it is duly authorized.

13 6 Sec. 12. EFFECTIVE DATE. This Act, being deemed of
13 7 immediate importance, takes effect upon enactment.

13 8 EXPLANATION

13 9 This bill, entitled the Iowa public health modernization
13 10 Act, is to be administered by the department of public health
13 11 in collaboration with the governmental public health advisory
13 12 council and the governmental public health evaluation
13 13 committee. The bill creates a multimember governmental public
13 14 health advisory council, appointed by the director of the
13 15 department to advise the department and make policy
13 16 recommendations concerning administration, implementation, and
13 17 coordination of the bill and the governmental public health
13 18 system. The bill also creates a governmental public health
13 19 evaluation committee, also appointed by the director, to
13 20 develop, implement, and conduct evaluation of the governmental
13 21 public health system and a voluntary accreditation program for
13 22 public health entities. Detailed membership criteria,
13 23 specifying required areas of expertise, are set out for both
13 24 the council and the committee.

13 25 The bill relates to the organization and operation of the
13 26 governmental public health system. The composition and
13 27 organizational components of the system are described in the
13 28 bill. The governmental public health system shall function
13 29 to:

- 13 30 1. Prevent epidemics and spread of disease.
- 13 31 2. Protect against environmental hazards.
- 13 32 3. Prevent injuries.
- 13 33 4. Promote healthy behavior.
- 13 34 5. Deal with public emergencies.

13 35 The bill directs the department to establish an



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 382 - Introduced continued

14 1 accreditation data collection system to monitor the
14 2 implementation and effectiveness of the governmental public
14 3 health system based on the Iowa public health standards.
14 4 Local boards of health are required to provide all data and
14 5 information necessary to determine the local board's capacity
14 6 to comply with the Iowa public health standards. The
14 7 department may share data or information with the advisory
14 8 council or the evaluation committee as necessary to perform
14 9 the duties of the council and committee; however, data and
14 10 information which is confidential shall not be released by the
14 11 department, the council, or the committee.
14 12 The bill establishes a governmental public health system
14 13 fund in the state treasury under the control of the
14 14 department. The fund consists of funds obtained from any
14 15 source. Moneys in the fund are appropriated to the department
14 16 for the public health purposes specified in the bill and shall
14 17 not be transferred, used, obligated, appropriated, or
14 18 otherwise encumbered except as provided in the bill. Funds in
14 19 the governmental public health system fund at the end of a
14 20 fiscal year shall not revert to any other fund but shall
14 21 remain in the fund for subsequent fiscal years. At least 70
14 22 percent of the funds are to be made available to local boards
14 23 of health. Grants to local boards are available for obtaining
14 24 voluntary accreditation and dollar-for-dollar matching funds
14 25 are available for equipment.
14 26 The department is required to adopt rules including rules
14 27 concerning the voluntary accreditation of designated local
14 28 public health agencies and the department and to adopt Iowa
14 29 public health standards. A local board of health or local
14 30 public health agency that falsely claims to be accredited is
14 31 subject to a civil penalty not to exceed \$1,000 per day for
14 32 each offense.
14 33 The bill takes effect upon enactment.
14 34 LSB 1148HV 83
14 35 jr/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 383 - Introduced

HOUSE FILE

BY PETERSEN, BERRY, MASCHER,
MERTZ, T. TAYLOR, HEDDENS,
KRESSIG, SWAIM, COHOON,
ZIRKELBACH, GASKILL, LYKAM,
WHITEAD, BUKTA, OLDSOON, D. OLSON,
SMITH, JACOBY, HUNTER, WINCKLER,
STECKMAN, KUHN, LENSING, R. OLSON,
KEARNS, FORD, BEARD, GAYMAN,
and REICHERT

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

A BILL FOR

- 1 An Act relating to the state child care advisory council.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2131YH 83
- 4 jp/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 383 - Introduced continued

PAG LIN

1 1 Section 1. Section 217.2, unnumbered paragraph 3, Code
1 2 2009, is amended to read as follows:

1 3 All members of the council shall be electors of the state
1 4 of Iowa. No more than four members shall belong to the same
1 5 political party and no more than two members shall, at the
1 6 time of appointment, reside in the same congressional
1 7 district. At least one member of the council shall be a
1 8 member of a county board of supervisors at the time of
1 9 appointment to the council. At least one of the members shall
1 10 also be a member of the state child care advisory council
1 11 selected from nominees submitted by the advisory council.

1 12 Vacancies occurring during a term of office shall be filled in
1 13 the same manner as the original appointment for the balance of
1 14 the unexpired term subject to confirmation by the senate.

1 15 Sec. 2. Section 237A.21, subsections 1 and 2, Code 2009,
1 16 are amended to read as follows:

1 17 1. a. A state child care advisory council is established
1 18 consisting of not more than thirty-five voting members from
1 19 urban and rural areas across the state. The membership shall
1 20 include, but is not limited to, all of the following persons
1 21 or representatives with an interest in child care: a licensed
1 22 center provider, a registered child development home provider
1 23 from a county with a population of less than twenty-two
1 24 thousand, an unregistered a family, friend, and neighbor child
1 25 care home provider, a parent of a child in child care, staff
1 26 members of appropriate governmental agencies, and other
1 27 members as deemed necessary by the director. The voting
1 28 members are eligible for reimbursement of their actual and
1 29 necessary expenses while engaged in performance of their
1 30 official duties.

1 31 b. For the purposes of this subsection, "family, friend,
1 32 and neighbor child care" means child care, usually provided
1 33 without cost and on a voluntary basis, by a family member, a
1 34 friend, or a neighbor whose reason for providing that care is
1 35 a strong existing personal relationship with a parent,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 383 - Introduced continued

2 1 guardian, or custodian and the parent's, guardian's, or
2 2 custodian's child or children.

2 3 2. ~~Members~~ Except as otherwise provided, the voting
2 4 members shall be appointed by the director from a list of
2 5 names submitted by a nominating committee to consist of one
2 6 member of the state council established pursuant to this
2 7 section, one member of the department's child care staff,
2 8 three consumers of child care, and one member of a
2 9 professional child care organization. Two names shall be
2 10 submitted for each appointment. ~~Members~~ The voting members
2 11 shall be appointed for terms of three years but ~~no~~ a voting
2 12 member shall not be appointed to more than two consecutive
2 13 terms. The state council shall develop its own operational
2 14 policies which are subject to departmental approval.

2 15 Sec. 3. Section 237A.21, subsection 3, unnumbered
2 16 paragraph 1, Code 2009, is amended to read as follows:

2 17 The voting membership of the council shall be appointed in
2 18 a manner so as to provide equitable representation of persons
2 19 with an interest in child care and shall include all of the
2 20 following:

2 21 Sec. 4. Section 237A.21, subsection 3, paragraph m, Code
2 22 2009, is amended by striking the paragraph.

2 23 Sec. 5. Section 237A.21, subsection 3, Code 2009, is
2 24 amended by adding the following new paragraphs:

2 25 NEW PARAGRAPH. n. One person who is a business owner or
2 26 executive officer. Notwithstanding subsection 2, the nominees
2 27 under this paragraph shall be submitted by the Iowa chamber of
2 28 commerce executives.

2 29 NEW PARAGRAPH. o. One designee of the community
2 30 empowerment office of the department of management.

2 31 NEW PARAGRAPH. p. One person who is a member of the Iowa
2 32 afterschool alliance.

2 33 NEW PARAGRAPH. q. One person who is part of a local
2 34 program implementing the statewide preschool program for
2 35 four-year-old children under chapter 256C.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 383 - Introduced continued

3 1 Sec. 6. Section 237A.21, Code 2009, is amended by adding
3 2 the following new subsection:
3 3 NEW SUBSECTION. 4. In addition to the voting members, the
3 4 membership shall include four legislators as ex officio,
3 5 nonvoting members. The four legislators shall be appointed
3 6 one each by the majority leader of the senate, the minority
3 7 leader of the senate, the speaker of the house of
3 8 representatives, and the minority leader of the house of
3 9 representatives for terms as provided in section 69.16B.

3 10 Sec. 7. Section 237A.22, Code 2009, is amended to read as
3 11 follows:

3 12 237A.22 DUTIES OF STATE CHILD CARE ADVISORY COUNCIL AND
3 13 DEPARTMENT.

3 14 1. The state child care advisory council shall advise and
3 15 make recommendations to the department, governor, and general
3 16 assembly concerning child care. In fulfilling this
3 17 responsibility the advisory council shall do all of the
3 18 following:

3 19 ~~1-~~ a. Consult with the department and make
3 20 recommendations ~~to the department~~ concerning policy issues
3 21 relating to child care.

3 22 ~~2-~~ b. Advise the department concerning services relating
3 23 to child care, including but not limited to any of the
3 24 following:

3 25 ~~a-~~ (1) Resource and referral services.

3 26 ~~b-~~ (2) Provider training.

3 27 ~~c-~~ (3) Quality improvement.

3 28 ~~d-~~ (4) Public-private partnerships.

3 29 ~~e-~~ (5) Standards review and development.

3 30 (6) The federal child care and development block grant,
3 31 state funding, grants, and other funding sources for child
3 32 care.

3 33 (7) Child care involvement by children, parents, and
3 34 providers.

3 35 ~~3-~~ c. Assist the department in developing an



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 383 - Introduced continued

4 1 implementation plan to provide seamless service to recipients
4 2 of public assistance, which includes child care services. For
4 3 the purposes of this subsection, "seamless service" means
4 4 coordination, where possible, of the federal and state
4 5 requirements which apply to child care.

4 6 ~~4.~~ d. Advise and provide technical services to the
4 7 director of the department of education or the director's
4 8 designee, upon request, relating to prekindergarten,
4 9 kindergarten, and before and after school programming and
4 10 facilities.

4 11 e. Make recommendations concerning child care expansion
4 12 programs that meet the needs of children attending a core
4 13 education program by providing child care before and after the
4 14 core program hours and during times when the core program does
4 15 not operate.

4 16 f. Make recommendations for improving collaborations
4 17 between the child care programs involving the department and
4 18 programs supporting the education and development of young
4 19 children including but not limited to the federal head start
4 20 program, the statewide preschool program for four-year-old
4 21 children and the early childhood, at-risk, and other early
4 22 education programs administered by the department of
4 23 education.

4 24 g. Make recommendations for eliminating duplication and
4 25 otherwise improving the eligibility determination processes
4 26 used for the state child care assistance program and other
4 27 programs supporting low-income families, including but not
4 28 limited to the federal head start, early head start, and even
4 29 start programs, the early childhood, at-risk, and preschool
4 30 programs administered by the department of education, the
4 31 family and self-sufficiency grant program, and the family
4 32 investment program.

4 33 h. Make recommendations as to the most effective and
4 34 efficient means of managing the state and federal funding
4 35 available for the state child care assistance program.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 383 - Introduced continued

5 1 i. Review departmental program data concerning child care
5 2 as deemed to be necessary by the advisory council, although
5 3 the department shall not provide personally identifiable data
5 4 or information.

5 5 2. The department shall provide information to the
5 6 advisory council semiannually on all of the following:

5 7 a. Federal, state, local, and private revenues and
5 8 expenditures for child care, including but not limited to
5 9 updates on the current and future status of the revenues and
5 10 expenditures.

5 11 b. Financial information and data relating to regulation
5 12 of child care by the department and the usage of the state
5 13 child care assistance program.

5 14 c. Utilization and availability data relating to child
5 15 care regulation, quantity, and quality from consumer and
5 16 provider perspectives.

5 17 d. Statistical and demographic data regarding child care
5 18 providers and the families utilizing child care.

5 19 e. Statistical data regarding the processing time for
5 20 issuing notices of decision to state child care assistance
5 21 applicants and for issuing payments to child care providers.

5 22 3. The advisory council shall report annually to the
5 23 governor and general assembly in December concerning the
5 24 status of child care in the state, providing findings, and
5 25 making recommendations. The annual report may be personally
5 26 presented to the general assembly's standing committees on
5 27 human resources by a representative of the advisory council.

5 28 EXPLANATION

5 29 This bill relates to the state child care advisory council
5 30 established in Code section 237A.21.

5 31 Code section 217.2, creating the council on human services
5 32 in the department of human services, is amended to require one
5 33 of the seven members to be a member of the child care advisory
5 34 council, to be appointed by the governor from nominees
5 35 submitted by the advisory council.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 383 - Introduced continued

6 1 The provisions involving the advisory council in Code
6 2 section 237A.21 are amended. The membership of the advisory
6 3 council is appointed by the director of human services,
6 4 generally from nominees submitted by a nominating committee
6 5 consisting of various child care interests and professionals.
6 6 Current law specifies representation of particular interests
6 7 for 22 slots. The slot designated for an unregistered child
6 8 care home provider is instead designated for a "family,
6 9 friend, and neighbor child care" provider, as defined by the
6 10 bill. The bill specifies four additional slots and identifies
6 11 a different nominating body for one of the additional slots to
6 12 ensure representation for these interests: business from
6 13 nominees submitted by the Iowa chamber of commerce executives,
6 14 community empowerment office, and Iowa afterschool alliance,
6 15 statewide preschool program for four-year-old children.
6 16 Current law in Code section 237A.22 authorizes the advisory
6 17 council to advise the department concerning a list of items
6 18 involving child care. The bill adds to this list the federal
6 19 Child Care and Development Block Grant and other funding
6 20 sources and child care involvement.
6 21 The bill also requires the department to semiannually
6 22 provide to the advisory council various types of financial,
6 23 expenditure, usage, and statistical information.
6 24 The advisory council is directed to make recommendations on
6 25 various topics.
6 26 Finally, the bill requires the advisory council to annually
6 27 report to the governor and general assembly concerning the
6 28 status of child care in the state, providing findings, and
6 29 making recommendations.
6 30 LSB 2131YH 83
6 31 jp/nh/14.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 384 - Introduced

HOUSE FILE
BY WILLEMS, KAUFMANN, REICHERT,
and JACOBY

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act prohibiting the use of lead wheel weights in motor
- 2 vehicles and providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1962HH 83
- 5 tm/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 384 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 321.447 LEAD WHEEL WEIGHTS.
1 2 1. A person shall not offer for sale in this state a motor
1 3 vehicle equipped with lead wheel weights.
1 4 2. In the servicing, repair, or maintenance of a motor
1 5 vehicle, lead wheel weights shall not be installed.
1 6 3. In the servicing, repair, or maintenance of a motor
1 7 vehicle, lead wheel weights shall be replaced with wheel
1 8 weights composed of materials other than lead.
1 9 Sec. 2. EFFECTIVE DATE. This Act takes effect July 1,
1 10 2010.

1 11 EXPLANATION
1 12 This bill prohibits the sale in this state a motor vehicle
1 13 equipped with lead wheel weights. During the servicing,
1 14 repair, or maintenance of a motor vehicle, the bill prohibits
1 15 the installation of wheel weights and requires such wheel
1 16 weights to be replaced with wheel weights composed of
1 17 materials other than lead.
1 18 The bill takes effect July 1, 2010.
1 19 LSB 1962HH 83
1 20 tm/nh/8.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 385 - Introduced

HOUSE FILE
BY COMMITTEE ON VETERANS AFFAIRS

(SUCCESSOR TO HSB 130)

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act concerning limiting the authority of the general assembly
- 2 to expend money from the veterans trust fund.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2011HV 83
- 5 ec/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 385 - Introduced continued

PAG LIN

1 1 Section 1. Section 35A.13, Code 2009, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 11. A bill containing provisions
1 4 expending moneys in the veterans trust fund for a purpose not
1 5 specifically authorized by this section shall require the
1 6 affirmative votes of at least two-thirds of all the members
1 7 elected to each house of the general assembly for passage.

1 8 EXPLANATION

1 9 This bill requires by statute that passage of a bill which
1 10 proposes to expend moneys from the veterans trust fund for a
1 11 purpose not specifically authorized for expenditure from the
1 12 trust fund requires a two-thirds majority vote of all the
1 13 members elected to each house of the general assembly.

1 14 LSB 2011HV 83

1 15 ec/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 386 - Introduced

HOUSE FILE
BY SCHUELLER, ISENHART,
ZIRKELBACH, LUKAN, and
MURPHY

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

A BILL FOR

- 1 An Act relating to parking on the left side of a roadway.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2281HH 83
- 4 jm/nh/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 386 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.361, Code 2009, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 1A. Local authorities may by ordinance
1 4 permit vehicles stopped or parked upon a roadway where there
1 5 are adjacent curbs, to be stopped or parked with the left-hand
1 6 wheels of the vehicle adjacent to and within eighteen inches
1 7 of the left-hand curb, if deemed safer than stopping or
1 8 parking regulations under subsection 1.

1 9 EXPLANATION

1 10 This bill relates to parking on the left side of a roadway.
1 11 The bill permits a political subdivision of the state to adopt
1 12 an ordinance allowing a vehicle to park on a roadway with the
1 13 left-hand wheels of a vehicle within 18 inches of the
1 14 left-hand curb, if the political subdivision deems it safer
1 15 than parking on the other side of the street. Current law
1 16 prohibits a vehicle from parking with the left-hand wheels
1 17 adjacent to the left-hand curb unless the roadway is a one-way
1 18 roadway.

1 19 LSB 2281HH 83

1 20 jm/nh/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 387 - Introduced

HOUSE FILE
BY RANTS

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

A BILL FOR

- 1 An Act relating to the establishment of a searchable database
- 2 relating to warrants issued by the state and including an
- 3 effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1920YH 83
- 6 mg/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 387 - Introduced continued

PAG LIN

1 1 Section 1. Section 8A.203, Code 2009, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 6. a. Effective July 1, 2009, the
1 4 director shall make available on a searchable internet website
1 5 data related to any state-issued warrant, or its equivalent,
1 6 exceeding ten thousand dollars. The requirement of this
1 7 subsection does not apply to warrants, or the equivalent
1 8 thereof, issued with respect to a state employee's
1 9 compensation or state retiree's retirement or pension
1 10 allowance.

1 11 b. The following data shall be included on the searchable
1 12 internet website pursuant to paragraph "a":

- 1 13 (1) The recipient's name.
- 1 14 (2) The recipient's address.
- 1 15 (3) The purpose for which the warrant or its equivalent
1 16 was issued.

1 17 c. The data to be made available on the searchable
1 18 internet website shall be posted within twenty-four hours of
1 19 the date of the issuance of the warrant or its equivalent.

1 20 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
1 21 immediate importance, takes effect upon enactment.

1 22 EXPLANATION

1 23 This bill requires the director of the department of
1 24 administrative services to make available on a searchable
1 25 internet website data related to any warrants issued by the
1 26 state which exceed \$10,000. The data is to be posted within
1 27 24 hours of the date of the issuance of the warrant. The
1 28 requirement does not apply to warrants issued with respect to
1 29 state employees' compensation or state retirees' retirement or
1 30 pension allowances.

1 31 The bill takes effect upon enactment.

1 32 LSB 1920YH 83

1 33 mg/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 388 - Introduced

HOUSE FILE
BY PALMER

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

A BILL FOR

- 1 An Act assessing a mediation fee in small claims cases.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2366HH 83
- 4 jm/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 388 - Introduced continued

PAG LIN

1 1 Section 1. Section 602.8105, subsection 1, paragraph d,
1 2 Code 2009, is amended to read as follows:
1 3 d. For filing and docketing a small claims action and for
1 4 small claims mediation, the amounts specified in section
1 5 631.6.
1 6 Sec. 2. Section 631.6, subsection 1, Code 2009, is amended
1 7 by adding the following new paragraph:
1 8 NEW PARAGRAPH. e. Fees for mediation shall be twenty-five
1 9 dollars to be collected if a mediator is used.
1 10 Sec. 3. Section 631.6, Code 2009, is amended by adding the
1 11 following new subsection:
1 12 NEW SUBSECTION. 3. The amount collected for mediation in
1 13 the action shall be distributed to the mediator used in the
1 14 action.

1 15 EXPLANATION

1 16 This bill assesses a mediation fee in small claims cases.
1 17 The bill imposes a \$25 mediation fee upon the filing of a
1 18 small claims case which shall be assessed as a court cost in
1 19 the case if a mediator is used. The bill requires the
1 20 mediation fee be distributed to the mediator used in the case.
1 21 LSB 2366HH 83
1 22 jm/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 389 - Introduced

HOUSE FILE

BY H. MILLER, WHITAKER, BUKTA,
THEDE, D. OLSON, BERRY,
DRAKE, and GAYMAN

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act relating to encouraging the availability of drinking
- 2 fountains in schools, parks, and public buildings.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2246HH 83
- 5 av/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 389 - Introduced continued

PAG LIN

1 1 Section 1. Section 135.27A, subsection 2, Code 2009, is
1 2 amended to read as follows:
1 3 2. a. The council shall assist in developing a strategy
1 4 for implementation of the statewide comprehensive plan
1 5 developed by the existing statewide initiative to increase
1 6 physical activity, improve physical fitness, improve
1 7 nutrition, and promote healthy behaviors. The strategy shall
1 8 include specific components relating to specific populations
1 9 and settings including early childhood, educational, local
1 10 community, worksite wellness, health care, and older Iowans.
1 11 The initial draft of the implementation plan shall be
1 12 submitted to the governor and the general assembly by December
1 13 1, 2008.

1 14 b. As part of the ongoing strategy for implementation of
1 15 the statewide comprehensive plan, the council shall assist the
1 16 department in a statewide initiative to make drinking
1 17 fountains available, functional, and clean in all schools,
1 18 parks, and public buildings in the state so that all Iowans,
1 19 particularly students, have safe, easy, and convenient access
1 20 to free, good quality drinking water from modern facilities
1 21 throughout the day. Drinking fountains or drinking water taps
1 22 shall not be sited in toilet areas.

1 23 EXPLANATION

1 24 This bill requires the governor's council on physical
1 25 fitness and nutrition, as part of its duty to develop a
1 26 strategy for implementation of a statewide comprehensive plan
1 27 to increase physical activity, improve physical fitness,
1 28 improve nutrition, and promote healthy behaviors, to assist
1 29 the department of public health in a statewide initiative to
1 30 make drinking fountains available, functional, and clean in
1 31 all schools, parks, and public buildings in the state. The
1 32 purpose of the initiative is that all Iowans, particularly
1 33 students, have safe, easy, and convenient access to free, good
1 34 quality drinking water from modern facilities throughout the
1 35 day. The bill prohibits locating drinking fountains or



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

House File 389 - Introduced continued

- 2 1 drinking water taps in toilet areas.
- 2 2 LSB 2246HH 83
- 2 3 av/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 390 - Introduced

HOUSE FILE
BY WINDSCHITL

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

A BILL FOR

- 1 An Act relating to hunting by certain nonresident landowners on
- 2 land owned by them.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1777YH 83
- 5 av/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 390 - Introduced continued

PAG LIN

1 1 Section 1. Section 481C.2, Code 2009, is amended to read
1 2 as follows:

1 3 481C.2 DUTIES.

1 4 1. The director of the department of natural resources
1 5 shall enter into a memorandum of agreement with the United
1 6 States department of agriculture, animal damage control
1 7 division. The wild animal depredation unit shall serve and
1 8 act as the liaison to the department for ~~the producers~~ owners
1 9 and tenants in the state, as defined in section 483A.24, who
1 10 suffer crop, horticultural product, tree, or nursery damage
1 11 due to wild animals.

1 12 2. The department shall issue depredation permits to any
1 13 ~~landowner~~ owner or tenant, as defined in section 483A.24, who
1 14 incurs agricultural crop, horticultural product, tree, or
1 15 nursery damage of one thousand dollars or more due to wild
1 16 animals.

1 17 3. The criteria for issuing depredation licenses and
1 18 permits shall be established in administrative rules in
1 19 consultation with the farmer advisory committee created in
1 20 section 481A.10A. The administrative rules adopted pursuant
1 21 to this section shall not require ~~a producer~~ an owner or
1 22 tenant to erect or maintain fencing at a cost exceeding one
1 23 thousand dollars as a requisite for receiving a depredation
1 24 license or permit or for participation in a depredation plan.

1 25 Sec. 2. Section 481C.2A, subsections 1, 2, 3, and 7, Code
1 26 2009, are amended to read as follows:

1 27 1. Deer depredation licenses shall be available for
1 28 issuance as follows:

1 29 a. Deer depredation licenses shall be available for
1 30 issuance to resident hunters and to owners and tenants or
1 31 family members of owners and tenants as defined in section
1 32 483A.24.

1 33 b. Depredation licenses issued pursuant to this subsection
1 34 shall be valid to harvest antlerless deer only. Depredation
1 35 licenses that are issued to ~~a landowner and~~ owners and tenants



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 390 - Introduced continued

2 1 or family members of owners and tenants as defined in section
2 2 483A.24 shall be in addition to the number of free licenses
2 3 that are available for issuance to such persons under section
2 4 483A.24. ~~A landowner~~ An owner or tenant or a family member of
2 5 an owner or tenant may obtain one free depredation license for
2 6 each deer hunting season that is established by the
2 7 commission. Deer may be harvested with a rifle pursuant to a
2 8 depredation license in any area and in any season where the
2 9 commission authorizes the use of rifles.
2 10 c. Licenses issued pursuant to this subsection may be
2 11 issued at any time to a resident hunter who has permission to
2 12 hunt on the land for which the license is valid pursuant to
2 13 this subsection.
2 14 d. ~~A producer~~ An owner or tenant who enters into a
2 15 depredation agreement with the department of natural resources
2 16 shall be issued a set of authorization numbers. Each
2 17 authorization number authorizes the owner or tenant, a family
2 18 member of the owner or tenant, or a resident hunter to obtain
2 19 a depredation license that is valid only for taking antlerless
2 20 deer on the land designated in the ~~producer's~~ owner's or
2 21 tenant's depredation plan. ~~A producer~~ An owner or tenant may
2 22 transfer an authorization number issued to that ~~producer~~
2 23 person to a resident hunter who has permission to hunt on the
2 24 land for which the authorization number is valid. An
2 25 authorization number shall be valid to obtain a depredation
2 26 license in any season. ~~The provisions of this paragraph shall~~
~~2 27 be implemented by August 15, 2008.~~ A transferee who receives
2 28 an authorization number pursuant to this paragraph "d" shall
2 29 be otherwise qualified to hunt deer in this state, have a
2 30 hunting license, pay the wildlife habitat fee, and pay the one
2 31 dollar fee for the purpose of the deer herd population
2 32 management program.
2 33 2. Deer shooting permits shall be available for issuance
2 34 as follows:
2 35 a. Deer shooting permits shall be available for issuance



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 390 - Introduced continued

3 1 to ~~landowners~~ owners or tenants who incur crop, horticultural
3 2 product, tree, or nursery damage as provided in section 481C.2
3 3 and shall be available for issuance for use on areas where
3 4 public safety may be an issue.

3 5 b. Deer shooting permits issued pursuant to this
3 6 subsection shall be valid and may be used outside of
3 7 established deer hunting seasons.

3 8 3. Notwithstanding section 481C.2, subsection 3, ~~a~~
~~3 9 producer an owner or tenant~~ shall not be required to erect or
3 10 maintain fencing as a requisite for receiving a deer
3 11 depredation permit or for participation in a deer depredation
3 12 plan pursuant to this section.

3 13 7. The department shall conduct outreach programs for
3 14 farmers and farm and commodity organizations that explain the
3 15 deer depredation management program. The department shall
3 16 develop, by rule, a master hunter program and maintain a list
3 17 of master hunters who are available to assist ~~producers~~ owners
3 18 or tenants in the deer depredation management program by
3 19 increasing the harvest of antlerless deer on the ~~producer's~~
3 20 owner's or tenant's property.

3 21 Sec. 3. Section 483A.24, subsection 2, paragraph a, Code
3 22 2009, is amended to read as follows:

3 23 a. As used in this subsection:

3 24 (1) "Family member" means a ~~resident of Iowa~~ person who is
3 25 the spouse or child of the owner or tenant and who resides
3 26 with the owner or tenant.

3 27 (2) "Farm unit" means all parcels of land which are
3 28 certified by the commission pursuant to rule as meeting all of
3 29 the following requirements:

3 30 (a) Are in tracts of two or more contiguous acres.

3 31 (b) Are operated as a unit for agricultural purposes.

3 32 (c) Are under the lawful control of the owner or the
3 33 tenant.

3 34 (3) "Owner" means an owner of a farm unit who ~~is a~~
~~3 35 resident of Iowa and who~~ is one of the following:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 390 - Introduced continued

4 1 (a) Is the sole operator of the farm unit.

4 2 (b) Makes all of the farm operation decisions but
4 3 contracts for custom farming or hires labor for all or part of
4 4 the work on the farm unit.

4 5 (c) Participates annually in farm operation decisions or
4 6 cropping practices on specific fields of the farm unit that
4 7 are rented to a tenant.

4 8 (d) Raises specialty crops on the farm unit including, but
4 9 not limited to, orchards, nurseries, or tree farms that do not
4 10 always produce annual income but require annual operating
4 11 decisions about maintenance or improvement.

4 12 (e) Has all or part of the farm unit enrolled in a
4 13 long-term agricultural land retirement program of the federal
4 14 government.

4 15 (f) ~~An "owner" does not mean a person who owns~~ Owns a farm
4 16 unit and ~~who~~ employs a farm manager or third party to operate
4 17 the farm unit, or ~~a person who~~ owns a farm unit and ~~who~~ rents
4 18 the entire farm unit to a tenant who is responsible for all
4 19 farm operations. ~~However, this paragraph does not apply to an~~
~~4 20 owner who is a parent of the tenant and who resides in this~~
~~4 21 state.~~

4 22 (4) "Tenant" means a person who is a resident of Iowa and
4 23 who rents and actively farms a farm unit owned by another
4 24 person. A member of the owner's family may be a tenant. A
4 25 person who works on the farm for a wage and is not a family
4 26 member does not qualify as a tenant.

4 27 EXPLANATION

4 28 This bill relates to hunting, particularly deer hunting, by
4 29 certain nonresident landowners on land owned by them.

4 30 Code chapter 481C, concerning the state's wild animal
4 31 depredation procedures, is amended to apply to nonresident
4 32 owners of farm units as defined in Code section 483A.24. The
4 33 bill provides that depredation licenses and permits, and in
4 34 particular deer depredation licenses and permits, be available
4 35 for issuance to resident and nonresident owners who incur



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 390 - Introduced continued

5 1 agricultural crop, horticultural product, tree, or nursery
5 2 damage of \$1,000 or more due to wild animals, particularly
5 3 deer.
5 4 Deer depredation licenses may be transferred by a resident
5 5 or nonresident owner or tenant to a resident hunter for use on
5 6 the land designated in the depredation plan. Deer shooting
5 7 permits are available to resident and nonresident owners and
5 8 tenants who incur such damage, for use on areas where public
5 9 safety may be an issue, and outside of established deer
5 10 hunting seasons.
5 11 Code section 483A.24 is amended to allow a nonresident
5 12 owner of a farm unit, or a family member of such an owner to
5 13 hunt, fish, and trap on the farm unit without a license and to
5 14 obtain special licenses to hunt deer and wild turkey on that
5 15 farm unit, just as resident owners and their families do.
5 16 The bill also changes the definition of "owner" of a farm
5 17 unit to include a person who owns a farm unit and employs a
5 18 farm manager or third party to operate the farm unit or who
5 19 rents the entire farm unit to a tenant who is responsible for
5 20 all farm operations. "Farm unit" means all parcels of land
5 21 which are certified by the natural resource commission as
5 22 being in tracts of two or more contiguous acres, operated as a
5 23 unit for agricultural purposes, and under the lawful control
5 24 of the owner or tenant.
5 25 LSB 1777YH 83
5 26 av/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 391 - Introduced

HOUSE FILE
BY WINDSCHITL, SCHULTZ, and
DE BOEF

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to lining exemptions for sanitary landfills.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2027YH 83
- 4 tm/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 391 - Introduced continued

PAG LIN

1 1 Section 1. Section 455B.304, Code 2009, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 20. The commission shall adopt rules
1 4 providing an exemption from requirements regarding the lining
1 5 of sanitary landfills if the sanitary landfill for which the
1 6 exemption is sought has only received construction and
1 7 demolition waste during the fifteen years prior to the date of
1 8 the application for an exemption and the sanitary landfill has
1 9 not received residential waste during that same time period.

1 10 EXPLANATION

1 11 This bill relates to lining exemptions for sanitary
1 12 landfills.

1 13 The bill requires the environmental protection commission
1 14 to adopt rules providing an exemption from requirements
1 15 regarding the lining of sanitary landfills if the sanitary
1 16 landfill for which the exemption is sought has only received
1 17 construction and demolition waste during the 15 years prior to
1 18 the date of the application for an exemption and the sanitary
1 19 landfill has not received residential waste during that same
1 20 time period.

1 21 LSB 2027YH 83

1 22 tm/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 392 - Introduced

HOUSE FILE
BY WINDSCHITL, SCHULTZ,
STRUYK, HUSEMAN, and
DE BOEF

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to walking and horseback riding trails on public
- 2 land under the jurisdiction of the natural resource
- 3 commission, and providing for penalties.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2064YH 83
- 6 av/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 392 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 481A.6A WALKING AND HORSEBACK
1 2 RIDING ON PUBLIC LAND.
1 3 1. a. Walking and horseback riding shall be allowed on
1 4 all public land under the jurisdiction of the commission. The
1 5 commission, by rule, shall designate walking and horseback
1 6 riding trails and post proper signage for the walking and
1 7 horseback riding trails on all public land under the
1 8 jurisdiction of the commission. The commission shall by rule
1 9 determine where such trails shall be located and under what
1 10 conditions the trails may be used for walking and horseback
1 11 riding, consistent with sound game and land management
1 12 practices and federal requirements for such areas. A person
1 13 walking or horseback riding on such public land shall use only
1 14 trails officially designated and properly signed for such use.
1 15 b. An individual or group of individuals may request a
1 16 special use off-trail walking or horseback riding permit by
1 17 submitting an application to the department specifying where
1 18 the proposed off-trail walking or horseback riding event is to
1 19 take place. The commission, by rule, shall determine under
1 20 what conditions off-trail walking or horseback riding may be
1 21 approved on public land under the commission's jurisdiction.
1 22 c. For the purposes of this subsection, "horse" means any
1 23 equine animal including horses, mules, burros, donkeys, and
1 24 all llamas or alpaca-like animals.
1 25 2. An individual or group of individuals that is issued a
1 26 special use off-trail walking or horseback riding permit shall
1 27 contact the department not more than twenty-four hours prior
1 28 to the time of the proposed off-trail walking or horseback
1 29 riding event for information about current conditions in the
1 30 area. The department may exercise discretion, as determined
1 31 by the commission by rule, to rescind a special permit, or to
1 32 relocate or reschedule an off-trail walking or horseback
1 33 riding event based on current conditions in the area.
1 34 Sec. 2. Section 805.8B, subsection 3, paragraph c, Code
1 35 2009, is amended to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 392 - Introduced continued

2 1 c. For violations of sections 481A.6, 481A.6A, 481A.21,
2 2 481A.22, 481A.26, 481A.50, 481A.56, 481A.60 through 481A.62,
2 3 481A.83, 481A.84, 481A.92, 481A.123, 481A.145, subsection 3,
2 4 sections 482.7, 483A.7, 483A.8, 483A.23, and 483A.24, the
2 5 scheduled fine is twenty-five dollars.

2 6 EXPLANATION

2 7 This bill relates to walking and horseback riding on public
2 8 land under the jurisdiction of the natural resource
2 9 commission. The bill requires the natural resource
2 10 commission, by rule, to designate walking and horseback riding
2 11 trails and post signage for such trails on all public land
2 12 under the commission's jurisdiction in the state. The
2 13 commission, by rule, shall determine where such trails shall
2 14 be located and under what conditions the trails may be used
2 15 for walking or horseback riding, consistent with sound game
2 16 and land management practices and federal requirements for
2 17 such areas. A walker or horseback rider must use designated
2 18 trails.

2 19 The commission is also authorized to make available a
2 20 special use off-trail walking or horseback riding permit upon
2 21 the request of an individual or group of individuals to the
2 22 department of natural resources specifying where the proposed
2 23 off-trail walking or horseback riding event is to take place.
2 24 The commission, by rule, shall determine under what conditions
2 25 off-trail walking or horseback riding may be approved in such
2 26 areas. An individual or group of individuals that is issued
2 27 such a special use permit is required to contact the
2 28 department not more than 24 hours prior to the time of the
2 29 event for information about current conditions in the area.
2 30 The department may exercise discretion, as determined by the
2 31 commission by rule, to rescind the permit, or to relocate or
2 32 reschedule the event based on current conditions in the area.

2 33 For the purposes of the bill, "horse" means any equine
2 34 animal including horses, mules, burros, donkeys, and all
2 35 llamas or alpaca-like animals.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

House File 392 - Introduced continued

3 1 A violation of the bill's provisions is punishable by a
3 2 scheduled fine of \$25.
3 3 LSB 2064YH 83
3 4 av/nh/14.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House File 393 - Introduced

HOUSE FILE
BY KAUFMANN and WORTHAN

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

A BILL FOR

- 1 An Act relating to licenses and endorsements issued by the board
- 2 of educational examiners.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1308YH 83
- 5 kh/nh/5



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

House File 393 - Introduced continued

PAG LIN

1 1 Section 1. Section 272.2, subsection 16, Code 2009, is
1 2 amended to read as follows:

1 3 16. Adopt criteria for administrative endorsements ~~that.~~

1 4 a. The board shall allow a person to achieve ~~the an~~
1 5 endorsement authorizing the person to serve as an elementary
1 6 or secondary principal without regard to the grade level at
1 7 which the person accrued teaching experience.

1 8 b. The board shall establish criteria, and issuance and
1 9 renewal requirements, for an administrator English as a second
1 10 language endorsement.

1 11 Sec. 2. Section 272.8, Code 2009, is amended to read as
1 12 follows:

1 13 272.8 LICENSE TO LICENSURE OF APPLICANTS AND APPROVAL OF
1 14 PRACTITIONER PREPARATION PROGRAMS FROM OTHER STATES OR
1 15 COUNTRIES.

1 16 1. The board may issue a license to an applicant from
1 17 another state or country if the applicant files evidence of
1 18 the possession of the required or equivalent requirements with
1 19 the board. The license issued by the board shall be
1 20 comparable to the license the applicant possesses or is
1 21 qualified to possess in the other state or country.

1 22 2. The executive director of the board may, subject to
1 23 board approval, enter into reciprocity agreements with another
1 24 state or country for the licensing of practitioners on an
1 25 equitable basis of mutual exchange, when the action is in
1 26 conformity with law.

1 27 3. Practitioner preparation and professional development
1 28 programs offered in this state by out-of-state institutions
1 29 must be approved by the board in order to fulfill requirements
1 30 for licensure or renewal of a license by an applicant.

EXPLANATION

1 31
1 32 This bill requires the board of educational examiners to
1 33 establish criteria for an administrator English as a second
1 34 language endorsement. The bill also provides that when the
1 35 board issues a license to an applicant from another state or



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

House File 393 - Introduced continued

2 1 country, the license issued by the board shall be comparable
2 2 to the license issued in the other state or country.
2 3 LSB 1308YH 83
2 4 kh/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Joint Resolution 5 - Introduced

HOUSE JOINT RESOLUTION
BY PAULSEN

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

HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution of
2 the State of Iowa to allow the recall, by petition and
3 election, of the Governor, Lieutenant Governor, Secretary of
4 State, Auditor of State, Treasurer of State, Attorney General,
5 and members of the General Assembly.
6 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 2368YH 83
8 sc/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Joint Resolution 5 - 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 1. Article XI of the Constitution of the State of Iowa is
1 4 amended by adding the following new section:

1 5 RECALL OF ELECTIVE STATE OFFICERS. SEC. 9. The Governor,
1 6 Lieutenant Governor, Secretary of State, Auditor of State,
1 7 Treasurer of State, Attorney General, and members of the
1 8 General Assembly shall be subject to recall from office by the
1 9 eligible electors of the State whenever a petition demanding
1 10 recall is filed with the official with whom nomination papers
1 11 for the office are filed, and such official shall call a
1 12 special election on the recall of the officer in accordance
1 13 with a procedure established in law by the General Assembly.

1 14 Sec. 2. REFERRAL AND PUBLICATION. The foregoing amendment
1 15 to the Constitution of the State of Iowa is referred to the
1 16 General Assembly to be chosen at the next general election for
1 17 members of the General Assembly and the Secretary of State is
1 18 directed to cause the same to be published for three
1 19 consecutive months previous to the date of that election as
1 20 provided by law.

1 21 EXPLANATION

1 22 This joint resolution proposes an amendment to the
1 23 Constitution of the State of Iowa which would allow the recall
1 24 from office of the governor, lieutenant governor, secretary of
1 25 state, auditor of state, treasurer of state, attorney general,
1 26 and members of the general assembly, after petition and
1 27 election by the eligible electors of the state.

1 28 The resolution, if adopted, would be referred to the next
1 29 general assembly before being submitted to the electorate for
1 30 ratification.

1 31 LSB 2368YH 83

1 32 sc/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Resolution 16 - Introduced

PAG LIN

H.R. _____ S.R. _____

1 1 HOUSE RESOLUTION NO.
1 2 BY BELL
1 3 A Resolution requesting the Congress of the United
1 4 States to give due consideration to the readiness
1 5 of the Republic of China on Taiwan for membership
1 6 in the United Nations.
1 7 WHEREAS, the Republic of China on Taiwan has
1 8 established a democratic, multiparty political system,
1 9 its diplomacy aimed at national unification
1 10 demonstrates its progressive spirit as a government
1 11 and a people, and its inclusion in the United Nations
1 12 would only further the universality of this essential
1 13 global forum; and
1 14 WHEREAS, already having provided many developing
1 15 nations with financial assistance, as well as overseas
1 16 aid, training, and disaster relief, Taiwan has amply
1 17 illustrated its concern for the welfare of the world;
1 18 and
1 19 WHEREAS, the government of Taiwan has accepted the
1 20 obligations contained in the United Nations Charter
1 21 and agrees to promote international peace and
1 22 security; and
1 23 WHEREAS, the fundamental right of almost 23 million
1 24 citizens of Taiwan to be partners in the community of
1 25 nations should no longer be denied; NOW THEREFORE,
1 26 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
1 27 That the House of Representatives supports the
1 28 membership of the Republic of China on Taiwan in the
1 29 United Nations and urges due consideration by the
1 30 Congress of the United States; and



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

House Resolution 16 - Introduced continued

2 1 BE IT FURTHER RESOLVED, That upon adoption, an
2 2 official copy of this Resolution be prepared and
2 3 presented to the President of the United States
2 4 Senate, the Secretary of the United States Senate, the
2 5 Speaker of the United States House of Representatives,
2 6 the Clerk of the United States House of
2 7 Representatives, the members of Iowa's congressional
2 8 delegation, and the Secretary General of the United
2 9 Nations.
2 10 LSB 2413HH 83
2 11 jr/rj/5



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

House Resolution 17 - Introduced

PAG LIN

H.R. _____ S.R. _____

1 1 HOUSE RESOLUTION NO.

1 2 BY GASKILL, WHITAKER, PALMER, SWAIM, KEARNS,

1 3 ZIRKELBACH, HUNTER, GAYMAN, ABDUL=SAMAD, TYMESON,

1 4 REASONER, FICKEN, DE BOEF, KRESSIG, MERTZ, WHITEAD,

1 5 WINDSCHITL, STECKMAN, SORENSON, WENDT, THOMAS,

1 6 ALONS, MAREK, DEYOE, HUSEMAN, SANDS, SMITH, DRAKE,

1 7 ARNOLD, and WINCKLER

1 8 A Resolution honoring the sacrifices and service of the

1 9 Ottumwa National Guard.

1 10 WHEREAS, the 833rd Engineer Company, an Iowa

1 11 National Guard unit based in Ottumwa, has returned

1 12 home following a year on active duty; and

1 13 WHEREAS, the company's 120 soldiers were deployed

1 14 for their second tour of duty in Iraq and previously

1 15 were home for less than two years between deployments;

1 16 and

1 17 WHEREAS, during the deployment, the sappers of the

1 18 833rd are credited with conducting 495 combat patrols,

1 19 destroying 55 explosive devices in place, and clearing

1 20 more than 40,000 miles of roads; and

1 21 WHEREAS, the company, dating back to 1955, has a

1 22 rich history of awards which include the Eisenhower

1 23 Trophy for Outstanding Unit, nine times winning the

1 24 Army Superior Unit Award, and multiple awards of the

1 25 Phillip A. Connelly Award for Outstanding Food Service

1 26 section, along with numerous other awards and

1 27 distinctions; NOW THEREFORE,

1 28 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,

1 29 That the House of Representatives, on behalf of a

1 30 grateful state and nation, thanks the sappers of the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

House Resolution 17 - Introduced continued

2 1 833rd Engineer Company for their service to America
2 2 and welcomes them back to their Iowa homes.
2 3 LSB 2325HH 83
2 4 jr/rj/14



Iowa General Assembly
 Daily Bills, Amendments & Study Bills
 February 19, 2009

House Resolution 18 - Introduced

PAG LIN

H.R. _____ S.R. _____

1 1 HOUSE RESOLUTION NO.
 1 2 BY BELL
 1 3 A Resolution supporting a proposal to invite the
 1 4 Republic of China (Taiwan) to participate in the
 1 5 upcoming meeting of the World Health Assembly as an
 1 6 observer.
 1 7 WHEREAS, the sixty-second World Health Assembly
 1 8 meeting is scheduled to take place May 18 through 27,
 1 9 2009, in Geneva, Switzerland; and
 1 10 WHEREAS, the Republic of China, commonly known as
 1 11 Taiwan, was a founding member of the World Health
 1 12 Organization and participated for 24 years as a full
 1 13 member contributing to achieving the organization's
 1 14 objectives; and
 1 15 WHEREAS, in 1972, in the wake of the admission of
 1 16 the People's Republic of China to the United Nations,
 1 17 Taiwan's membership in the World Health Organization
 1 18 was discontinued; and
 1 19 WHEREAS, Taiwanese health officials and medical
 1 20 professionals have been unable to participate in World
 1 21 Health Organization forums and workshops regarding
 1 22 technological advances in the diagnosis, monitoring,
 1 23 and control of diseases since 1972, and have been
 1 24 denied the right to maintain contact and coordination
 1 25 with the World Health Organization in emergency
 1 26 situations involving the containment and cure of
 1 27 existing and newly emerging infectious diseases; and
 1 28 WHEREAS, Taiwan's location at the juncture of
 1 29 important maritime routes between northeast and
 1 30 southeast Asia has resulted in extensive world trade



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

House Resolution 18 - Introduced continued

2 1 with Taiwan, a thriving Taiwanese tourism industry,
2 2 and a large foreign migrant worker population in
2 3 Taiwan; and
2 4 WHEREAS, Taiwan's absence from the World Health
2 5 Organization system has become a missing link in the
2 6 global framework of providing health and medical care;
2 7 and
2 8 WHEREAS, the granting of observer status to Taiwan
2 9 would not constitute a challenge to representation by
2 10 the People's Republic of China in the World Health
2 11 Organization and would demonstrate that the
2 12 organization is inclusive with regard to Taiwan's 23
2 13 million inhabitants; and
2 14 WHEREAS, as a democratically elected government,
2 15 the government of Taiwan has a duty and responsibility
2 16 to ensure that the people of Taiwan are represented in
2 17 an organization which establishes and oversees an
2 18 international framework for the control of disease and
2 19 the promotion of universal health; and
2 20 WHEREAS, Taiwan has made substantial progress in
2 21 the health field, has one of the highest life
2 22 expectancy rates in Asia, has maternal and infant
2 23 mortality rates comparable to those in western
2 24 countries, has eradicated infectious diseases such as
2 25 cholera, smallpox, and the plague, and has been the
2 26 first country in the region to eradicate polio and
2 27 provide children with hepatitis B vaccinations; and
2 28 WHEREAS, Taiwan has expressed a willingness in
2 29 recent years to provide financial and technological
2 30 assistance in international aid and health activities



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

House Resolution 18 - Introduced continued

3 1 supported by the World Health Organization; NOW
3 2 THEREFORE,
3 3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
3 4 That the House of Representatives supports the
3 5 granting of observer status to Taiwan during the World
3 6 Health Assembly to be held in May 2009; and
3 7 BE IT FURTHER RESOLVED, That an official copy of
3 8 this Resolution be prepared and forwarded by the Chief
3 9 Clerk of the House of Representatives to the governing
3 10 authority and member states of the World Health
3 11 Organization, the World Health Assembly, and the
3 12 governments of Taiwan and of the People's Republic of
3 13 China.
3 14 LSB 2273HH 83
3 15 rn/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 198

SENATE/HOUSE FILE
BY (PROPOSED GOVERNOR'S BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to disaster recovery by providing for historic
- 2 preservation tax credits.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1726XL 83
- 5 tw/mg:sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 198 continued

PAG LIN

1 1 Section 1. Section 404A.4, subsection 4, Code 2009, is
1 2 amended to read as follows:
1 3 4. a. The total amount of tax credits that may be
1 4 approved for a fiscal year under this chapter shall not exceed
1 5 ten million dollars in the fiscal year beginning July 1, 2007,
1 6 fifteen million dollars in the fiscal year beginning July 1,
1 7 2008, ~~and twenty forty~~ million dollars in the each fiscal year
1 8 for the fiscal period beginning July 1, 2009, and ending June
1 9 30, 2013, and twenty million dollars each fiscal year
1 10 thereafter.

1 11 b. Of the first twenty million dollars in tax credits
1 12 approved for a fiscal year under this chapter, ten percent of
1 13 the dollar amount of tax credits shall be allocated for
1 14 purposes of new projects with qualified costs of five hundred
1 15 thousand dollars or less, and forty percent of the dollar
1 16 amount of tax credits shall be allocated for purposes of new
1 17 projects located in cultural and entertainment districts
1 18 certified pursuant to section 303.3B or identified in Iowa
1 19 great places agreements developed pursuant to section 303.3C.
1 20 Any of the tax credits allocated for projects located in
1 21 certified cultural and entertainment districts or identified
1 22 in Iowa great places agreements and for projects with a cost
1 23 of five hundred thousand dollars or less that are not reserved
1 24 during a fiscal year shall be applied to reserved tax credits
1 25 issued in accordance with section 404A.3 in order of original
1 26 reservation.

1 27 c. Of the remaining amount of tax credits approved for
1 28 each fiscal year of the fiscal period beginning July 1, 2009,
1 29 and ending June 30, 2013, after applying paragraph "b", one
1 30 hundred percent of the dollar amount of tax credits shall be
1 31 allocated for purposes of projects that are undertaken in
1 32 response to natural disasters occurring in calendar year 2008.
1 33 Projects approved for a tax credit pursuant to this paragraph
1 34 shall be located in an area declared a disaster area in
1 35 calendar year 2008 by the governor or by a federal official,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 198 continued

2 1 shall have sustained damage as a result of a natural disaster
2 2 occurring in calendar year 2008, and shall either have been
2 3 approved by the federal emergency management agency for
2 4 assistance or have executed loan documents for a disaster loan
2 5 from an eligible lender.

2 6 (1) For purposes of this paragraph, "eligible lender"
2 7 means an entity that provides disaster recovery loans to
2 8 businesses. "Eligible lender" includes but is not limited to
2 9 the United States small business administration, a financial
2 10 institution, an economic development organization, a rural
2 11 electric or telephone cooperative that has established a
2 12 revolving loan fund or an intermediary relending program with
2 13 either the federal economic development administration or the
2 14 United States department of agriculture.

2 15 (2) This paragraph "c" is repealed on June 30, 2013.

2 16 d. The department of cultural affairs shall establish by
2 17 rule the procedures for the application, review, selection,
2 18 and awarding of certifications of completion. The departments
2 19 of cultural affairs and revenue shall each adopt rules to
2 20 jointly administer this subsection and shall provide by rule
2 21 for the method to be used to determine for which fiscal year
2 22 the tax credits are available. With the exception of tax
2 23 credits issued pursuant to contracts entered into prior to
2 24 July 1, 2007, tax credits shall not be reserved for more than
2 25 three years.

2 26 EXPLANATION

2 27 This bill relates to disaster recovery by providing for
2 28 historic preservation tax credits.

2 29 The bill authorizes an additional \$20 million in historic
2 30 preservation and cultural and entertainment district tax
2 31 credits each fiscal year for the fiscal period beginning July
2 32 1, 2009, and ending June 30, 2013. The additional tax credits
2 33 are authorized for projects that would otherwise meet the
2 34 requirements for a tax credit and which also meet all of the
2 35 following requirements: (1) the rehabilitation project must



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

House Study Bill 198 continued

3 1 be located in an area declared a disaster area by the governor
3 2 or by a federal official and must have sustained damage as a
3 3 result of a natural disaster occurring in 2008; (2) the
3 4 taxpayer applying for the tax credit must either have been
3 5 approved by the federal emergency management agency for
3 6 assistance or have executed loan documents for a disaster loan
3 7 from an entity that provides disaster recovery loans to
3 8 businesses. The additional credit amounts are not available
3 9 after June 30, 2013, and the provision governing their
3 10 issuance is repealed on that date.
3 11 LSB 1726XL 83
3 12 tw/mg:sc/5.2



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 199

HOUSE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON MASCHER)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for a postelection audit after each general
- 2 election and including effective and applicability date
- 3 provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2007YC 83
- 6 sc/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 199 continued

PAG LIN

1 1 Section 1. Section 49.53, subsection 1, Code 2009, is
1 2 amended to read as follows:
1 3 1. The commissioner shall not less than four nor more than
1 4 twenty days before the day of each election, except those for
1 5 which different publication requirements are prescribed by
1 6 law, publish notice of the election. The notice shall contain
1 7 a facsimile of the portion of the ballot containing the first
1 8 rotation as prescribed by section 49.31, subsection 2, and
1 9 shall show the names of all candidates or nominees and the
1 10 office each seeks, and all public questions, to be voted upon
1 11 at the election. The sample ballot published as a part of the
1 12 notice may at the discretion of the commissioner be reduced in
1 13 size relative to the actual ballot but such reduction shall
1 14 not cause upper case letters appearing in candidates' names or
1 15 in summaries of public measures on the published sample ballot
1 16 to be less than ninety percent of the size of such upper case
1 17 letters appearing on the actual ballot. The notice shall also
1 18 state the date of the election, the hours the polls will be
1 19 open, the location of each polling place at which voting is to
1 20 occur in the election, the location of the polling places
1 21 designated as early ballot pick-up sites, and the names of the
1 22 precincts voting at each polling place, but the statement need
1 23 not set forth any fact which is apparent from the portion of
1 24 the ballot appearing as a part of the same notice. The notice
1 25 shall include the full text of all public measures to be voted
1 26 upon at the election. For the general election, the notice
1 27 shall also include notice of the time and place of the
1 28 postelection audit required in section 50.51.

1 29 Sec. 2. Section 50.12, Code 2009, is amended to read as
1 30 follows:

1 31 50.12 RETURN AND PRESERVATION OF BALLOTS.

1 32 Immediately after making the proclamation, and before
1 33 separating, the board members of each precinct in which votes
1 34 have been received by paper ballot shall enclose in an
1 35 envelope or other container all ballots which have been



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 199 continued

2 1 counted by them, except those endorsed "Rejected as double",
2 2 "Defective", or "Objected to", and securely seal the envelope.
2 3 The signatures of all board members of the precinct shall be
2 4 placed across the seal or the opening of the container so that
2 5 it cannot be opened without breaking the seal. The precinct
2 6 election officials shall return all the ballots to the
2 7 commissioner, who shall carefully preserve them for six
2 8 months. Ballots from elections for federal offices shall be
2 9 preserved for twenty-two months. The sealed packages
2 10 containing voted ballots shall be opened only for an official
2 11 recount authorized by section 50.48, 50.49, or 50.50, for an
2 12 election contest held pursuant to chapters 57 through 62, for
2 13 a postelection audit required by section 50.51, or to destroy
2 14 the ballots pursuant to section 50.19.

2 15 Sec. 3. Section 50.48, subsection 1, paragraph a,
2 16 unnumbered paragraph 1, Code 2009, is amended to read as
2 17 follows:

2 18 The county board of canvassers shall order a recount of the
2 19 votes cast for a particular office or nomination in one or
2 20 more specified election precincts in that county if a written
2 21 request ~~therefor~~ for a recount is made not later than 5:00
2 22 p.m. on the third day following the county board's canvass of
2 23 the election in question. However, if a postelection audit is
2 24 expanded pursuant to section 50.51, subsection 6, paragraph
2 25 "c", the request for a recount shall be made not later than
2 26 5:00 p.m. on the first business day following completion of
2 27 the audit. The request shall be filed with the commissioner
2 28 of that county, or with the commissioner responsible for
2 29 conducting the election if section 47.2, subsection 2, is
2 30 applicable, and shall be signed by either of the following:

2 31 Sec. 4. NEW SECTION. 50.51 POSTELECTION AUDIT.

2 32 1. a. After each general election, a postelection audit
2 33 of the tabulation of votes shall be conducted as provided in
2 34 this section.

2 35 b. A postelection audit conducted pursuant to this section



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 199 continued

3 1 shall not affect a person's right to request a recount under
3 2 section 50.48 or the right of electors to request a recount of
3 3 a public measure under section 50.49 or the commissioner's
3 4 right to request an administrative recount under section
3 5 50.50. If a request for a recount is filed under section
3 6 50.48, a postelection audit of the office for which the
3 7 recount was requested shall not be conducted or shall be
3 8 terminated, as the case may be.

3 9 2. The commissioner shall include notice of the time and
3 10 place of the postelection audit in the notice of the election
3 11 published pursuant to section 49.53. The commissioner shall
3 12 also notify the county chairperson of each political party
3 13 referred to in section 49.13, subsection 2, of the time and
3 14 place of the postelection audit.

3 15 3. a. The postelection audit shall be conducted for the
3 16 offices of president of the United States and governor and an
3 17 additional office listed in paragraph "b" or "c", and the
3 18 offices listed in paragraph "d", if applicable.

3 19 b. When the office of president of the United States
3 20 appears on the ballot, the votes cast for one of the following
3 21 contested offices shall be audited:

- 3 22 (1) United States senator.
- 3 23 (2) United States representative.
- 3 24 (3) Senator in the general assembly.
- 3 25 (4) Representative in the general assembly.

3 26 c. When the office of governor appears on the ballot, the
3 27 votes cast for one of the following contested offices shall be
3 28 audited:

- 3 29 (1) United States senator.
- 3 30 (2) United States representative.
- 3 31 (3) Senator in the general assembly.
- 3 32 (4) Representative in the general assembly.
- 3 33 (5) Secretary of state.
- 3 34 (6) Auditor of state.
- 3 35 (7) Treasurer of state.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 199 continued

- 4 1 (8) Attorney general.
4 2 (9) Secretary of agriculture.
4 3 d. The additional office to be audited under paragraph "b"
4 4 or "c" shall be chosen by lot at the same time and in the same
4 5 manner that precincts to be audited are chosen pursuant to
4 6 subsection 4. If in the election to be audited, none of the
4 7 offices listed in paragraph "b" were contested races, the
4 8 offices of county supervisor, county auditor, and county
4 9 sheriff shall be entered in the lot, and if none of the
4 10 offices listed in paragraph "c" were contested races, the
4 11 offices of county supervisor, county attorney, county
4 12 treasurer, and county recorder shall be entered in the lot.
4 13 e. In addition to the offices listed in this subsection as
4 14 being subject to the postelection audit, the commissioner may
4 15 choose to include any other office or public measure that
4 16 appeared on the ballot in those precincts chosen for the
4 17 postelection audit.
4 18 4. a. The precincts for which a postelection audit shall
4 19 be conducted shall be chosen by lot by the chairperson of the
4 20 county board of canvassers on the day the canvass of the
4 21 general election is conducted. After the precincts have been
4 22 chosen, the additional office to be audited, as provided in
4 23 subsection 3, shall be chosen by lot by the chairperson. The
4 24 selection proceedings shall be open to the public and to
4 25 observers from the political parties.
4 26 b. The number of precincts chosen shall be as follows:
4 27 (1) In counties with fifty thousand or fewer registered
4 28 voters, two precincts.
4 29 (2) In counties with more than fifty thousand registered
4 30 voters up to and including one hundred thousand registered
4 31 voters, three precincts.
4 32 (3) In counties with more than one hundred thousand
4 33 registered voters up to and including two hundred thousand
4 34 registered voters, four precincts.
4 35 (4) In counties with more than two hundred thousand



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 199 continued

5 1 registered voters, six precincts.

5 2 c. The absentee and special voters precinct established in
5 3 section 53.20 shall be considered a precinct for purposes of a
5 4 postelection audit. If the absentee and special voters
5 5 precinct is chosen by lot to be audited, a number of ballots
5 6 equal to five percent of the absentee ballots cast in the
5 7 election shall be audited.

5 8 d. For purposes of paragraph "b", "registered voters"
5 9 means those persons registered to vote as of the close of
5 10 registration for the general election pursuant to section
5 11 48A.9, subsection 1.

5 12 e. The county board of canvassers shall not use a
5 13 computerized process of randomization as the method of
5 14 selecting by lot the precincts and offices to be audited.

5 15 5. The commissioner shall appoint the members of the
5 16 postelection audit board. The postelection audit board shall
5 17 be comprised of members affiliated with the political parties
5 18 as provided for regular elections boards in section 49.12.

5 19 6. a. When all members of the postelection audit board
5 20 have been selected, the board shall undertake and complete the
5 21 required audit no later than two business days following the
5 22 canvass. The ballots in each precinct chosen shall be counted
5 23 by hand. The commissioner or the commissioner's designee
5 24 shall supervise the handling of ballots, tally lists, and the
5 25 printed reports from the automatic tabulating equipment to
5 26 ensure that the ballots, tally lists, and printed reports are
5 27 protected from alteration or damage. The board shall open
5 28 only the sealed ballot containers from the precincts chosen to
5 29 be audited. The board shall recount only the ballots which
5 30 were voted and counted for the office in question, including
5 31 any disputed ballots returned as required in section 50.5.

5 32 b. Immediately following the conclusion of the audit, the
5 33 postelection audit board shall make and file with the
5 34 commissioner a written report of its findings, which report
5 35 shall be signed by the chairperson of the postelection audit



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 199 continued

6 1 board and one other member of the board who is affiliated with
6 2 a political party different than that of the chairperson.

6 3 c. (1) If the postelection audit of an office reveals a
6 4 difference greater than one-half of one percent, but no fewer
6 5 than two votes, from the results on the printed report from
6 6 the automatic tabulating equipment, the postelection audit
6 7 board shall, within two days, conduct an audit of the offices
6 8 for which such difference was found in at least two additional
6 9 precincts chosen in the same manner the original precincts
6 10 were chosen and shall immediately report the results to the
6 11 commissioner.

6 12 (2) If the second audit also indicates a difference in the
6 13 vote totals that is greater than one-half of one percent, but
6 14 no fewer than two votes, from the results on the printed
6 15 report from the automatic tabulating equipment, the
6 16 commissioner shall immediately notify the state commissioner
6 17 of elections.

6 18 (3) The state commissioner of elections may direct the
6 19 commissioner, or any other commissioner of a county where the
6 20 office appeared on the ballot, to conduct an additional audit
6 21 of the office in a number of precincts determined by the state
6 22 commissioner.

6 23 7. All reports pertaining to a postelection audit shall be
6 24 filed with the state commissioner of elections, and the state
6 25 commissioner shall make public the results of the postelection
6 26 audit in each county as those reports are received.

6 27 8. The state commissioner of elections shall adopt rules
6 28 to implement this section including but not limited to rules
6 29 establishing criteria for the state commissioner to utilize
6 30 when evaluating the results of postelection audits.

6 31 Sec. 5. EFFECTIVE AND APPLICABILITY DATES. This Act takes
6 32 effect July 1, 2010, and applies to the general election held
6 33 in 2010 and all subsequent general elections.

6 34 EXPLANATION

6 35 This bill requires a postelection audit after each general



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 199 continued

7 1 election. The postelection audit is a hand count of the
7 2 ballots cast in certain contested, partisan offices in
7 3 selected precincts. The precincts and offices to be audited
7 4 are to be selected publicly by lot by the county board of
7 5 canvassers, except that the office of President of the United
7 6 States and governor are required to be audited after each
7 7 general election.

7 8 The bill provides that the number of precincts to be
7 9 audited is as follows:

7 10 (1) In counties with 50,000 or fewer registered voters,
7 11 two precincts.

7 12 (2) In counties with more than 50,000 registered voters up
7 13 to and including 100,000 registered voters, three precincts.

7 14 (3) In counties with more than 100,000 registered voters
7 15 up to and including 200,000 registered voters, four precincts.

7 16 (4) In counties with more than 200,000 registered voters,
7 17 six precincts.

7 18 The bill provides that if the postelection audit reveals a
7 19 difference greater than one-half of 1 percent from the results
7 20 on the printed report from the automatic tabulating equipment,
7 21 the postelection audit board shall, within two days, conduct
7 22 an audit of the offices for which such difference was found in
7 23 at least two additional precincts. If the second audit also
7 24 indicates a difference in the vote totals that is greater than
7 25 one-half of 1 percent, but no fewer than two votes, from the
7 26 results on the printed report from the automatic tabulating
7 27 equipment, the commissioner shall immediately notify the state
7 28 commissioner of elections. The state commissioner may direct
7 29 the commissioner, or any other commissioner of a county where
7 30 the office appeared on the ballot, to conduct an additional
7 31 audit of the office in a number of precincts determined by the
7 32 state commissioner.

7 33 The bill provides that if a recount of an office is
7 34 requested, the postelection audit of that office shall not be
7 35 conducted or shall be terminated, as the case may be.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

House Study Bill 199 continued

8 1 The bill requires the state commissioner of elections to
8 2 make public the results of postelection audits.
8 3 The bill takes effect July 1, 2010, and applies to the
8 4 general election held in 2010 and all subsequent general
8 5 elections.
8 6 LSB 2007YC 83
8 7 sc/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 200

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to bidding requirements for public improvement
- 2 projects completed by certain state entities.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1305XD 83
- 5 ec/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 200 continued

PAG LIN

1 1 Section 1. Section 26.14A, subsection 2, Code 2009, is
1 2 amended to read as follows:
1 3 2. ~~If~~ Except as provided in subsection 3, if the total
1 4 estimated cost of the public improvement does not warrant
1 5 either competitive quotations under section 26.14 or
1 6 competitive bidding under section 26.3, the governmental
1 7 entity may nevertheless proceed with competitive quotations or
1 8 competitive bidding for the public improvement.

1 9 Sec. 2. Section 26.14A, Code 2009, is amended by adding
1 10 the following new subsection:

1 11 NEW SUBSECTION. 3. The state, excluding the state board
1 12 of regents and the state department of transportation, shall
1 13 proceed with competitive quotations or competitive bidding for
1 14 a public improvement even if the total estimated cost of the
1 15 public improvement does not warrant either competitive
1 16 quotations under section 26.14 or competitive bidding under
1 17 section 26.3.

1 18 EXPLANATION

1 19 This bill provides that the state, excluding the state
1 20 board of regents and the state department of transportation,
1 21 shall use either competitive quotations or competitive bidding
1 22 for all public improvements of any cost.

1 23 Public improvement is defined in Code chapter 26 to mean a
1 24 building or construction work which is constructed and paid
1 25 for by a governmental entity.

1 26 LSB 1305XD 83

1 27 ec/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 201

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning the authority of the department of
- 2 administrative services relative to existing leases on real
- 3 property acquired by the department.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1418DP 83
- 6 ec/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 201 continued

PAG LIN

1 1 Section 1. Section 8A.321, subsection 9, Code 2009, is
1 2 amended to read as follows:

1 3 9. a. With the approval of the executive council pursuant
1 4 to section 7D.29 or pursuant to other authority granted by
1 5 law, acquire real property to be held by the department in the
1 6 name of the state as follows:

1 7 ~~a.~~ (1) By purchase, lease, option, gift, grant, bequest,
1 8 devise, or otherwise.

1 9 ~~b.~~ (2) By exchange of real property belonging to the
1 10 state for property belonging to another person.

1 11 b. If real property acquired by the department in the name
1 12 of the state is subject to a lease in effect at the time of
1 13 acquisition, the director may honor and maintain the existing
1 14 lease subject to the following requirements:

1 15 (1) The lease shall not be renewed beyond the term of the
1 16 existing lease including any renewal periods under the lease
1 17 that are solely at the discretion of the lessee.

1 18 (2) The lease shall not be renewed by the department as
1 19 the lessor if the lessor has discretion to not renew under the
1 20 existing lease.

1 21 (3) The lease shall not be maintained for a period in
1 22 excess of ten years from the date of acquisition of the real
1 23 property, including any renewal periods, without the approval
1 24 of the executive council.

1 25 (4) The lease shall not be maintained if the lessee at the
1 26 time of the acquisition ceases to occupy the leased property.

1 27 EXPLANATION

1 28 This bill authorizes the department of administrative
1 29 services to maintain an existing lease related to real
1 30 property acquired by the department on behalf of the state.
1 31 The bill establishes certain limitations on this authority,
1 32 including that the lease is not to be renewed beyond the term
1 33 of the existing lease and any renewal periods that are solely
1 34 at the discretion of the lessee; the lease is not to be
1 35 renewed by the department as the lessor if the lessor has



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

House Study Bill 201 continued

2 1 discretion to not renew under the existing lease; the lease is
2 2 not to be maintained for a period in excess of 10 years from
2 3 the date of acquisition without the approval of the executive
2 4 council; and the lease is not to be maintained if the lessee
2 5 at the time of the acquisition ceases to occupy the leased
2 6 property.
2 7 LSB 1418DP 83
2 8 ec/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 202

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the disposition of proceeds from the sale of
- 2 state personal property.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1454DP 83
- 5 ec/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 202 continued

PAG LIN

1 1 Section 1. Section 8A.324, subsection 1, paragraph a, Code
1 2 2009, is amended to read as follows:
1 3 a. The director may dispose of unfit or unnecessary
1 4 personal property by sale. Proceeds from the sale of personal
1 5 property less any expense of the sale shall be deposited in
~~1 6 the general fund of the state with the state agency in control~~
1 7 of the property sold and shall be considered repayment
1 8 receipts as defined in section 8.2.

1 9 EXPLANATION

1 10 This bill requires the proceeds from the sale of state
1 11 agency personal property to be deposited with the state agency
1 12 controlling the property to be sold, less any expenses
1 13 associated with the sale. The bill further provides that
1 14 proceeds deposited with the state agency shall be considered
1 15 repayment receipts.

1 16 LSB 1454DP 83

1 17 ec/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 203

HOUSE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON MASCHER)

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

A BILL FOR

1 An Act establishing alternative project delivery procedures for
2 certain public projects undertaken by political subdivisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1733HC 83
5 md/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 203 continued

PAG LIN

1 1 SUBCHAPTER I
1 2 ALTERNATIVE PROJECT DELIVERY
1 3 Section 1. NEW SECTION. 26A.1 SHORT TITLE.
1 4 This chapter shall be known and may be cited as the "Iowa
1 5 Alternative Project Delivery Act".
1 6 Sec. 2. NEW SECTION. 26A.2 DEFINITIONS.
1 7 As used in this chapter, unless the context clearly
1 8 indicates otherwise:
1 9 1. "Alternative project delivery" means a method of
1 10 procuring and delivering design and construction services
1 11 through an integrated comprehensive design and construction
1 12 process, including all procedures, actions, sequences of
1 13 events, contractual relations, obligations, interrelations,
1 14 and various forms of agreement all aimed at the successful
1 15 completion of the design and construction of a public project,
1 16 whereby a construction manager or design-builder is selected
1 17 according to a qualifications-based or best value selection.
1 18 2. "Best value selection" means the selection of a
1 19 construction manager or a design-builder based upon a
1 20 combination of project cost, qualifications, and other
1 21 factors.
1 22 3. "Construction documents" means the drawings,
1 23 specifications, technical submissions, and other documents
1 24 upon which a construction project is based.
1 25 4. "Construction management contract" means a contract
1 26 whereby a political subdivision acquires from a construction
1 27 manager a series of preconstruction services and a financial
1 28 obligation to carry out construction for a specified cost or
1 29 guaranteed maximum cost agreement. A construction manager is
1 30 not responsible for professional architectural services, as
1 31 defined in section 544A.16, for a public project if such
1 32 services are contracted for independent of the construction
1 33 management contract.
1 34 5. "Construction management services" means an alternative
1 35 project delivery method whereby services are provided by a



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

House Study Bill 203 continued

2 1 construction manager which has entered into a construction
2 2 management contract with a political subdivision to be the
2 3 construction manager for a public project for the compensation
2 4 and schedule specified in the contract, which is to hold the
2 5 trade contracts or subcontracts and execute the work for a
2 6 project in a manner similar to a general contractor, and which
2 7 is required to solicit competitive bids for the trade packages
2 8 or subcontracts developed for the public project and to enter
2 9 into the trade contracts or subcontracts for the public
2 10 project with the lowest responsible bidder. Construction
2 11 management services may include but are not limited to
2 12 scheduling, value analysis, system analysis, constructability
2 13 reviews, progress document reviews, subcontractor involvement
2 14 and prequalification, subcontractor bonding policy, budgeting
2 15 and price guarantees, and construction coordination.

2 16 6. "Construction manager" means an individual,
2 17 partnership, joint venture, corporation, or other legal entity
2 18 that utilizes skill and knowledge of general contracting to
2 19 perform preconstruction services and that competitively
2 20 procures and contracts with specialty contractors, assuming
2 21 the responsibility and the risk for construction delivery
2 22 within a specified cost and schedule.

2 23 7. "Construction services" means the process of planning,
2 24 acquiring, building, equipping, altering, repairing,
2 25 improving, or demolishing any structure or appurtenance
2 26 thereto, including facilities, utilities, or other
2 27 improvements to real property, but excluding highways, roads,
2 28 bridges, dams, or stand-alone parking lots.

2 29 8. "Design professional" means an individual, partnership,
2 30 joint venture, corporation, or other legal entity that is
2 31 engaged in the business of providing professional design
2 32 services. A design professional shall be licensed to practice
2 33 architecture, engineering, or landscape architecture, or be
2 34 registered to practice interior design in this state.

2 35 9. "Design-build services" means a method of alternative



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

House Study Bill 203 continued

3 1 project delivery for which both design and construction
3 2 services are provided under one contract. "Design=build
3 3 services" may include architecture, engineering, and related
3 4 design services required for a given project and the labor,
3 5 materials, and other construction services for the project.
3 6 10. "Design=builder" means an individual, partnership,
3 7 joint venture, corporation, or other legal entity that
3 8 furnishes design=build services, whether by itself or through
3 9 subcontracts.
3 10 11. "Estimated total cost" means the estimated total cost
3 11 to a political subdivision to construct a public project,
3 12 including the cost of labor, materials, equipment, supplies,
3 13 and fees.
3 14 12. "Fee" means an amount, in excess of actual materials
3 15 costs, paid to a construction manager or design=builder for
3 16 services provided.
3 17 13. "General conditions" means work associated with the
3 18 on-site management of administrative personnel, equipment, and
3 19 utilities, including incidental work and minor field labor
3 20 associated with a construction project.
3 21 14. "Guaranteed maximum cost" means the cost of the
3 22 project as defined in the contract between the political
3 23 subdivision and the construction manager or between the
3 24 political subdivision and the design=builder.
3 25 15. "Political subdivision" means a public body or
3 26 corporation other than the state or a state agency that has
3 27 power to levy or certify a tax or sum of money to be collected
3 28 by taxation.
3 29 16. "Preconstruction services" means a series of services
3 30 including but not limited to design review, scheduling,
3 31 estimating, cost control, value engineering, constructability
3 32 evaluation, and preparation and coordination of bid packages.
3 33 17. "Public project" means a project under the control of
3 34 a political subdivision that is paid for in whole or in part
3 35 with funds of the political subdivision, including a building



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 203 continued

4 1 or improvement constructed or operated jointly with any other
4 2 public or private agency. A "public project" may include
4 3 planning, acquiring, designing, building, equipping, altering,
4 4 repairing, improving, or demolishing any structure or
4 5 appurtenance thereto, including facilities, utilities, or
4 6 other improvements to any real property owned by the political
4 7 subdivision, but excluding highways, roads, bridges, dams, or
4 8 stand-alone parking lots. However, a parking lot included as
4 9 part of the site work of a public project may be included as
4 10 part of a construction management contract or a design-build
4 11 services contract. Parking ramps and parking garages are not
4 12 considered to be parking lots and may be a "public project"
4 13 constructed utilizing alternative project delivery methods.

4 14 18. "Qualifications-based selection" means a selection
4 15 process based on both a qualitative component and a cost
4 16 component that is specific to fees, expenses related to
4 17 general conditions, and self-performed services.

4 18 19. "Qualified professional" means an individual,
4 19 partnership, joint venture, corporation, or other legal entity
4 20 that has obtained professional licensure or who has
4 21 significant professional experience in a field related to a
4 22 proposed public project.

4 23 20. "Selection committee" means a group of individuals
4 24 appointed by the governing body of a political subdivision for
4 25 the purpose of selecting a construction manager or a
4 26 design-builder for a specific public project. A selection
4 27 committee shall have three, five, or seven members. An
4 28 individual shall not serve on a selection committee if the
4 29 individual has a pecuniary, equitable, or other interest in
4 30 the public project or conditions exist that would interfere
4 31 with the individual's ability to properly discharge the duties
4 32 of the selection committee.

4 33 21. "User delay value" means the estimated daily costs
4 34 that a political subdivision may incur as a result of
4 35 inability to enter into possession, occupancy, or use of a



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

House Study Bill 203 continued

5 1 building or structure.
5 2 Sec. 3. NEW SECTION. 26A.3 AUTHORIZATION.
5 3 Notwithstanding chapter 26, 73A, or 573, or any other
5 4 provision of law to the contrary, a political subdivision may
5 5 utilize the alternative project delivery procedures under this
5 6 chapter to procure construction management services or
5 7 design-build services related to the completion of a public
5 8 project.
5 9 Sec. 4. NEW SECTION. 26A.4 PUBLIC NOTICE.
5 10 For each alternative project delivery method for a public
5 11 project under this chapter, a political subdivision shall
5 12 publish public notices as follows:
5 13 1. The notice shall be published at least once, not less
5 14 than fifteen and not more than forty-five days before the date
5 15 for filing submissions, if applicable, in a newspaper
5 16 published at least once weekly and having general circulation
5 17 in the geographic area served by the political subdivision.
5 18 2. The notice may also be published in a relevant
5 19 contractor organization publication and a relevant contractor
5 20 plan room service with statewide circulation, provided that a
5 21 notice is posted on an internet website sponsored by either
5 22 the political subdivision or a statewide association that
5 23 represents the political subdivision.
5 24 Sec. 5. NEW SECTION. 26A.5 PUBLIC RECORDS.
5 25 Each proposal received by a political subdivision under
5 26 this chapter, together with the name of the proposer, after
5 27 award or letting of the contract, is subject to public
5 28 inspection upon request. The political subdivision shall,
5 29 within five days after award or letting of the contract,
5 30 publish notice of the name of the successful proposer
5 31 including the proposer's phase II and phase III scores and
5 32 adjusted final score received pursuant to the selection
5 33 process under subchapter II, III, or IV. In addition, such
5 34 notice shall include the names of all proposers whose
5 35 proposals were not selected, together with the proposers'



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 203 continued

6 1 phase II and phase III scores and the final adjusted score for
6 2 each.

6 3 Sec. 6. NEW SECTION. 26A.6 PROHIBITION ON PROVIDING
6 4 FINANCING.

6 5 The construction manager or design=builder executing the
6 6 construction or design of a public project utilizing an
6 7 alternative project delivery method under this chapter shall
6 8 not provide any financing, funding, or facility operations for
6 9 the public project.

6 10 SUBCHAPTER II
6 11 CONSTRUCTION MANAGEMENT
6 12 PROJECT DELIVERY

6 13 Sec. 7. NEW SECTION. 26A.11 CONSTRUCTION MANAGEMENT
6 14 PROJECTS.

6 15 Construction management alternative project delivery
6 16 procedures shall be conducted as provided in this subchapter.

6 17 Sec. 8. NEW SECTION. 26A.12 SELECTION COMMITTEE.

6 18 1. When in the judgment of the governing body of a
6 19 political subdivision it is necessary to use construction
6 20 management services, the governing body of the political
6 21 subdivision shall establish a selection committee for the
6 22 purpose of selecting a construction manager for the public
6 23 project. Prior to completion of the construction documents
6 24 for the public project, and as early as during the schematic
6 25 design phase, the construction manager shall be selected. The
6 26 political subdivision shall determine the scope and level of
6 27 detail required to permit qualified construction managers to
6 28 submit proposals according to the request for qualifications
6 29 and the request for proposals, given the nature of the public
6 30 project. The request for qualifications and the request for
6 31 proposals shall specify the selection criteria and scoring
6 32 methodology used in the evaluation and selection process.

6 33 2. A qualified professional shall be employed or retained
6 34 by the political subdivision to assist the selection committee
6 35 in the selection of a construction manager. The qualified



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 203 continued

7 1 professional may be an employee of the political subdivision,
7 2 the design professional employed or retained under subsection
7 3 3, or an individual retained specifically to assist the
7 4 political subdivision on the public project.

7 5 3. The political subdivision shall employ a design
7 6 professional to design the public project, prepare the
7 7 construction documents for the project, and provide
7 8 administrative services in connection with the design of the
7 9 project. The design professional shall be selected and its
7 10 contract negotiated pursuant to a competitive bidding process.

7 11 Sec. 9. NEW SECTION. 26A.13 SELECTION PROCESS == GENERAL
7 12 PROCEDURE.

7 13 The political subdivision shall solicit proposals under
7 14 this subchapter pursuant to a three-phase,
7 15 qualifications-based selection process.

7 16 1. Phase I of the selection process includes publication
7 17 of a request for qualifications by the political subdivision,
7 18 review of the statements of qualifications, and the selection
7 19 of a minimum of two but not more than five construction
7 20 managers to advance to phase II.

7 21 2. Phase II includes a request for proposals and the
7 22 receipt of proposals from those construction managers selected
7 23 during phase I.

7 24 3. Phase III includes an interview with each construction
7 25 manager that submits a proposal during phase II, evaluation of
7 26 each proposal by the selection committee, and selection of a
7 27 construction manager for the public project.

7 28 Sec. 10. NEW SECTION. 26A.14 PHASE I == REQUEST FOR
7 29 QUALIFICATIONS, STATEMENT, EVALUATION, AND SELECTION.

7 30 1. During phase I the political subdivision shall publish
7 31 notice of a request for qualifications pursuant to the
7 32 requirements of section 26A.4. The political subdivision
7 33 shall specify in the request for qualifications a time, place,
7 34 and other specific instructions for the receipt of the
7 35 statements of qualifications. A statement of qualifications



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 203 continued

8 1 not submitted according to the instructions shall be rejected
8 2 and returned to the construction manager.
8 3 2. Each construction manager shall submit a statement of
8 4 qualifications that includes but is not limited to the
8 5 following information:
8 6 a. Similar project experience.
8 7 b. Experience in the construction management method of
8 8 alternative project delivery.
8 9 c. References from design professionals and owners from
8 10 previous projects.
8 11 d. A description of the construction manager's project
8 12 management approach.
8 13 e. The construction manager's experience modification
8 14 rating and a description of the construction manager's safety
8 15 plan.
8 16 f. A description of the construction manager's experience
8 17 and philosophy towards sustainable design and construction.
8 18 g. Bonding capacity. Construction managers submitting a
8 19 statement of qualifications shall be capable of providing a
8 20 bond according to the requirements of chapter 573 and shall
8 21 include evidence of such bonding capacity with their statement
8 22 of qualifications. If a construction manager fails to include
8 23 evidence of bonding capacity, that construction manager shall
8 24 be deemed unqualified for selection under phase I.
8 25 3. The selection committee shall evaluate and score each
8 26 statement of qualifications received according to the
8 27 predetermined selection criteria and scoring methodology that
8 28 were specified in the instructions of the request for
8 29 qualifications. The cost or fees associated with a project
8 30 shall not be considered by the selection committee when
8 31 evaluating a statement of qualifications.
8 32 4. The selection committee shall select a minimum of two
8 33 and a maximum of five qualified construction managers, who
8 34 have the best and most relevant qualifications to perform the
8 35 services required of the public project, to participate in



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 203 continued

9 1 phase II of the selection process. Scores assigned in the
9 2 phase I evaluation process shall not carry forward to phase
9 3 II. If two qualified construction managers cannot be
9 4 identified, the selection process shall cease. The selection
9 5 committee shall have discretion to disqualify any construction
9 6 manager that lacks the minimum qualifications required to
9 7 perform the work.

9 8 Sec. 11. NEW SECTION. 26A.15 PHASE II == REQUEST FOR
9 9 PROPOSALS.

9 10 During phase II of the selection process, each construction
9 11 manager selected during phase I shall be given a request for
9 12 proposal. Each construction manager shall submit more
9 13 detailed responses and a proposal that includes but is not
9 14 limited to the following information:

9 15 1. Resumes of proposed project personnel.

9 16 2. An overview of preconstruction services and
9 17 construction services to be provided.

9 18 3. An overview of construction control processes.

9 19 4. A proposed construction safety plan.

9 20 5. Project-specific sustainability proposals and
9 21 recommendations.

9 22 6. Fees and costs, including detailed estimates of general
9 23 conditions and preconstruction costs, and fees for overhead
9 24 and profit including fees for overhead and profit for
9 25 self-performed construction services, if applicable. General
9 26 conditions and preconstruction estimates shall include
9 27 quantities and unit prices to illustrate how estimated total
9 28 costs were calculated.

9 29 Sec. 12. NEW SECTION. 26A.16 PHASE III == PROPOSAL
9 30 REVIEW, SELECTION, AND NEGOTIATION.

9 31 Phase III of the selection process shall be conducted as
9 32 follows:

9 33 1. After the deadline for submission of proposals has
9 34 passed, the selection committee shall interview each
9 35 construction manager that has submitted a proposal



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 203 continued

10 1 individually, allowing each construction manager to present
10 2 their proposed team members, qualifications, and project plan,
10 3 and to answer questions from the selection committee.
10 4 Interview scores shall not account for more than fifty percent
10 5 of the total evaluation criteria.

10 6 2. The selection committee shall score each construction
10 7 manager based on the proposal criteria and weighting factors
10 8 identified by the political subdivision in the request for
10 9 qualifications and the request for proposals. The political
10 10 subdivision shall proceed to negotiate with and attempt to
10 11 enter into a preconstruction contract with the construction
10 12 manager receiving the highest score to serve as the
10 13 construction manager for the public project. If the political
10 14 subdivision is unable to negotiate a satisfactory contract
10 15 with the construction manager with the highest total score,
10 16 negotiations with that construction manager shall be
10 17 terminated and the political subdivision shall undertake
10 18 negotiations with the construction manager receiving the
10 19 second highest score. If negotiations cannot be successfully
10 20 completed with the construction manager receiving the second
10 21 highest score, the contract shall not be awarded.

10 22 3. If the selection committee determines that it is not in
10 23 the best interest of the political subdivision to proceed with
10 24 the public project pursuant to the proposals offered, the
10 25 selection committee shall recommend that the political
10 26 subdivision reject all proposals. If all proposals are
10 27 rejected, the political subdivision may solicit new statements
10 28 of qualifications and proposals using different design or
10 29 budget criteria.

10 30 Sec. 13. NEW SECTION. 26A.17 CONTRACT == PERFORMANCE OF
10 31 CERTAIN SERVICES.

10 32 1. The contract to perform construction management
10 33 services for a public project shall be prepared by the
10 34 political subdivision and entered into between the political
10 35 subdivision and the construction manager performing such



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 203 continued

11 1 construction management services at the cessation of the
11 2 design process. The contract shall include the fee structure
11 3 submitted by the construction manager in its proposal.
11 4 Following completion of construction documents and all
11 5 subcontractor bidding, the construction manager shall provide
11 6 the political subdivision with a guaranteed maximum price.
11 7 2. a. Those portions or subcontracts of the public
11 8 project with an estimated cost greater than ten percent of the
11 9 estimated total cost of the public project may be accomplished
11 10 using any alternative project delivery selection process under
11 11 this chapter.
11 12 b. For portions or subcontracts of the public project with
11 13 an estimated cost of ten percent or less of the estimated
11 14 total cost of the project, contracts shall be let to the
11 15 lowest responsible bidder pursuant to applicable requirements
11 16 of law other than this chapter. The political subdivision may
11 17 allow the construction manager to self=perform construction
11 18 services if the construction manager submits a bid proposal
11 19 under the same conditions as all other competitive bidders.
11 20 All bid proposals submitted by the construction manager for
11 21 self=performance shall be opened simultaneously and evaluated
11 22 in the presence of a representative of the political
11 23 subdivision.

11 24 SUBCHAPTER III

11 25 DESIGN=BUILD PROJECT DELIVERY

11 26 BEST VALUE SELECTION

11 27 Sec. 14. NEW SECTION. 26A.21 DESIGN=BUILD PROJECT
11 28 DELIVERY == BEST VALUE SELECTION.

11 29 Design=build alternative project delivery procedures
11 30 utilizing the best value selection method for selection of a
11 31 design=builder shall be conducted as provided in this
11 32 subchapter.

11 33 Sec. 15. NEW SECTION. 26A.22 SELECTION COMMITTEE.

11 34 1. When in the judgment of the governing body of a
11 35 political subdivision it is necessary to use design=build



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 203 continued

12 1 services pursuant to a best value selection process, the
12 2 governing body of the political subdivision shall establish a
12 3 selection committee for the purpose of selecting a
12 4 design=builder for the public project. The political
12 5 subdivision shall determine the scope and level of detail
12 6 required to permit qualified design=builders to submit
12 7 proposals according to the request for qualifications and the
12 8 request for proposals given the nature of the public project.
12 9 The request for qualifications and the request for proposals
12 10 shall specify the selection criteria and scoring methodology
12 11 used in the evaluation and selection process.

12 12 2. A qualified professional shall be employed or retained
12 13 by the political subdivision to assist the selection committee
12 14 in the selection of a design=builder. The qualified
12 15 professional may be a current employee of the political
12 16 subdivision or an individual retained specifically to assist
12 17 the political subdivision on the public project. A qualified
12 18 professional employed or retained by the political subdivision
12 19 may not submit a statement of qualifications or a design=build
12 20 proposal for the public project.

12 21 Sec. 16. NEW SECTION. 26A.23 BEST VALUE SELECTION
12 22 PROCESS == GENERAL PROCEDURE.

12 23 The political subdivision shall solicit proposals under
12 24 this subchapter pursuant to a three=phase, best value
12 25 selection process.

12 26 1. Phase I of the selection process includes publication
12 27 of a request for qualifications by the political subdivision,
12 28 review of the statements of qualifications, and the selection
12 29 of a minimum of two but not more than five design=builders to
12 30 advance to phase II.

12 31 2. Phase II includes a request for proposals and the
12 32 receipt of proposals from those design=builders selected
12 33 during phase I.

12 34 3. Phase III includes submission of a cost and schedule
12 35 proposal from each design=builder, evaluation of each proposal



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 203 continued

13 1 received during phase II and of the cost and schedule proposal
13 2 by the selection committee, and selection of a design=builder
13 3 for the public project.

13 4 Sec. 17. NEW SECTION. 26A.24 PHASE I == REQUEST FOR
13 5 QUALIFICATIONS, STATEMENT, EVALUATION, AND SELECTION.

13 6 1. During phase I of the selection process, the political
13 7 subdivision shall publish notice of a request for
13 8 qualifications pursuant to the requirements of section 26A.4.
13 9 The political subdivision shall specify in the request for
13 10 qualifications a time, place, and other specific instructions
13 11 for the receipt of statements of qualifications. A statement
13 12 of qualifications not submitted according to the instructions
13 13 shall be rejected and returned to the design=builder.

13 14 2. Each design=builder shall submit a statement of
13 15 qualifications that includes but is not limited to the
13 16 following information:

13 17 a. Demonstrated ability to perform projects comparable in
13 18 design, scope, and complexity.

13 19 b. References of owners for whom design=build projects
13 20 have been performed.

13 21 c. Qualifications of personnel who will manage the design
13 22 and construction aspects of the public project.

13 23 d. The names and qualifications of the primary design
13 24 consultants and contractors with whom the design=builder
13 25 proposes to subcontract. The design=builder may not replace
13 26 an identified contractor or consultant without the written
13 27 approval of the political subdivision.

13 28 e. Bonding capacity. Design=builders submitting a
13 29 statement of qualifications shall be capable of providing a
13 30 bond according to the requirements of chapter 573, and shall
13 31 include evidence of such bonding capacity with their statement
13 32 of qualifications. If a design=builder fails to include
13 33 evidence of bonding capacity, that design=builder shall be
13 34 deemed unqualified for selection under phase I.

13 35 3. The selection committee shall evaluate and score each



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 203 continued

14 1 statement of qualifications received according to the
14 2 predetermined selection criteria and scoring methodology that
14 3 were specified in the instructions of the request for
14 4 qualifications. The cost or fees associated with a public
14 5 project shall not be considered by the selection committee
14 6 when evaluating a statement of qualifications.

14 7 4. The selection committee shall select a minimum of two
14 8 and a maximum of five design-builders who have the highest
14 9 scores to proceed to phase II. Scores assigned in the phase I
14 10 evaluation process shall not carry forward to phase II. The
14 11 selection committee shall have discretion to disqualify any
14 12 design-builder that lacks the minimum qualifications required
14 13 to perform the work. If two qualified design-builders cannot
14 14 be identified, the design-builder selection process shall
14 15 cease. If all design-builders are rejected, the political
14 16 subdivision may solicit new proposals using different design
14 17 and budget criteria.

14 18 Sec. 18. NEW SECTION. 26A.25 PHASE II == REQUEST FOR
14 19 PROPOSALS.

14 20 1. During phase II of the selection process, each
14 21 design-builder selected during phase I shall be given a
14 22 request for proposals. The political subdivision shall
14 23 specify in the request for proposals a time, place, and other
14 24 specific instructions for the receipt of proposals. A
14 25 proposal not submitted according to the instructions shall be
14 26 rejected and returned to the design-builder. The request for
14 27 proposals shall include but is not limited to the following
14 28 information:

14 29 a. The criteria for evaluation of proposals and their
14 30 relative weight, and the procedures for making awards.

14 31 b. The proposed terms and conditions for the design-build
14 32 contract.

14 33 c. The design criteria package.

14 34 d. A description of the drawings, specifications, or other
14 35 information to be submitted with the proposal, with guidance



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 203 continued

15 1 as to the form and level of completeness of the drawings,
15 2 specifications, or other information that will be acceptable.

15 3 e. A schedule for planned commencement and completion of
15 4 the design=build contract.

15 5 f. Budget limits for the design=build contract, if any.

15 6 g. Requirements, including any available ratings for
15 7 performance bonds, payment bonds, and insurance.

15 8 h. Requirements relating to trade packages or subcontracts
15 9 that may be procured by the design=builder. Trade packages or
15 10 subcontracts which the design=builder chooses to include in
15 11 their proposal shall be identified by company name in the
15 12 proposal. Trade packages or subcontracts chosen for inclusion
15 13 by the design=builder must have an estimated cost greater than
15 14 ten percent of the estimated total cost of the public project
15 15 with the exception of work to be self=performed by the
15 16 design=builder. For all other trade packages or subcontracts,
15 17 except work to be self=performed by the design=builder, the
15 18 political subdivision shall advertise for public competitive
15 19 bids as required by other applicable law.

15 20 i. Any other information that the political subdivision in
15 21 its discretion chooses to supply including without limitation,
15 22 surveys, soil reports, drawings of existing structures,
15 23 environmental studies, photographs, or references to public
15 24 records.

15 25 2. Each design=builder selected during phase I shall
15 26 submit a proposal to the selection committee. Each proposal
15 27 submitted under this section shall not contain references to
15 28 costs associated with work contained in the proposal. The
15 29 selection committee shall evaluate and score each proposal
15 30 according to the requirements of the request for proposals.

15 31 Sec. 19. NEW SECTION. 26A.26 PHASE III == COST AND
15 32 SCHEDULE PROPOSALS == REVIEW OF PROPOSALS.

15 33 Phase III of the selection process shall be conducted as
15 34 follows:

15 35 1. Each design=builder that submitted a proposal in



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

House Study Bill 203 continued

16 1 response to the request for proposals during phase II, shall
16 2 also provide the selection committee with a cost and schedule
16 3 proposal. A proposal submitted under section 26A.25 and the
16 4 cost and schedule proposal may be submitted sequentially or
16 5 concurrently, according to the requirements of the request for
16 6 proposals. Failure to submit a cost and schedule proposal
16 7 according to the delivery requirements of the request for
16 8 proposals shall be grounds to reject the proposal.

16 9 2. The cost and schedule proposal shall include all of the
16 10 following:

16 11 a. A guaranteed maximum price for the public project.

16 12 b. A bid security pursuant to chapter 573.

16 13 c. A proposed contract time, in calendar days, for
16 14 completing the public project. If the proposed contract time
16 15 is an element of evaluation, the request for proposals shall
16 16 specify a user delay value for each proposed calendar day
16 17 identified in the proposal.

16 18 d. Any other information required by the request for
16 19 proposals.

16 20 3. The cost and schedule proposals shall be opened only
16 21 after all proposals submitted under section 26A.25 have been
16 22 evaluated and scored. The cost and schedule proposals shall
16 23 be opened and read aloud at the time and place specified in
16 24 the request for proposals. At the same time and place that
16 25 the cost and schedule proposals are opened, the selection
16 26 committee shall make public its scoring of the proposals
16 27 submitted under section 26A.25. Cost and schedule proposals
16 28 shall be evaluated and scored according to the requirements of
16 29 the request for proposals.

16 30 4. Scores received during phase I of the selection process
16 31 shall not carry forward. All qualified design-builders shall
16 32 be ranked on scores given in phases II and III only. The
16 33 phase II and phase III scores shall be combined to determine a
16 34 total score.

16 35 5. The selection committee shall select the design-builder



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 203 continued

17 1 receiving the highest total score based on the proposal
17 2 criteria and weighting factors identified by the political
17 3 subdivision in the request for proposals. The political
17 4 subdivision shall proceed to negotiate with and attempt to
17 5 enter into a preconstruction contract with the selected
17 6 design=builder to serve as the design=builder for the public
17 7 project. If the political subdivision is unable to negotiate
17 8 a satisfactory contract with the selected design=builder,
17 9 negotiations with that design=builder shall be terminated, and
17 10 the political subdivision shall undertake negotiations with
17 11 the design=builder receiving the second highest score. If
17 12 negotiations cannot be successfully completed with the
17 13 design=builder receiving the second highest score, the
17 14 contract shall not be awarded.

17 15 6. If the selection committee determines that it is not in
17 16 the best interest of the political subdivision to proceed with
17 17 the public project pursuant to the proposals offered, the
17 18 selection committee shall recommend that the political
17 19 subdivision reject all proposals. If all proposals are
17 20 rejected, the political subdivision may solicit new statements
17 21 of qualifications and proposals using different design or
17 22 budget criteria.

17 23 7. As an inducement to qualified design=builders, the
17 24 political subdivision may pay a stipend, the amount of which
17 25 shall be established in the request for proposals, to each
17 26 design=builder who participates in phase II and phase III, but
17 27 is not selected as the design=builder for the public project.

17 28 SUBCHAPTER IV
17 29 DESIGN=BUILD PROJECT DELIVERY
17 30 QUALIFICATIONS=BASED SELECTION

17 31 Sec. 20. NEW SECTION. 26A.31 DESIGN=BUILD PROJECT
17 32 DELIVERY == QUALIFICATIONS=BASED SELECTION.

17 33 Design=build alternative project delivery procedures
17 34 utilizing the qualifications=based selection method for
17 35 selection of a design=builder shall be conducted as provided



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 203 continued

18 1 in this subchapter.

18 2 Sec. 21. NEW SECTION. 26A.32 SELECTION COMMITTEE.

18 3 1. When in the judgment of the governing body of a
18 4 political subdivision it is necessary to use design=build
18 5 services pursuant to a qualifications=based selection process,
18 6 the governing body of the political subdivision shall
18 7 establish a selection committee for the purpose of selecting a
18 8 design=builder for the public project. The political
18 9 subdivision shall determine the scope and level of detail
18 10 required to permit qualified design=builders to submit
18 11 proposals according to the request for qualifications and
18 12 request for proposals given the nature of the public project.
18 13 The request for qualifications and the request for proposals
18 14 shall specify the selection criteria and scoring methodology
18 15 used in the evaluation and selection process.

18 16 2. A qualified professional shall be employed or retained
18 17 by the political subdivision to assist the selection committee
18 18 in the selection of the design=builder. The qualified
18 19 professional may be a current employee of the political
18 20 subdivision or an individual retained specifically to assist
18 21 the political subdivision on the public project. A qualified
18 22 professional employed or retained by the political subdivision
18 23 may not submit a statement of qualifications or a design=build
18 24 proposal for the public project.

18 25 Sec. 22. NEW SECTION. 26A.33 QUALIFICATIONS=BASED
18 26 SELECTION PROCESS == GENERAL PROCEDURE.

18 27 The political subdivision shall solicit proposals under
18 28 this subchapter pursuant to a three=phase,
18 29 qualifications=based selection process.

18 30 1. Phase I of the selection process includes publication
18 31 of a request for qualifications by the political subdivision,
18 32 review of the statements of qualifications, and the selection
18 33 of a minimum of two but not more than five design=builders to
18 34 advance to phase II.

18 35 2. Phase II includes a request for proposals and the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 203 continued

19 1 receipt of proposals from those design-builders selected
19 2 during phase I.
19 3 3. Phase III includes an interview with each
19 4 design-builder that submits a proposal during phase II,
19 5 evaluation of each proposal by the selection committee, and
19 6 selection of a design-builder for the public project.
19 7 Sec. 23. NEW SECTION. 26A.34 PHASE I == REQUEST FOR
19 8 QUALIFICATIONS, STATEMENT, EVALUATION, AND SELECTION.
19 9 1. During phase I of the selection process, the political
19 10 subdivision shall publish notice of a request for
19 11 qualifications pursuant to the requirements of section 26A.4.
19 12 The political subdivision shall specify in the request for
19 13 qualifications a time, place, and other specific instructions
19 14 for the receipt of statements of qualifications. A statement
19 15 of qualifications not submitted according to the instructions
19 16 shall be rejected and returned to the design-builder.
19 17 2. Each design-builder shall submit a statement of
19 18 qualifications that includes but is not limited to the
19 19 following information:
19 20 a. Demonstrated ability to perform projects comparable in
19 21 design, scope, and complexity.
19 22 b. References of owners for whom design-build projects
19 23 have been performed.
19 24 c. Qualifications of personnel who will manage the design
19 25 and construction aspects of the public project.
19 26 d. The names and qualifications of the primary design
19 27 consultants and contractors with whom the design-builder
19 28 proposes to subcontract. The design-builder may not replace
19 29 an identified contractor or consultant without the written
19 30 approval of the political subdivision.
19 31 e. Bonding capacity. Design-builders submitting a
19 32 statement of qualifications shall be capable of providing a
19 33 bond according to the requirements of chapter 573, and shall
19 34 include evidence of such bonding capacity with their statement
19 35 of qualifications. If a design-builder fails to include



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 203 continued

20 1 evidence of bonding capacity, that design-builder shall be
20 2 deemed unqualified for selection under phase I.
20 3 3. The selection committee shall evaluate and score each
20 4 statement of qualifications received according to the
20 5 predetermined selection criteria and scoring methodology. The
20 6 cost or fees associated with a public project shall not be
20 7 considered by the selection committee when evaluating a
20 8 statement of qualifications.

20 9 4. The selection committee shall select a minimum of two
20 10 and a maximum of five design-builders who have the highest
20 11 scores to proceed to phase II. Scores assigned in the phase I
20 12 evaluation process shall not carry forward to phase II. The
20 13 selection committee shall have discretion to disqualify any
20 14 design-builder that lacks the minimum qualifications required
20 15 to perform the work. If two qualified design-builders cannot
20 16 be identified, the design-builder selection process shall
20 17 cease. If all design-builders are rejected, the political
20 18 subdivision may solicit new proposals using different design
20 19 and budget criteria.

20 20 Sec. 24. NEW SECTION. 26A.35 PHASE II == REQUEST FOR
20 21 PROPOSALS.

20 22 During phase II of the selection process, each
20 23 design-builder selected during phase I shall be given a
20 24 request for proposal. Each design-builder shall submit more
20 25 detailed responses and a proposal that includes but is not
20 26 limited to the following information:

20 27 1. Resumes of proposed project personnel.

20 28 2. An overview of preconstruction services and
20 29 construction services to be provided.

20 30 3. An overview of construction control processes.

20 31 4. A proposed construction safety plan.

20 32 5. Project-specific sustainability proposals and
20 33 recommendations.

20 34 6. Fees and costs, including detailed estimates of general
20 35 conditions and preconstruction costs, and fees for overhead



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

House Study Bill 203 continued

21 1 and profit including fees for overhead and profit for
21 2 self-performed design or construction services, if applicable.
21 3 General conditions and preconstruction estimates shall include
21 4 quantities and unit prices to illustrate how estimated total
21 5 costs were calculated.

21 6 Sec. 25. NEW SECTION. 26A.36 PHASE III == PROPOSAL
21 7 REVIEW, SELECTION, AND NEGOTIATION.

21 8 Phase III of the selection process shall be conducted as
21 9 follows:

21 10 1. After the deadline for submission of proposals has
21 11 passed, the selection committee shall interview each
21 12 design-builder that has submitted a proposal individually,
21 13 allowing each design-builder to present their proposed team
21 14 members, qualifications, and project plan, and to answer
21 15 questions from the selection committee. Interview scores
21 16 shall not account for more than fifty percent of the total
21 17 evaluation criteria.

21 18 2. The selection committee shall score each design-builder
21 19 based on the proposal criteria and weighting factors
21 20 identified by the political subdivision in the request for
21 21 qualifications and the request for proposals. The political
21 22 subdivision shall proceed to negotiate with and attempt to
21 23 enter into a preconstruction contract with the design-builder
21 24 receiving the highest total score to serve as the
21 25 design-builder for the public project. If the political
21 26 subdivision is unable to negotiate a satisfactory contract
21 27 with the design-builder with the highest total score,
21 28 negotiations with that design-builder shall be terminated and
21 29 the political subdivision shall undertake negotiations with
21 30 the design-builder receiving the second highest total score.
21 31 If negotiations cannot be successfully completed with the
21 32 design-builder receiving the second highest score, the
21 33 contract shall not be awarded.

21 34 3. If the selection committee determines that it is not in
21 35 the best interest of the political subdivision to proceed with



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 203 continued

22 1 the public project pursuant to the proposals offered, the
22 2 selection committee shall recommend that the political
22 3 subdivision reject all proposals. If all proposals are
22 4 rejected, the political subdivision may solicit new statements
22 5 of qualifications and proposals using different design or
22 6 budget criteria.

22 7 Sec. 26. NEW SECTION. 26A.37 CONTRACT == PERFORMANCE OF
22 8 CERTAIN SERVICES.

22 9 1. The contract to perform design=build services for a
22 10 public project shall be prepared by the political subdivision
22 11 and entered into between the political subdivision and the
22 12 design=builder selected by the selection committee. The
22 13 contract shall include the fee structure submitted by the
22 14 design=builder in its proposal. Following completion of
22 15 construction documents and all subcontractor bidding, the
22 16 design=builder shall provide the political subdivision with a
22 17 guaranteed maximum price.

22 18 2. a. Those portions or subcontracts of the public
22 19 project with an estimated cost greater than ten percent of the
22 20 estimated total cost of the public project may be accomplished
22 21 using any alternative project delivery selection process under
22 22 this chapter.

22 23 b. For portions or subcontracts of the public project with
22 24 an estimated cost of ten percent or less of the estimated
22 25 total cost of the public project, contracts shall be let to
22 26 the lowest responsible bidder pursuant to applicable
22 27 requirements of law other than this chapter. The political
22 28 subdivision may allow the design=builder to self=perform
22 29 design or construction services if the design=builder submits
22 30 a bid proposal under the same conditions as all other
22 31 competitive bidders. All bid proposals submitted by the
22 32 design=builder for self=performance shall be opened
22 33 simultaneously and evaluated in the presence of a
22 34 representative of the political subdivision.

22 35 EXPLANATION



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

House Study Bill 203 continued

23 1 This bill establishes a new Code chapter 26A that provides
23 2 alternative project delivery procedures for political
23 3 subdivisions. The bill defines "political subdivision" to
23 4 mean a public body or corporation other than the state or a
23 5 state agency that has power to levy or certify a tax or sum of
23 6 money to be collected by taxation.

23 7 The bill provides that, notwithstanding any other provision
23 8 of law to the contrary, a political subdivision may utilize
23 9 the three alternative project delivery procedures under new
23 10 Code chapter 26A to procure construction management services
23 11 or design=build services, as defined in the bill, related to
23 12 the completion of a public project. Under the bill, a public
23 13 project means a project under the control of the political
23 14 subdivision that is paid for in whole or in part with funds of
23 15 the political subdivision and may include planning, acquiring,
23 16 designing, building, equipping, altering, repairing,
23 17 improving, or demolishing any structure or appurtenance
23 18 thereto, including facilities, utilities, or other
23 19 improvements to any real property owned by the political
23 20 subdivision, but excluding highways, roads, bridges, dams, or
23 21 stand-alone parking lots.

23 22 Subchapter I of new Code chapter 26A specifies publication
23 23 requirements for public notices provided by the political
23 24 subdivision during the alternative project delivery procedures
23 25 and provides that certain documents and information related to
23 26 the alternative project delivery procedures must be made
23 27 available for public inspection after the award or letting of
23 28 the contract.

23 29 The three alternative project delivery procedures
23 30 established in the bill are for construction management
23 31 project delivery, design=build best value project delivery,
23 32 and design=build qualifications-based project delivery. For
23 33 each of the three alternative project delivery procedures, the
23 34 political subdivision is required to appoint a selection
23 35 committee and the selection procedure is conducted in three



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 203 continued

24 1 phases. The bill also requires the political subdivision to
24 2 employ or retain a qualified professional to assist the
24 3 selection committee in the selection of a construction manager
24 4 or design=builder, as applicable.

24 5 Subchapter II of new Code chapter 26A provides the
24 6 requirements and procedures for construction management
24 7 project delivery. Phase I includes publication of a request
24 8 for qualifications, review of the statements of qualifications
24 9 received, and the selection of a minimum of two but not more
24 10 than five construction managers to advance to phase II. Phase
24 11 II includes a request for proposals and the receipt of
24 12 proposals from those construction managers selected during
24 13 phase I. Phase III includes an interview with each
24 14 construction manager that submits a proposal during phase II,
24 15 evaluation of each proposal by the selection committee, and
24 16 selection of a construction manager for the public project.

24 17 Subchapter III of new Code chapter 26A provides the
24 18 requirements and procedures for design=build best value
24 19 project delivery. Phase I includes publication of a request
24 20 for qualifications, review of the statements of qualifications
24 21 received, and the selection of a minimum of two but not more
24 22 than five design=builders to advance to phase II. Phase II
24 23 includes a request for proposals and the receipt of proposals
24 24 from those design=builders selected during phase I. Phase III
24 25 includes submission of a cost and schedule proposal from each
24 26 design=builder, evaluation of each design proposal submitted
24 27 under phase II and cost and schedule proposal by the selection
24 28 committee, and selection of a design=builder for the public
24 29 project.

24 30 Subchapter IV of new Code chapter 26A provides the
24 31 requirements and procedures for design=build
24 32 qualifications=based project delivery. Phase I includes
24 33 publication of a request for qualifications, review of the
24 34 statements of qualifications received, and the selection of a
24 35 minimum of two but not more than five design=builders to



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

House Study Bill 203 continued

25 1 advance to phase II. Phase II includes a request for
25 2 proposals and the receipt of proposals from those
25 3 design-builders selected during phase I. Phase III includes
25 4 an interview with each design-builder that submits a proposal
25 5 during phase II, evaluation of each proposal by the selection
25 6 committee, and selection of a design-builder for the public
25 7 project.
25 8 LSB 1733HC 83
25 9 md/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 204

HOUSE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON MASCHER)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to binding international trade agreements by
2 providing for the consent of the general assembly and
3 providing an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2280HC 83
6 tw/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 204 continued

PAG LIN

1 1 Section 1. NEW SECTION. 2E.1 SHORT TITLE.
1 2 This chapter shall be known and may be cited as "The Jobs,
1 3 Trade, and Democracy Act".
1 4 Sec. 2. NEW SECTION. 2E.2 LEGISLATIVE FINDINGS.
1 5 The general assembly finds all of the following:
1 6 1. International trade agreements, including the North
1 7 American free trade agreement, and certain other existing and
1 8 pending free trade agreements which contain commercial and
1 9 trade-related provisions enforced by the world trade
1 10 organization are undermining the sovereignty and legitimate
1 11 constitutional authority enjoyed by states generally to pass
1 12 laws for the welfare of residents. Specifically, the
1 13 authority granted by Article III of the Constitution of the
1 14 State of Iowa to the general assembly to enact laws governing
1 15 the state of Iowa is being undermined by these international
1 16 trade agreements.
1 17 2. International trade agreements have impacts which
1 18 extend significantly beyond the bounds of traditional trade
1 19 matters such as tariffs and quotas and instead grant foreign
1 20 investors and service providers certain rights and privileges
1 21 regarding operations within the state of Iowa, subject Iowa
1 22 laws to challenge as barriers to trade in the binding
1 23 international tribunals created by the agreements, and place
1 24 limits on the future policy options of state legislatures.
1 25 3. The North American free trade agreement grants foreign
1 26 firms new rights and privileges for operating within Iowa that
1 27 exceed those granted to businesses domiciled within the United
1 28 States under state and federal law. The North American free
1 29 trade agreement has generated regulatory takings cases against
1 30 state and local land use decisions, state environmental and
1 31 public health policies, state court rulings, and state and
1 32 local contracts that would not have been possible in state or
1 33 federal courts.
1 34 4. When states agree to government procurement provisions
1 35 contained in trade agreements, state economic development and



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 204 continued

2 1 environmental policies such as buy local laws, policies to
2 2 prevent the transfer of state jobs to foreign jurisdictions,
2 3 and recycled content laws could be subject to challenge as
2 4 barriers to trade because the state laws and policies conflict
2 5 with obligations in the trade agreements.

2 6 5. Trade agreements also curtail state regulatory
2 7 authority by placing constraints on future policy options.
2 8 The world trade organization services agreement could
2 9 undermine state efforts to expand health care coverage and
2 10 rein in health care costs, and places constraints on state and
2 11 local land use planning. New negotiations in the services
2 12 area could have additional implications for state regulation
2 13 of water, energy, higher education, professional licensing,
2 14 and other areas.

2 15 6. United States government trade negotiators have failed
2 16 to consult in a meaningful way with state legislatures when
2 17 seeking the consent of states to comply with trade agreement
2 18 provisions.

2 19 7. A statutory mechanism that requires federal trade
2 20 negotiators to seek consent from state legislatures prior to
2 21 binding states to conform their laws to the terms of
2 22 international commercial and trade agreements is necessary to
2 23 adhere to the tenets of federalism and to respect state
2 24 sovereignty.

2 25 Sec. 3. NEW SECTION. 2E.3 STATE LEGISLATOR POINTS OF
2 26 CONTACT.

2 27 1. APPOINTMENT. Two members of the general assembly shall
2 28 be appointed as points of contact at the beginning of each
2 29 legislative session, one by the majority leader of the senate
2 30 and one by the speaker of the house of representatives.

2 31 2. DUTIES. The points of contact shall do all of the
2 32 following:

2 33 a. Serve as the state's official liaisons with the federal
2 34 government on trade-related matters and state law and serve as
2 35 the general assembly's liaisons with the governor on



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 204 continued

- 3 1 trade-related matters.
- 3 2 b. Serve as the designated recipients of federal requests
- 3 3 for consent or consultation regarding investment, procurement,
- 3 4 services, or other provisions of international trade
- 3 5 agreements which may encroach on state law or regulatory
- 3 6 authority reserved to the states.
- 3 7 c. Transmit information regarding federal requests for
- 3 8 state consent to all appropriate legislative committees, the
- 3 9 office of the governor, and the attorney general.
- 3 10 d. Inform the members of the general assembly on a regular
- 3 11 basis about ongoing trade negotiations and dispute settlement
- 3 12 proceedings with implications for the state more generally.
- 3 13 e. Communicate the interests and concerns of the general
- 3 14 assembly to the United States trade representative regarding
- 3 15 ongoing and proposed trade negotiations.
- 3 16 f. Notify the United States trade representative of any
- 3 17 legislative action on trade issues that has taken place.
- 3 18 Sec. 4. NEW SECTION. 2E.4 AUTHORITY TO BIND THE STATE TO
- 3 19 TRADE AGREEMENTS.
- 3 20 1. Except as provided in subsection 2, a state official of
- 3 21 any branch or department of state government shall not do
- 3 22 either of the following:
- 3 23 a. Bind the state to the terms of an international trade
- 3 24 agreement.
- 3 25 b. Give consent to the United States trade representative
- 3 26 or any other branch or official of the United States
- 3 27 government to bind the state to the terms of an international
- 3 28 trade agreement or otherwise indicate that the state will
- 3 29 comply with the nontariff terms of an international trade
- 3 30 agreement.
- 3 31 2. The governor may bind the state or give a
- 3 32 representative of the United States government the consent to
- 3 33 bind the state only if both of the following conditions exist:
- 3 34 a. The terms of the agreement to which the governor
- 3 35 purports to bind the state are terms related to government



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 204 continued

4 1 procurement, services, or investment.
4 2 b. The general assembly of the State of Iowa, pursuant to
4 3 the authority granted by Article III of the Constitution of
4 4 the State of Iowa to enact laws, has resolved to give its
4 5 consent to the agreement.
4 6 Sec. 5. NEW SECTION. 2E.5 CONSENT BY JOINT RESOLUTION.
4 7 1. Consent by the state to any provision of a trade
4 8 agreement shall only occur through a joint resolution of the
4 9 general assembly, presented to the governor for approval, as
4 10 provided in this section.
4 11 2. A request for consent to bind the state shall be
4 12 submitted to the general assembly by the governor and the
4 13 request shall contain all of the following:
4 14 a. An explanation by the attorney general as to how the
4 15 agreement of the state to the specific provisions of the
4 16 agreement will change or affect existing state law.
4 17 b. A statement of proposed administrative actions needed
4 18 to implement the trade agreement provisions in the state.
4 19 c. A draft of a joint resolution authorizing the state to
4 20 consent to the specific listed provisions of the agreement.
4 21 3. The president of the senate and the speaker of the
4 22 house of representatives shall refer the request for consent
4 23 and any attached documents to the appropriate standing
4 24 committees of the general assembly.
4 25 4. The standing committee considering a request for
4 26 consent shall hold a public hearing before any final action is
4 27 taken by the committee.
4 28 5. The request for consent shall be passed by the senate
4 29 and the house of representatives and presented to the governor
4 30 in the same manner as a bill.
4 31 Sec. 6. NEW SECTION. 2E.6 PRIOR CONSENT INVALID.
4 32 Any consent that has been given for the state of Iowa to be
4 33 bound by the government procurement rules of any international
4 34 trade agreement on or before the effective date of this Act is
4 35 invalid, and the state of Iowa is not bound by the government



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 204 continued

6 1 to international trade agreements unless by the consent of the
6 2 general assembly. The bill establishes a specific procedure
6 3 for giving state consent for future trade agreements,
6 4 requiring the enactment of a joint resolution, presented to
6 5 the governor for signature, in the same manner as a bill. All
6 6 previous consents which did not follow this process are
6 7 declared void.

6 8 The bill calls on the United States congress to enact
6 9 legislation instructing the United States trade representative
6 10 to consult individual state legislatures regarding
6 11 procurement, services, investment, or any other trade
6 12 agreement provisions that impact state laws or authority
6 13 before negotiations begin and as they develop, and to seek
6 14 consent from state legislatures prior to binding states to
6 15 conform their laws to the terms of international trade
6 16 agreements.

6 17 The bill requires the attorney general to notify the United
6 18 States trade representative and Iowa's congressional
6 19 delegation of the process to give consent to an agreement no
6 20 later than July 1, 2009. This provision takes effect upon
6 21 enactment.

6 22 LSB 2280HC 83

6 23 tw/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 205

HOUSE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON MASCHER)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act establishing a special wine auction permit.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2294HC 83
- 4 ec/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 205 continued

PAG LIN

1 1 Section 1. NEW SECTION. 123.173A WINE AUCTION PERMIT.
1 2 1. A nonprofit entity domiciled in this state which is
1 3 exempt from federal income taxation pursuant to section
1 4 501(c)(3) of the Internal Revenue Code may, upon application
1 5 to the division and receipt of a special wine auction permit
1 6 from the division, conduct an auction which includes wine.
1 7 The application shall specify the date or dates and time or
1 8 times when, and the place where, the auction is to be
1 9 conducted and the applicant shall certify that the entire
1 10 proceeds of the auction are to be expended for any of the
1 11 purposes described in section 423.3, subsection 78.
1 12 2. A nonprofit entity shall be eligible to receive only
1 13 one wine auction permit as provided in this section during a
1 14 calendar year for a period not to exceed seventy-two
1 15 consecutive hours.
1 16 3. The nonprofit entity conducting the auction shall
1 17 purchase the wine to be auctioned from a class "B" wine
1 18 permittee or a class "B" or "C" native wine permittee or may
1 19 receive gifts of the wine to be auctioned. The wine sold at
1 20 the auction shall be in original containers for consumption
1 21 off of the premises where the auction is conducted and a
1 22 purchaser shall not consume the wine purchased on the premises
1 23 where the auction is conducted. A class "A" or "B" wine
1 24 permittee, a class "A", "B", or "C" native wine permittee, or
1 25 a liquor control licensee shall not purchase wine at the
1 26 auction. The auction may be conducted on a premise for which
1 27 a class "B" or "C" liquor control license has been issued
1 28 provided that the liquor control licensee does not participate
1 29 in the auction, supply wine to be sold at the auction, or
1 30 receive any of the proceeds of the auction.
1 31 Sec. 2. Section 123.179, Code 2009, is amended by adding
1 32 the following new subsection:
1 33 NEW SUBSECTION. 5. The fee for a special wine auction
1 34 permit is twenty-five dollars.

1 35 EXPLANATION



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 205 continued

2 1 This bill establishes a special wine auction permit.
2 2 The bill allows a nonprofit entity domiciled in this state
2 3 to apply for a special wine auction permit from the alcoholic
2 4 beverages division which allows the nonprofit entity to
2 5 conduct an auction which includes wine. The bill allows a
2 6 nonprofit entity to conduct only one wine auction each
2 7 calendar year for a period of no more than 72 consecutive
2 8 hours. The bill provides that proceeds from the auction shall
2 9 be used for educational, religious, or charitable purposes.
2 10 The bill provides that wine to be auctioned shall be
2 11 obtained by gift or purchased from a class "B" wine permittee
2 12 or a class "B" or "C" native wine permittee. Wine auctioned
2 13 shall be in the original container and shall not be consumed
2 14 on the premises of where the auction is conducted. The bill
2 15 provides that a class "A" or "B" wine permittee, a class "A",
2 16 "B", or "C" native wine permittee, or a liquor control
2 17 licensee shall not purchase wine at the auction.
2 18 The bill provides that the fee for a special wine auction
2 19 permit is \$25.
2 20 LSB 2294HC 83
2 21 ec/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 206

HOUSE FILE
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL
BY CHAIRPERSON GASKILL)

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

A BILL FOR

1 An Act relating to county recorders by making changes to fees
2 charged by the county recorder, information required to be
3 endorsed on certain recorded documents and instruments, and
4 standards for indexes maintained by the county recorder.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1760HC 83
7 md/sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 206 continued

PAG LIN

1 1 Section 1. Section 10A.108, subsections 4 through 6, Code
1 2 2009, are amended to read as follows:

1 3 4. The county recorder of each county shall prepare and
1 4 maintain in the recorder's office an index of liens of debts
1 5 established based upon benefits or provider payments
1 6 inappropriately obtained from and owed the department of human
1 7 services, ~~which provides~~ containing the applicable entries
1 8 specified in sections 558.49 and 558.52, and providing

1 9 appropriate columns for all of the following data, under the
1 10 names of debtors, arranged alphabetically:

1 11 a. The name of the debtor.

1 12 b. "State of Iowa, Department of Human Services" as
1 13 claimant.

1 14 c. The time that the notice of the lien was ~~received~~ filed
1 15 for recording.

1 16 d. The date of notice.

1 17 e. The amount of the lien currently due.

1 18 f. The date of the assessment.

1 19 g. The date of satisfaction of the debt.

1 20 h. Any extension of the time period for application of the
1 21 lien and the date that the notice for extension was filed.

1 22 5. The recorder shall endorse on each notice of lien the
1 23 day and time ~~received~~ filed for recording and the document
1 24 reference number, and shall preserve the notice. The recorder
1 25 shall index the notice and shall record the lien in the manner
1 26 provided for recording real estate mortgages. The lien shall
1 27 be is effective from the time of the indexing.

1 28 6. The department shall pay, from moneys appropriated to
1 29 the department for this purpose, a recording ~~fee~~ fees as
1 30 provided in section 331.604, for the recording of the lien, or
1 31 for satisfaction of the lien.

1 32 Sec. 2. Section 96.14, subsection 3, paragraphs c through
1 33 e, Code 2009, are amended to read as follows:

1 34 c. The county recorder of each county shall prepare and
1 35 keep in the recorder's office an index ~~to show~~ containing the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 206 continued

2 1 applicable entries specified in sections 558.49 and 558.52 and
2 2 showing the following data, under the names of employers,
2 3 arranged alphabetically:
2 4 (1) The name of the employer.
2 5 (2) The name "State of Iowa" as claimant.
2 6 (3) Time notice of lien was ~~received~~ filed for recording.
2 7 (4) Date of notice.
2 8 (5) Amount of lien then due.
2 9 (6) When satisfied.
2 10 d. The recorder shall endorse on each notice of lien the
2 11 day, hour, and minute when ~~received~~ filed for recording and
2 12 the document reference number, and shall index the notice in
2 13 the index and shall record the lien in the manner provided for
2 14 recording real estate mortgages, and the. The lien shall be
2 15 is effective from the time of the indexing of the lien.
2 16 e. The department shall pay ~~a recording fee~~ fees as
2 17 provided in section 331.604, for the recording of the lien, or
2 18 for its satisfaction.
2 19 Sec. 3. Section 124C.4, subsection 3, Code 2009, is
2 20 amended to read as follows:
2 21 3. Each notice of lien shall be endorsed with the day,
2 22 hour, and minute when the notice was ~~received~~ filed for
2 23 recording and the document reference number, and the notice
2 24 shall be preserved, indexed, and recorded in the manner
2 25 provided for recording real estate mortgages. The lien shall
2 26 ~~be~~ is effective from the time of its indexing. The department
2 27 shall pay a recording fee fees as provided by section 331.604
2 28 for the recording of the lien or for its satisfaction.
2 29 Sec. 4. Section 331.602, subsections 8 and 37, Code 2009,
2 30 are amended to read as follows:
2 31 8. Endorse on each notice of an unemployment contribution
2 32 lien the day, hour, and minute that the lien is ~~received from~~
2 33 ~~the department of workforce development~~ filed for recording
2 34 and the document reference number, index the notice of lien,
2 35 and record the lien as provided in section 96.14, subsection



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 206 continued

3 1 3.

3 2 37. Carry out duties relating to the indexing of name
3 3 changes, and the recorder shall charge ~~a fee~~ fees for indexing
3 4 as provided in section 331.604.

3 5 Sec. 5. Section 331.603, subsection 4, Code 2009, is
3 6 amended to read as follows:

3 7 4. The recorder may, in lieu of maintaining separate index
3 8 books ~~as required by law~~, prepare and maintain a combined
3 9 index record or system which shall contain the same data and
3 10 information as required to be kept in the separate index
3 11 books.

3 12 Sec. 6. Section 331.604, Code 2009, is amended to read as
3 13 follows:

3 14 331.604 ~~GENERAL~~ RECORDING AND FILING ~~FEES~~ FEES.

3 15 1. Except as otherwise provided by state law, subsection ~~2~~
3 16 4, or section 331.605, the recorder shall collect a fee of
3 17 five dollars for each page or fraction of a page of an
3 18 instrument which is filed or recorded in the recorder's
3 19 office. If a page or fraction of a page contains more than
3 20 one transaction, the recorder shall collect the fee for each
3 21 transaction.

3 22 2. a. The recorder shall also collect a fee of one dollar
3 23 for each recorded transaction for which a fee is paid pursuant
3 24 to subsection 1 to be used exclusively for the purpose of
3 25 preserving and maintaining public records. The treasurer, on
3 26 behalf of the recorder, shall establish and maintain a county
3 27 recorder's records management fund into which all moneys
3 28 collected pursuant to this subsection shall be deposited.
3 29 Interest earned on moneys deposited in the fund shall be
3 30 credited to the county recorder's records management fund.
3 31 The recorder shall use the moneys deposited in the fund to
3 32 produce and maintain public records that meet archival
3 33 standards, and to enhance the technological storage,
3 34 retrieval, and transmission capabilities related to archival
3 35 quality records. The recorder may cooperate with other



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 206 continued

4 1 entities, boards, and agencies to establish methods of records
4 2 management, and participate in other joint ventures which
4 3 further the purposes of this subsection.
4 4 b. Fees collected pursuant to this subsection shall be
4 5 used to accomplish the following purposes:
4 6 (1) Preserve and maintain public records.
4 7 (2) Assist counties in reducing record preservation costs.
4 8 (3) Encourage and foster maximum access to public records
4 9 maintained by county recorders at locations throughout the
4 10 state.
4 11 (4) Establish plans for anticipated and possible future
4 12 needs, including the handling and preservation of vital
4 13 statistics.
4 14 3. a. The county recorder shall also collect a fee of one
4 15 dollar for each recorded transaction, regardless of the number
4 16 of pages, for which a fee is paid pursuant to subsection 1 to
4 17 be used for the purpose set forth in paragraph "c".
4 18 b. The county treasurer, on behalf of the recorder, shall
4 19 establish and maintain a county recorder's electronic
4 20 transaction fund into which all moneys collected pursuant to
4 21 paragraph "a" shall be deposited. Interest earned on moneys
4 22 deposited in this fund shall be computed based on the average
4 23 monthly balance in the fund and shall be credited to the
4 24 county recorder's electronic transaction fund.
4 25 c. The local government electronic transaction fund is
4 26 established in the office of the treasurer of state under the
4 27 control of the treasurer of state. Moneys deposited into the
4 28 fund are not subject to section 8.33. Notwithstanding section
4 29 12C.7, interest or earnings on moneys in the local government
4 30 electronic transaction fund shall be credited to the fund.
4 31 Moneys in the local government electronic transaction fund are
4 32 not subject to transfer, appropriation, or reversion to any
4 33 other fund, or any other use except as provided in this
4 34 paragraph "c". On a monthly basis, the county treasurer shall
4 35 pay each fee collected pursuant to paragraph "a" to the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 206 continued

5 1 treasurer of state for deposit into the local government
5 2 electronic transaction fund. Moneys credited to the local
5 3 government electronic transaction fund are appropriated to the
5 4 treasurer of state to be used for the purpose of planning and
5 5 implementing electronic recording and electronic transactions
5 6 in each county and developing county and statewide internet
5 7 websites to provide electronic access to records and
5 8 information and to pay the ongoing costs of integrating and
5 9 maintaining the statewide internet website.

5 10 d. The recorder shall make available any information
5 11 required by the county auditor or auditor of state concerning
5 12 the fees collected under this subsection for the purposes of
5 13 determining the amount of fees collected and the uses for
5 14 which such fees are expended.

5 15 ~~2.~~ 4. A county shall not be required to pay a fee to the
5 16 recorder for filing or recording instruments. However, a
5 17 county treasurer is required to pay recording fees pursuant to
5 18 section 437A.11.

5 19 Sec. 7. Section 331.605B, subsection 1, Code 2009, is
5 20 amended to read as follows:

5 21 1. The recorder shall make available any information
5 22 required by the county or state auditor concerning the fees
5 23 collected under section ~~331.605A~~ 331.604, subsection 2, for
5 24 the purposes of determining the amount of fees collected and
5 25 the uses for which such fees are expended.

5 26 Sec. 8. Section 331.606B, subsection 2, paragraph b, Code
5 27 2009, is amended to read as follows:

5 28 b. ~~The~~ For any instrument of conveyance, the name of the
5 29 taxpayer and a complete mailing address for any document or
5 30 instrument of conveyance.

5 31 Sec. 9. Section 331.606B, subsection 6, Code 2009, is
5 32 amended to read as follows:

5 33 6. a. On and after July 1, 2005, a document or instrument
5 34 that does not conform to the format standards specified in
5 35 subsections 1 through 3 shall not be ~~recorded~~ accepted for



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 206 continued

6 1 recording except upon payment of an additional recording fee
6 2 of ten dollars per document or instrument. The requirement
6 3 applies only to documents or instruments dated on or after
6 4 July 1, 2005, and does not apply to those documents or
6 5 instruments specifically exempted in subsection 4.
6 6 b. On and after July 1, 2009, a document or instrument
6 7 that does not conform to the format standards specified in
6 8 subsection 1, paragraphs "c" and "e", or subsection 2,
6 9 paragraph "b", shall not be accepted for recording. This
6 10 paragraph applies only to documents or instruments dated on or
6 11 after July 1, 2009, and does not apply to those documents or
6 12 instruments specifically exempted in subsection 4.

6 13 Sec. 10. Section 331.607, subsection 5, Code 2009, is
6 14 amended by striking the subsection and inserting in lieu
6 15 thereof the following:

6 16 5. An index for records of private drainage systems as
6 17 provided in section 468.623.

6 18 Sec. 11. Section 331.609, subsection 4, Code 2009, is
6 19 amended to read as follows:

6 20 4. The ~~fee~~ fees for filing or recording, and indexing each
6 21 notice of lien or certificate or notice affecting the lien
6 22 shall be as provided in section 331.604. The officer shall
6 23 bill the internal revenue service or any other appropriate
6 24 federal agency on a monthly basis for fees for documents filed
6 25 or recorded by it.

6 26 Sec. 12. Section 359A.10, Code 2009, is amended to read as
6 27 follows:

6 28 359A.10 ENTRY AND RECORD OF ORDERS.

6 29 Such orders, decisions, notices, and returns shall be
6 30 entered of record at length by the township clerk, and a copy
6 31 thereof certified by the township clerk to the county
6 32 recorder, who shall record the same in the recorder's office
6 33 in a book kept for that purpose, and index such record in the
6 34 name of each adjoining owner as grantor to the other. The
6 35 county recorder shall collect fees specified in section



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 206 continued

7 1 331.604.

7 2 Sec. 13. Section 359A.12, Code 2009, is amended to read as
7 3 follows:

7 4 359A.12 DIVISION BY AGREEMENT == RECORD.

7 5 The several owners may, in writing, agree upon the portion
7 6 of partition fences between their lands which shall be erected
7 7 and maintained by each, which writing shall describe the lands
7 8 and the parts of the fences so assigned, be signed and
7 9 acknowledged by them, and filed and recorded in the office of
7 10 the recorder of deeds of the county or counties in which they
7 11 are situated. The county recorder shall collect fees
7 12 specified in section 331.604.

7 13 Sec. 14. Section 422.26, subsections 4 and 5, Code 2009,
7 14 are amended to read as follows:

7 15 4. The county recorder of each county shall keep in the
7 16 recorder's office an index ~~and record to show~~ containing the
7 17 applicable entries in sections 558.49 and 558.52 and showing
7 18 the following data, under the names of taxpayers, arranged
7 19 alphabetically:

- 7 20 a. The name of the taxpayer.
- 7 21 b. The name "State of Iowa" as claimant.
- 7 22 c. Time notice of lien was ~~received~~ filed for recording.
- 7 23 d. Date of notice.
- 7 24 e. Amount of lien then due.
- 7 25 f. Date of assessment.
- 7 26 g. When satisfied.

7 27 The recorder shall endorse on each notice of lien the day,
7 28 hour, and minute when ~~received and~~ filed for recording and the
7 29 document reference number, shall preserve the same, and shall
7 30 index the notice in the index and shall record the lien in the
7 31 manner provided for recording real estate mortgages, and the
7 32 lien shall be is effective from the time of the indexing
7 33 of the lien.

7 34 5. The department shall pay a recording ~~fee~~ fees as
7 35 provided in section 331.604, for the recording of the lien, or



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 206 continued

8 1 for its satisfaction.

8 2 Sec. 15. Section 424.11, unnumbered paragraphs 4 and 5,
8 3 Code 2009, are amended to read as follows:

8 4 The recorder shall endorse on each notice of lien the day,
8 5 hour, and minute when ~~received~~ filed for recording and the
8 6 document reference number, and shall preserve the notice, ~~and~~.

8 7 The recorder shall also immediately index the notice and
8 8 record the lien in the manner provided for recording real
8 9 estate mortgages, and the. The lien shall be is effective
8 10 from the time of its indexing.

8 11 The department shall pay ~~a~~ recording ~~fee~~ fees as provided
8 12 in section 331.604, for the recording of the lien, or for its
8 13 satisfaction.

8 14 Sec. 16. Section 428A.4, unnumbered paragraph 2, Code
8 15 2009, is amended to read as follows:

8 16 The county recorder shall refuse to record any deed,
8 17 instrument, or writing by which any real property in this
8 18 state shall be granted, assigned, transferred, or otherwise
8 19 conveyed, except those transfers exempt from tax under section
8 20 428A.2, subsections 2 ~~to~~ through 5, ~~and~~ 7 ~~to~~ through 13, and
8 21 16 through 21, or under section 428A.2, subsection 6, except
8 22 in the case of a federal agency or instrumentality, until the
8 23 declaration of value has been submitted to the county
8 24 recorder. A declaration of value shall not be required with a
8 25 deed given in fulfillment of a recorded real estate contract
8 26 provided the deed has a notation that it is given in
8 27 fulfillment of a contract.

8 28 Sec. 17. Section 428A.5, Code 2009, is amended to read as
8 29 follows:

8 30 428A.5 DOCUMENTATION OF PAYMENT.

8 31 The amount of tax imposed by this chapter shall be paid to
8 32 the county recorder in the county where the real property is
8 33 located and the amount received ~~and the initials of the county~~
8 34 ~~recorder~~ shall appear on the face of the document or
8 35 instrument. The method of documentation of a transfer tax



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 206 continued

9 1 shall be approved by the department of revenue.

9 2 Sec. 18. Section 437A.11, unnumbered paragraph 2, Code
9 3 2009, is amended to read as follows:

9 4 The county recorder of each county shall ~~prepare and keep~~
9 5 ~~in the recorder's office an index~~ each lien showing the
9 6 applicable entries specified in sections 558.49 and 558.52 and
9 7 ~~record to show~~ showing, under the names of taxpayers arranged
9 8 alphabetically, all of the following:

9 9 Sec. 19. Section 437A.11, subsection 3, Code 2009, is
9 10 amended to read as follows:

9 11 3. Time the notice of lien was ~~received~~ filed for
9 12 recording.

9 13 Sec. 20. Section 437A.11, unnumbered paragraphs 3 through
9 14 5, Code 2009, are amended to read as follows:

9 15 The recorder shall endorse on each notice of lien the day,
9 16 hour, and minute when ~~received and preserve such notice, and~~
9 17 filed for recording and the document reference number, shall
9 18 preserve such notice, shall index the notice in the index, and
9 19 shall promptly record the lien in the manner provided for
9 20 recording real estate mortgages. The lien is effective from
9 21 the time of the indexing of the lien.

9 22 The county treasurer or chief financial officer of the city
9 23 shall pay a recording ~~fee~~ fees as provided in section 331.604,
9 24 for the recording of the lien, or for its satisfaction.

9 25 Upon the payment of the replacement tax as to which a
9 26 county treasurer or chief financial officer of a city has
9 27 filed notice with a county recorder, the county treasurer or
9 28 chief financial officer of the city shall promptly file with
9 29 the recorder a satisfaction of the replacement tax. The
9 30 recorder shall ~~enter the satisfaction on the record the notice~~
9 31 ~~on file in the recorder's office and indicate that fact on the~~
9 32 ~~index of satisfaction showing the applicable entries specified~~
9 33 ~~in sections 558.49 and 558.52.~~

9 34 Sec. 21. Section 437A.22, unnumbered paragraph 3, Code
9 35 2009, is amended to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 206 continued

10 1 The county recorder of each county shall ~~prepare and keep~~
~~10 2 in the recorder's office an index~~ each lien showing the
10 3 applicable entries specified in sections 558.49 and 558.52 and
10 4 record to show showing, under the names of taxpayers arranged
10 5 alphabetically, all of the following:
10 6 Sec. 22. Section 437A.22, subsection 3, Code 2009, is
10 7 amended to read as follows:
10 8 3. Time the notice of lien was ~~received~~ filed for
10 9 recording.
10 10 Sec. 23. Section 437A.22, unnumbered paragraphs 4 and 5,
10 11 Code 2009, are amended to read as follows:
10 12 The recorder shall endorse on each notice of lien the day,
10 13 hour, and minute when ~~received and~~ filed for recording and the
10 14 document reference, shall preserve such notice, and shall
10 15 promptly record the lien in the manner provided for recording
10 16 real estate mortgages. The lien is effective from the time of
10 17 the indexing of the lien.
10 18 The director, from moneys appropriated to the department of
10 19 revenue for this purpose, shall pay a recording ~~fee~~ fees as
10 20 provided in section 331.604 for the recording of the lien, or
10 21 for its satisfaction.
10 22 Sec. 24. Section 468.623, Code 2009, is amended to read as
10 23 follows:
10 24 468.623 PRIVATE DRAINAGE SYSTEM == RECORD.
10 25 1. Any person who has provided a system of drainage on
10 26 land owned by the person may have the same made a matter of
10 27 record in the office of the county recorder of the county in
10 28 which the drainage system is located, provided any drainage
10 29 system constructed after July 1, 1969, shall be made a matter
10 30 of record, ~~as is hereinafter provided.~~ The record shall
10 31 contain the applicable entries specified in sections 558.49
10 32 and 558.52.
10 33 2. Records under subsection 1 may be used to give the
10 34 owner's name, description of tracts of land drained, stating
10 35 the time when the drainage system was established, the kind,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 206 continued

11 1 quality, and brand of tile used, the name and place of the
11 2 manufacturing plant, the name of contractors who laid the
11 3 tile, the name of the engineer in charge of the survey and
11 4 installation, the cost of tile, delivery, installation, and
11 5 engineering expense, depths, grades, outlets, connections,
11 6 contracts for agreements with adjoining landowners as to
11 7 connections, and any other matters or information that may be
11 8 considered of value, and such information may be furnished by
11 9 the landowner or the engineer having charge of the
11 10 installation and certified to under oath.

11 11 Sec. 25. Section 468.626, Code 2009, is amended to read as
11 12 follows:

11 13 468.626 ORIGINAL PLAT FILED.

11 14 In lieu of making the record as herein provided any
11 15 landowner may file with the county recorder the original plat
11 16 used in the establishment of ~~said~~ the drainage system, or a
11 17 copy ~~thereof~~ of the plat, which shall be certified by the
11 18 engineer having made the same. If practicable, a plat filed
11 19 under this section shall be made a matter of record and shall
11 20 contain the applicable entries specified in sections 558.49
11 21 and 558.52.

11 22 Sec. 26. Section 468.628, Code 2009, is amended to read as
11 23 follows:

11 24 468.628 FEES FOR ~~RECORD AND COPIES~~ RECORDING.

11 25 ~~The county~~ When information is filed with the county
11 26 recorder pursuant to section 468.623 or 468.626, the recorder
11 27 shall be entitled to collect recording fees for the filing and
11 28 information heretofore provided for, and for the making of
11 29 copies of such records the same as is provided for other work
11 30 of a similar nature in the amounts specified in section
11 31 331.604.

11 32 Sec. 27. Section 499A.1, unnumbered paragraph 1, Code
11 33 2009, is amended to read as follows:

11 34 Any two or more persons of full age, a majority of whom are
11 35 citizens of the state, may organize themselves for the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 206 continued

12 1 following or similar purposes: Ownership of residential,
12 2 business property on a cooperative basis. A corporation is a
12 3 person within the meaning of this chapter. The organizers
12 4 shall adopt, and sign and acknowledge the articles of
12 5 incorporation, stating the name by which the cooperative shall
12 6 be known, the location of its principal place of business, its
12 7 business or objects, the number of directors to conduct the
12 8 cooperative's business or objects, the names of the directors
12 9 for the first year, the time of the cooperative's annual
12 10 meeting, the time of the annual meeting of its directors, and
12 11 the manner in which the articles may be amended. The articles
12 12 of incorporation shall be filed with the secretary of state
12 13 who shall, if the secretary approves the articles, endorse the
12 14 secretary of state's approval on the articles, record the
12 15 articles, and forward the articles to the county recorder of
12 16 the county where the principal place of business is to be
12 17 located, and there the articles shall be recorded, and upon
12 18 recording be returned to the cooperative. The articles shall
12 19 not be filed by the secretary of state until a filing fee of
12 20 five dollars together with a recording fee of fifty cents per
12 21 page is paid, and upon the payment of the fees and the
12 22 approval of the articles by the secretary of state, the
12 23 secretary shall issue to the cooperative a certificate of
12 24 incorporation as a cooperative not for pecuniary profit. The
12 25 county recorder shall collect recording fees pursuant to
12 26 section 331.604 for articles forwarded for recording under
12 27 this section.

12 28 Sec. 28. Section 499B.3, unnumbered paragraph 1, Code
12 29 2009, is amended to read as follows:

12 30 When the sole owner or all of the owners, or the sole
12 31 lessee or all of the lessees of a lease desire to submit a
12 32 parcel of real property upon which a building is located or to
12 33 be constructed to the horizontal property regime established
12 34 by this chapter, a declaration to that effect shall be
12 35 executed and acknowledged by the sole owner or lessee or all



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 206 continued

13 1 of such owners or lessees and shall be recorded in the office
13 2 of the county recorder of the county in which such property
13 3 lies. The county recorder shall collect recording fees
13 4 pursuant to section 331.604.

13 5 Sec. 29. Section 499B.5, subsection 1, Code 2009, is
13 6 amended to read as follows:

13 7 1. Description of land as provided in section 499B.4,
13 8 including the ~~book, page~~ document reference number and date of
13 9 recording of the declaration.

13 10 Sec. 30. Section 501.105, subsection 6, Code 2009, is
13 11 amended to read as follows:

13 12 6. The secretary of state shall forward for recording a
13 13 copy of each original, amended, and restated articles,
13 14 articles of merger, articles of consolidation, and articles of
13 15 dissolution to the recorder of the county in which the
13 16 cooperative has its principal place of business, or in the
13 17 case of a merger or consolidation, to the recorders of each of
13 18 the counties in which the merging or consolidating
13 19 cooperatives have their principal offices. The county
13 20 recorder shall collect recording fees pursuant to section
13 21 331.604 for documents forwarded for recording under this
13 22 subsection.

13 23 Sec. 31. Section 547.3, Code 2009, is amended to read as
13 24 follows:

13 25 547.3 FEE FOR RECORDING.

13 26 The county recorder shall ~~charge and receive a fee collect~~
13 27 fees in the amount specified in section 331.604 for each
13 28 verified statement recorded under this chapter. The recorder
13 29 may return the original instrument to the sender or dispose of
13 30 the instrument if the sender does not wish to have the
13 31 instrument returned. An instrument filed in the recorder's
13 32 office before July 1, 1990, may be returned to the sender or
13 33 disposed of if the sender does not wish to have the instrument
13 34 returned and if there is an official copy of the instrument in
13 35 the recorder's office.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 206 continued

14 1 Sec. 32. Section 557.24, Code 2009, is amended to read as
14 2 follows:

14 3 557.24 FEE.

14 4 A person having the name of the person's farm recorded as
14 5 provided in section 557.22 shall first pay to the county
14 6 recorder ~~a fee in the amount~~ the fees specified in section
14 7 331.604, which ~~fee~~ shall be paid to the county treasurer as
14 8 other fees are paid to the county treasurer by the recorder.

14 9 Sec. 33. Section 557.26, Code 2009, is amended to read as
14 10 follows:

14 11 557.26 CANCELLATION == FEE.

14 12 If the owner of a registered farm desires to cancel the
14 13 registered name of the farm, the owner shall acknowledge
14 14 cancellation of the name by execution of an instrument in
14 15 writing referring to the farm name, and shall record the
14 16 instrument. For the latter service the county recorder shall
14 17 ~~charge a fee in collect~~ the amount fees specified in section
14 18 331.604, which shall be paid to the county treasurer as other
14 19 fees are paid to the county treasurer by the recorder.

14 20 Sec. 34. Section 558.55, Code 2009, is amended to read as
14 21 follows:

14 22 558.55 FILING AND INDEXING == CONSTRUCTIVE NOTICE.

14 23 The recorder must endorse upon every instrument properly
14 24 filed for ~~record~~ recording in the recorder's office, the day,
14 25 hour, and minute ~~of the filing~~ when filed for recording and
14 26 the document reference number, and enter in the index the
14 27 entries required to be entered pursuant to sections 558.49 and
14 28 558.52, ~~and the filing~~. The recording and indexing shall
14 29 constitute constructive notice to all persons of the rights of
14 30 the grantees conferred by the instruments.

14 31 Sec. 35. Section 558.66, unnumbered paragraph 1, Code
14 32 2009, is amended to read as follows:

14 33 Upon receipt of a certificate issued by the clerk of the
14 34 district court or clerk of the supreme court indicating that
14 35 the title to real estate has been finally established in any



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 206 continued

15 1 named person by judgment or decree or by will or by affidavit
15 2 of or on behalf of a surviving spouse that has been recorded
15 3 by the recorder, the auditor shall enter the information in
15 4 the certificate upon the transfer books, upon payment of a fee
15 5 in the amount specified in section 331.507, subsection 2,
15 6 paragraph "a". In the case of the affidavit filed with the
15 7 recorder, the fee set forth in section 331.507, subsection 2,
15 8 paragraph "a", and the ~~fee fees~~ set forth in section 331.604,
15 9 shall be collected by the recorder and paid to the treasurer
15 10 as provided in section 331.902, subsection 3.

15 11 Sec. 36. Section 598.21, subsection 2, Code 2009, is
15 12 amended to read as follows:

15 13 2. DUTIES OF COUNTY RECORDER. The county recorder shall
15 14 record each quitclaim deed or change of title and shall
15 15 collect the ~~fee fees~~ specified in section 331.507, subsection
15 16 2, paragraph "a", and the fee specified in section 331.604
~~15 17 subsection 1.~~

15 18 Sec. 37. Section 633.481, Code 2009, is amended to read as
15 19 follows:

15 20 633.481 CERTIFICATE TO COUNTY RECORDER FOR TAX PURPOSES
15 21 WITHOUT ADMINISTRATION.

15 22 When an inventory or report is filed under section 450.22,
15 23 without administration of the estate of the decedent, the heir
15 24 or heir's attorney shall prepare and deliver to the county
15 25 recorder of the county in which the real estate is situated a
15 26 certificate pertaining to each parcel of real estate described
15 27 in the inventory or report. Any fees for certificates or
15 28 recording fees required by this section or section 633.480
15 29 shall be assessed as costs of administration. The ~~fee fees~~
15 30 for recording and indexing the instrument shall be as provided
15 31 in section 331.604. The county recorder shall deliver the
15 32 certificates to the county auditor as provided in section
15 33 558.58.

15 34 Sec. 38. Section 674.14, Code 2009, is amended to read as
15 35 follows:



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

House Study Bill 206 continued

17 1 recording fees for recording a declaration of a horizontal
17 2 property regime and shall collect recording fees upon the
17 3 recording of certain articles of incorporation.
17 4 The bill allows a county recorder to collect recording fees
17 5 for orders, decisions, and notices made by a fence viewer and
17 6 written agreements between adjoining landowners.
17 7 LSB 1760HC 83
17 8 md/sc/5.2



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 207

HOUSE FILE
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL
BY CHAIRPERSON GASKILL)

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

A BILL FOR

- 1 An Act relating to public notice requirements for meetings of
- 2 boards of township trustees.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1851HC 83
- 5 md/sc/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 207 continued

PAG LIN

1 1 Section 1. Section 21.4, subsection 1, Code 2009, is
1 2 amended to read as follows:
1 3 1. A governmental body, ~~except township trustees,~~ shall
1 4 give notice of the time, date, and place of each meeting, and
1 5 its tentative agenda, in a manner reasonably calculated to
1 6 apprise the public of that information. Reasonable notice
1 7 shall include advising the news media who have filed a request
1 8 for notice with the governmental body and posting the notice
1 9 on a bulletin board or other prominent place which is easily
1 10 accessible to the public and clearly designated for that
1 11 purpose at the principal office of the body holding the
1 12 meeting, or if no such office exists, at the building in which
1 13 the meeting is to be held.

1 14 Sec. 2. Section 359.17, subsection 2, Code 2009, is
1 15 amended to read as follows:

1 16 2. A board of township trustees shall give prior notice of
1 17 a meeting to discuss, deliberate, or act upon a matter
1 18 relating to the budget or a tax levy of the township or
1 19 relating to the trustees' duty to provide fire protection
1 20 service and, if provided, emergency medical service, pursuant
1 21 to section 359.42. The trustees shall give notice of such
1 22 meeting at least ~~forty-eight~~ twenty-four hours preceding the
1 23 commencement of the meeting. However, a notice is not
1 24 required pursuant to this subsection when the trustees gather
1 25 for ~~minor or~~ purely ministerial matters relating to the
1 26 trustees' duty for providing such fire protection service or
1 27 emergency medical service. The notice shall state the time,
1 28 date, and place of the meeting and the proposed agenda. The
1 29 notice shall be provided to the county auditor who shall post
1 30 the notice in an area of the courthouse where notices to the
1 31 public are commonly posted.

1 32 EXPLANATION

1 33 Current law requires that notice of a board of township
1 34 trustees meeting relating to the budget, a tax levy of the
1 35 township, or the trustees' duty or authority to provide fire



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

House Study Bill 207 continued

2 1 protection service or emergency medical service shall be given
2 2 at least 48 hours before the meeting. This bill requires such
2 3 notice to be given at least 24 hours before the meeting.
2 4 The bill removes the exemption for township trustees in
2 5 Code section 21.4 relating to notices required for meetings of
2 6 governmental bodies. The bill amends the exemption from the
2 7 board of township trustees meeting notice requirements for
2 8 minor or ministerial matters to conform with the provisions of
2 9 Code section 21.2.
2 10 LSB 1851HC 83
2 11 md/sc/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 208

SENATE/HOUSE FILE
BY (PROPOSED GOVERNOR'S BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act creating a disaster aid local government assistance grant
- 2 program and fund.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1720XL 83
- 5 tm/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 208 continued

PAG LIN

1 1 Section 1. NEW SECTION. 29C.20B DISASTER AID LOCAL
1 2 GOVERNMENT ASSISTANCE GRANT PROGRAM AND FUND.
1 3 1. A disaster aid local government assistance grant fund
1 4 is created in the state treasury under the control of the
1 5 executive council. Moneys in the fund may be expended
1 6 following a governor's proclamation of a disaster emergency.
1 7 From moneys in the grant fund, the executive council may award
1 8 financial assistance in the form of grants to meet
1 9 disaster-related expenses of governmental subdivisions
1 10 adversely affected by a disaster where the effect of the
1 11 disaster or action on the governmental subdivision is the
1 12 immediate financial inability to meet the continuing
1 13 requirements of local government. The aggregate total of
1 14 grants awarded during a fiscal year shall not be more than
1 15 three million five hundred thousand dollars. However, within
1 16 the same fiscal year, additional moneys may be authorized by
1 17 the executive council pursuant to section 29C.20, subsection
1 18 1, paragraph "a", subparagraph (6), or as otherwise provided
1 19 by law to meet additional needs of governmental subdivisions
1 20 receiving grants under this section. Grants awarded under
1 21 this section shall be administered by the homeland security
1 22 and emergency management division of the department of public
1 23 defense.
1 24 2. The amount of a grant shall be made at the discretion
1 25 of the executive council and, if made, shall not exceed
1 26 seventy-five percent of the documented disaster-related
1 27 expenses incurred by a governmental subdivision. An applicant
1 28 for a grant shall sign an affidavit agreeing to refund any
1 29 part of the grant that is duplicated by any other assistance,
1 30 such as but not limited to insurance or assistance from the
1 31 federal emergency management agency.
1 32 3. The homeland security and emergency management division
1 33 shall adopt rules pursuant to chapter 17A to create the Iowa
1 34 disaster aid local government assistance grant program for
1 35 purposes of awarding and administering grants from the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

House Study Bill 208 continued

2 1 disaster aid local government assistance grant fund. The
2 2 rules shall specify the eligibility of applicants and projects
2 3 eligible for funding. The rules shall be based on the public
2 4 assistance program created within the federal Robert T.
2 5 Stafford Disaster Relief and Emergency Assistance Act, Pub. L.
2 6 No. 93=288, as amended.

2 7 4. The executive council shall authorize moneys in the
2 8 disaster aid local government assistance grant fund to be used
2 9 to reimburse the homeland security and emergency management
2 10 division for actual expenses associated with the
2 11 administration of the grants.

2 12 5. The homeland security and emergency management division
2 13 shall submit an annual report, by January 1 of each year, to
2 14 the legislative fiscal committee and the legislative
2 15 government oversight committee concerning the activities of
2 16 the grant program in the previous fiscal year.

2 17 EXPLANATION

2 18 This bill creates a disaster aid local government
2 19 assistance grant fund in the state treasury for use by the
2 20 executive council. The bill provides that from moneys in the
2 21 grant fund, the executive council may award financial
2 22 assistance in the form of grants to meet disaster-related
2 23 expenses of governmental subdivisions adversely affected by a
2 24 disaster where the effect of the disaster or action on the
2 25 governmental subdivision is the immediate financial inability
2 26 to meet the continuing requirements of local government. The
2 27 aggregate total of grants awarded from the disaster aid local
2 28 government assistance grant fund during a fiscal year shall
2 29 not be more than \$3.5 million. The bill provides that, within
2 30 the same fiscal year, additional moneys may be authorized by
2 31 the executive council from other funds to meet additional
2 32 needs of governmental subdivisions receiving financial
2 33 assistance from the disaster aid local government assistance
2 34 grant fund. The bill requires the homeland security and
2 35 emergency management division of the department of public



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

House Study Bill 208 continued

3 1 defense to administer awarded grants. The bill provides that
3 2 the amount of the grant shall be at the discretion of the
3 3 executive council and, if made, shall not exceed 75 percent of
3 4 the documented disaster-related expenses incurred by the
3 5 governmental subdivision. The bill requires the homeland
3 6 security and emergency management division to adopt
3 7 administrative rules specifying the eligibility of applicants
3 8 and projects eligible for funding. The bill requires the
3 9 executive council to authorize moneys in the disaster aid
3 10 local government assistance grant fund to be used to reimburse
3 11 the homeland security and emergency management division for
3 12 actual expenses associated with the administration of the
3 13 grants. The bill includes annual reporting requirements.
3 14 LSB 1720XL 83
3 15 tm/rj/5.3



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Amendment 3024

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 1, by inserting after line 31 the
1 9 following:

1 10 <Sec. _____. Section 256.9, Code 2009, is amended by
1 11 adding the following new subsection:

1 12 NEW SUBSECTION. 62. Report to the general
1 13 assembly annually by January 1, beginning January 1,
1 14 2010, about the necessity of waiving any statutory
1 15 obligations for school districts, as authorized under
1 16 section 256.7, due to a disaster as defined in section
1 17 29C.2, subsection 1. The department's report shall
1 18 specify each waiver and the determination for granting
1 19 each waiver. The department shall provide the report
1 20 to the speaker of the house and president of the
1 21 senate and to the chairpersons of the appropriate
1 22 standing committees of the general assembly.>

1 23 #4. Page 2, by striking line 22 and inserting the
1 24 following: <execute purchase agreements within two
1 25 years of a disaster as defined in section 29C.2,
1 26 subsection 1, and lease=purchase agreements pursuant
1 27 to>.

1 28 #5. Page 2, by striking line 30 and inserting the
1 29 following: <the director of the department state
1 30 board of education or its designee before entering>.

1 31 #6. By striking page 2, line 35, through page 3,
1 32 line 1, and inserting the following: <subject to the
1 33 approval of the director of the department state board
1 34 of education or its designee and to receive by gift
1 35 and operate and maintain>.

1 36 #7. Page 3, by striking line 6 and inserting the
1 37 following: <director state board. If a lease
1 38 requires approval, the director The state board>.

1 39 #8. Page 3, line 8, by striking the word
1 40 <director> and inserting the following: <director
1 41 state board>.

1 42 #9. Page 3, line 10, by inserting after the word
1 43 <available.> the following: <A purchase of property
1 44 that is not a lease=purchase may be made only within
1 45 two years of a disaster as defined in section 29C.2,
1 46 subsection 1, and subject to the requirements of this
1 47 subsection.>

1 48 #10. Page 3, by inserting after line 10 the
1 49 following:

1 50 <Sec. _____. NEW SECTION. 273.14 EMERGENCY



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Amendment 3024 continued

2 1 REPAIRS.
2 2 When emergency repairs costing more than the
2 3 competitive bid threshold in section 26.3, or the
2 4 adjusted competitive bid threshold established in
2 5 section 314.1B, subsection 2, are necessary in order
2 6 to ensure the use of an area education agency
2 7 facility, the provisions of law with reference to
2 8 advertising for bids shall not apply within two years
2 9 of a disaster as defined in section 29C.2, subsection
2 10 1, and the area education agency board may contract
2 11 for such emergency repairs without advertising for
2 12 bids. However, before such emergency repairs can be
2 13 made to an area education agency facility, the state
2 14 board of education or its designee must certify that
2 15 such emergency repairs are necessary to ensure the use
2 16 of the area education agency facility.
2 17 Sec. _____. Section 297.8, Code 2009, is amended to
2 18 read as follows:
2 19 297.8 EMERGENCY REPAIRS.
2 20 When emergency repairs costing more than the
2 21 competitive bid threshold in section 26.3, or as
2 22 established in section 314.1B, are necessary in order
2 23 to ~~prevent the closing~~ ensure the continued use of any
2 24 school or attendance center, the provisions of the law
2 25 with reference to advertising for bids shall not
2 26 apply, and in that event the board may contract for
2 27 such emergency repairs without advertising for bids.
2 28 However, before such emergency repairs can be made to
2 29 any schoolhouse or attendance center, it shall be
2 30 necessary to procure a certificate from the area
2 31 education agency administrator that such emergency
2 32 repairs are necessary to ~~prevent the closing~~ ensure
2 33 the continued use of the school or attendance center.>
2 34 #11. By renumbering as necessary.
2 35
2 36
2 37
2 38 WILLIAM HECKROTH
2 39 SF 81.505 83
2 40 ak/sc/21637



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate File 195 - Introduced

SENATE FILE
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 1113)

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

A BILL FOR

- 1 An Act relating to the grain depositors and sellers indemnity
- 2 fund.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1171SV 83
- 5 da/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate File 195 - Introduced continued

PAG LIN

1 1 Section 1. Section 203D.5, subsection 2, Code 2009, is
1 2 amended to read as follows:
1 3 2. If, at the end of any three-month period, the assets of
1 4 the fund exceed ~~six~~ twelve million dollars, less any
1 5 encumbered balances or pending or unsettled claims, the
1 6 per-bushel fee required under section 203D.3, subsection 2,
1 7 and the dealer-warehouse fee required under section 203D.3,
1 8 subsection 3, shall be waived and the fees are not assessable
1 9 or owing. The board shall reinstate the fees if the assets of
1 10 the fund, less any unencumbered balances or pending or
1 11 unsettled claims, are ~~three~~ six million dollars or less.

1 12 Sec. 2. Section 203D.6, subsection 7, Code 2009, is
1 13 amended to read as follows:

1 14 7. PAYMENT OF CLAIMS. Upon a determination that the claim
1 15 is eligible for payment, the board shall provide for payment
1 16 of ninety percent of the loss, as determined under subsection
1 17 4, but not more than ~~one~~ three hundred ~~fifty~~ thousand dollars
1 18 per claimant. If at any time the board determines that there
1 19 are insufficient funds to make payment of all claims, the
1 20 board may order that payment be deferred on specified claims.
1 21 The department, upon the board's instruction, shall hold those
1 22 claims for payment until the board determines that the fund
1 23 again contains sufficient assets.

1 24 EXPLANATION

1 25 BACKGROUND. This bill amends Code chapter 203D which
1 26 establishes the grain depositors and sellers indemnity fund
1 27 for use in indemnifying a "depositor" who has stored grain
1 28 with a warehouse operator licensed in this state, for losses
1 29 resulting from the depositor's right to receive possession of
1 30 the grain, and a "seller" who is a producer selling grain to a
1 31 grain dealer, for losses resulting from a failure to receive
1 32 payment for that grain. The fund is administered by the Iowa
1 33 grain indemnity fund board, and grain dealers and warehouse
1 34 operators are regulated by the department of agriculture and
1 35 land stewardship.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate File 195 - Introduced continued

2 1 The fund is supported by the following fees: (1) a
2 2 dealer=warehouse fee which is a fixed amount imposed upon
2 3 licensed grain dealers and warehouse operators (for grain
2 4 dealers an amount based on whether they hold a class 1 or
2 5 class 2 license, and for warehouse operators an amount based
2 6 on warehouse storage capacity), and (2) a per=bushel fee
2 7 imposed on "purchased grain", which is grain sold to a grain
2 8 dealer by a seller, remitted by the grain dealer to the
2 9 department, and allowed to be passed through to the seller.
2 10 The board is provided discretion in its administration of
2 11 the fund. It may suspend ("waive") the assessment of the
2 12 dealer=warehouse fee or the per=bushel fee, if the
2 13 unencumbered balance of the fund (less pending claims) is more
2 14 than \$3 million. Conversely, the fees are automatically
2 15 waived once the balance exceeds \$6 million.
2 16 A person who timely files an eligible claim with the board
2 17 is entitled to receive 90 percent of a loss with a maximum
2 18 payout of \$150,000.
2 19 BILL'S PROVISIONS. The balance in the fund required to
2 20 automatically waive the assessment of the dealer=warehouse fee
2 21 and the per=bushel fee, is increased from \$6 million to \$12
2 22 million. The balance in the fund required to automatically
2 23 reinstate the fees is increased from \$3 million to \$6 million.
2 24 The amount of the maximum payout for a loss by an eligible
2 25 claimant is increased from \$150,000 to \$300,000.
2 26 LSB 1171SV 83
2 27 da/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate File 196 - Introduced

SENATE FILE
BY MCKINLEY

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

A BILL FOR

- 1 An Act relating to the civil commitment of a juvenile sexually
- 2 violent predator.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1685XS 83
- 5 jm/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate File 196 - Introduced continued

PAG LIN

1 1 Section 1. Section 229A.2, unnumbered paragraph 1, Code
1 2 2009, is amended to read as follows:
1 3 As used in this chapter, unless the context otherwise
1 4 requires:
1 5 Sec. 2. Section 229A.2, Code 2009, is amended by adding
1 6 the following new subsection:
1 7 NEW SUBSECTION. 5A. "Person" includes a juvenile
1 8 adjudicated to have committed a sexually violent offense and a
1 9 juvenile excluded from the jurisdiction of the juvenile court
1 10 pursuant to section 232.8 and convicted in adult court of a
1 11 sexually violent offense.
1 12 Sec. 3. Section 229A.3, subsection 1, Code 2009, is
1 13 amended by adding the following new paragraph:
1 14 NEW PARAGRAPH. d. The final discharge of a juvenile
1 15 adjudicated to have committed a sexually violent offense.
1 16 Sec. 4. Section 229A.3, Code 2009, is amended by adding
1 17 the following new subsection:
1 18 NEW SUBSECTION. 6. Notwithstanding sections 232.147
1 19 through 232.151, records concerning adjudications which are
1 20 committed by a juvenile may be released in the same manner as
1 21 records of convictions of adults for the limited purpose of
1 22 civil commitment under this chapter and for escapes under
1 23 section 229A.5B.
1 24 Sec. 5. Section 229A.4, subsection 2, Code 2009, is
1 25 amended by adding the following new paragraph:
1 26 NEW PARAGRAPH. d. The juvenile was adjudicated to have
1 27 committed a sexually violent offense.
1 28 Sec. 6. Section 229A.5, subsection 1, Code 2009, is
1 29 amended to read as follows:
1 30 1. Upon filing of a petition under section 229A.4, the
1 31 court shall make a preliminary determination as to whether
1 32 probable cause exists to believe that the person named in the
1 33 petition is a sexually violent predator. Upon a preliminary
1 34 finding of probable cause, the court shall direct that the
1 35 person named in the petition be taken into custody and that



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate File 196 - Introduced continued

2 1 the person be served with a copy of the petition and any
2 2 supporting documentation and notice of the procedures required
2 3 by this chapter. If the person is in custody at the time of
2 4 the filing of the petition, the court shall determine whether
2 5 a transfer of the person to an appropriate secure facility is
2 6 appropriate pending the outcome of the proceedings or whether
2 7 the custody order should be delayed until the date of release
2 8 of the person. If the person placed at an appropriate secure
2 9 facility is a juvenile, the person shall be segregated at all
2 10 times from other persons who are not juveniles placed at the
2 11 facility.

2 12 Sec. 7. Section 229A.7, subsection 7, Code 2009, is
2 13 amended to read as follows:

2 14 7. The control, care, and treatment of a person determined
2 15 to be a sexually violent predator shall be provided at a
2 16 facility operated by the department of human services. At all
2 17 times prior to placement in a transitional release program or
2 18 release with or without supervision, persons committed for
2 19 control, care, and treatment by the department of human
2 20 services pursuant to this chapter shall be kept in a secure
2 21 facility and those patients shall be segregated at all times
2 22 from any other patient under the supervision of the department
2 23 of human services. In addition, if the committed person is a
2 24 juvenile, the person shall be segregated at all times from
2 25 other committed persons under this chapter who are not
2 26 juveniles and from any other patient under supervision of the
2 27 department of human services. A person committed pursuant to
2 28 this chapter to the custody of the department of human
2 29 services may be kept in a facility or building separate from
2 30 any other patient under the supervision of the department of
2 31 human services. The department of human services may enter
2 32 into a chapter 28E agreement with the department of
2 33 corrections or other appropriate agency in this state or
2 34 another state for the confinement of patients who have been
2 35 determined to be sexually violent predators. Patients who are



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate File 196 - Introduced continued

3 1 in the custody of the director of the department of
3 2 corrections pursuant to a chapter 28E agreement and who have
3 3 not been placed in a transitional release program or released
3 4 with or without supervision shall be housed and managed
3 5 separately from criminal offenders in the custody of the
3 6 director of the department of corrections, and except for
3 7 occasional instances of supervised incidental contact, shall
3 8 be segregated from those offenders.

3 9 Sec. 8. Section 229A.8A, subsection 5, Code 2009, is
3 10 amended to read as follows:

3 11 5. Committed persons in the transitional release program
3 12 are not necessarily required to be segregated from other
3 13 persons unless the person is a juvenile.

3 14 EXPLANATION

3 15 This bill modifies the provisions of Code chapter 229A to
3 16 specify that a juvenile may be civilly committed as a sexually
3 17 violent predator.

3 18 Under the bill, a juvenile adjudicated to have committed a
3 19 sexually violent offense and a juvenile excluded from the
3 20 jurisdiction of the juvenile court who was convicted of a
3 21 sexually violent offense in adult court may be civilly
3 22 committed as a sexually violent predator.

3 23 The bill allows records concerning adjudications which are
3 24 committed by a juvenile to be released in the same manner as
3 25 records of convictions of adults for the limited purpose of
3 26 civil commitment under the bill and for escapes under Code
3 27 section 229A.5B.

3 28 The bill provides that upon the filing of a petition for
3 29 civil commitment and preliminary finding of probable cause,
3 30 the juvenile may be taken into custody or be transferred to an
3 31 appropriate secure facility pending a final determination in
3 32 the proceeding. The bill specifies that a juvenile placed at
3 33 an appropriate secure facility shall be segregated at all
3 34 times from other persons who are not juveniles placed at the
3 35 facility.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate File 196 - Introduced continued

4 1 If a juvenile is determined to be a sexually violent
4 2 predator, the control, care, and treatment of the juvenile
4 3 shall be provided at a facility operated by the department of
4 4 human services in the same manner as other sexually violent
4 5 predators. However, the bill provides that a juvenile
4 6 sexually violent predator shall be segregated at all times
4 7 from an adult sexually violent predator and from any other
4 8 patient under supervision of the department of human services.
4 9 The bill also specifies a juvenile sexually violent
4 10 predator who is in a transitional release program shall be
4 11 segregated from an adult sexually violent predator.
4 12 The other provisions of Code chapter 229A which are
4 13 applicable to an adult sexually violent predator are
4 14 applicable to a juvenile sexually violent predator.
4 15 LSB 1685XS 83
4 16 jm/rj/8



Iowa General Assembly
 Daily Bills, Amendments & Study Bills
 February 19, 2009

Senate File 197 - Introduced

SENATE FILE
 BY COMMITTEE ON LABOR AND
 BUSINESS RELATIONS

(SUCCESSOR TO SSB 1052)

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate File 197 - Introduced continued

PAG LIN

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate File 197 - Introduced continued

2 1 at the last place of employment and who is in training with
2 2 the approval of the director or in a job training program
2 3 pursuant to the Workforce Investment Act of 1998, Pub. L. No.
2 4 105=220, at the time regular benefits are exhausted, may be
2 5 eligible for training extension benefits.

2 6 (2) A declining occupation is one in which there is a lack
2 7 of sufficient current demand in the individual's labor market
2 8 area for the occupational skills for which the individual is
2 9 fitted by training and experience or current physical or
2 10 mental capacity, and the lack of employment opportunities is
2 11 expected to continue for an extended period of time, or the
2 12 individual's occupation is one for which there is a seasonal
2 13 variation in demand in the labor market and the individual has
2 14 no other skill for which there is current demand.

2 15 (3) The training extension benefit amount shall be
2 16 twenty=six times the individual's weekly benefit amount and
2 17 the weekly benefit amount shall be equal to the individual's
2 18 weekly benefit amount for the claim in which benefits were
2 19 exhausted while in training.

2 20 (4) An individual who is receiving training extension
2 21 benefits shall not be denied benefits due to application of
2 22 section 96.4, subsection 3, or section 96.5, subsection 3.
2 23 However, an employer's account shall not be charged with
2 24 benefits so paid. Relief of charges under this paragraph "b"
2 25 applies to both contributory and reimbursable employers,
2 26 notwithstanding section 96.8, subsection 5.

2 27 (5) In order for the individual to be eligible for
2 28 training extension benefits, all of the following criteria
2 29 must be met:

2 30 (a) The training must be for a high=demand occupation or
2 31 high=technology occupation, including the fields of life
2 32 sciences, advanced manufacturing, biotechnology, alternative
2 33 fuels, insurance, and environmental technology. "High=demand
2 34 occupation" means an occupation in a labor market area in
2 35 which the department determines work opportunities are



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate File 197 - Introduced continued

3 1 available and there is a lack of qualified applicants.

3 2 (b) The individual must file any unemployment insurance
3 3 claim to which the individual becomes entitled under state or
3 4 federal law, and must draw any unemployment insurance benefits
3 5 on that claim until the claim has expired or has been
3 6 exhausted, in order to maintain the individual's eligibility
3 7 under this paragraph "b". Training extension benefits end
3 8 upon completion of the training even though a portion of the
3 9 training extension benefit amount may remain.

3 10 (c) The individual must be enrolled and making
3 11 satisfactory progress to complete the training.

3 12 Sec. 2. Section 96.3, subsection 6, paragraph b, Code
3 13 2009, is amended to read as follows:

3 14 b. The director shall prescribe fair and reasonable
3 15 general rules applicable to part-time workers, for determining
3 16 their full-time weekly wage, and the total wages in employment
3 17 by employers required to qualify such workers for benefits.
3 18 An individual is a part-time worker if a majority of the weeks
3 19 of work in such individual's base period includes part-time
3 20 work. Part-time workers are not required to be available for,
3 21 seek, or accept full-time employment.

3 22 Sec. 3. Section 96.4, subsection 4, Code 2009, is amended
3 23 to read as follows:

3 24 4. a. The individual has been paid wages for insured work
3 25 during the individual's base period in an amount at least one
3 26 and one-quarter times the wages paid to the individual during
3 27 that quarter of the individual's base period in which the
3 28 individual's wages were highest; provided that the individual
3 29 has been paid wages for insured work totaling at least three
3 30 and five-tenths percent of the statewide average annual wage
3 31 for insured work, computed for the preceding calendar year if
3 32 the individual's benefit year begins on or after the first
3 33 full week in July and computed for the second preceding
3 34 calendar year if the individual's benefit year begins before
3 35 the first full week in July, in that calendar quarter in the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate File 197 - Introduced continued

4 1 individual's base period in which the individual's wages were
4 2 highest, and the individual has been paid wages for insured
4 3 work totaling at least one-half of the amount of wages
4 4 required under this ~~subsection~~ paragraph in the calendar
4 5 quarter of the base period in which the individual's wages
4 6 were highest, in a calendar quarter in the individual's base
4 7 period other than the calendar quarter in which the
4 8 individual's wages were highest. The calendar quarter wage
4 9 requirements shall be rounded to the nearest multiple of ten
4 10 dollars.

4 11 b. For an individual who does not have sufficient wages in
4 12 the base period, as defined in section 96.19, to otherwise
4 13 qualify for benefits pursuant to this subsection, the
4 14 individual's base period shall be the last four completed
4 15 calendar quarters immediately preceding the first day of the
4 16 individual's benefit year if such period qualifies the
4 17 individual for benefits under this subsection.

4 18 (1) Wages that fall within the alternative base period
4 19 established under this paragraph "b" are not available for
4 20 qualifying benefits in any subsequent benefit year.

4 21 (2) Employers shall be charged in the manner provided in
4 22 this chapter for benefits paid based upon quarters used in the
4 23 alternative base period.

4 24 c. If the individual has drawn benefits in any benefit
4 25 year, the individual must during or subsequent to that year,
4 26 work in and be paid wages for insured work totaling at least
4 27 two hundred fifty dollars, as a condition to receive benefits
4 28 in the next benefit year.

4 29 Sec. 4. Section 96.7, subsection 2, paragraph a,
4 30 subparagraph (2), Code 2009, is amended by adding the
4 31 following new subparagraph division:

4 32 NEW SUBPARAGRAPH DIVISION. (e) The account of an employer
4 33 shall not be charged with benefits paid to an individual who
4 34 is laid off if the benefits are paid as the result of the
4 35 return to work of a permanent employee who is one of the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

Senate File 197 - Introduced continued

5 1 following:

5 2 (i) A member of the national guard or organized reserves
5 3 of the armed forces of the United States ordered to temporary
5 4 duty, as defined in section 29A.1, subsection 3, 11, or 12,
5 5 for any purpose, who has completed the duty as evidenced in
5 6 accordance with section 29A.43.

5 7 (ii) A member of the civil air patrol performing duty
5 8 pursuant to section 29A.3A, who has completed the duty as
5 9 evidenced in accordance with section 29A.43.

5 10 Sec. 5. Section 96.20, subsection 2, Code 2009, is amended
5 11 to read as follows:

5 12 2. The department may enter into arrangements with the
5 13 appropriate agencies of other states, or a contiguous country
5 14 with which the United States has an agreement with respect to
5 15 unemployment compensation or of the federal government (a)
5 16 whereby wages or services, upon the basis of which an
5 17 individual may become entitled to benefits under the
5 18 unemployment compensation law of another state or of the
5 19 federal government, shall be deemed to be wages for employment
5 20 by employers for the purposes of section 96.3 and section
5 21 96.4, subsection 5; provided such other state agency or agency
5 22 of the federal government has agreed to reimburse the fund for
5 23 such portion of benefits paid under this chapter upon the
5 24 basis of such wages or services as the department finds will
5 25 be fair and reasonable as to all affected interests, and (b)
5 26 whereby the department will reimburse other state or federal
5 27 agencies charged with the administration of unemployment
5 28 compensation laws with such reasonable portion of benefits,
5 29 paid under the law of any such other states or of the federal
5 30 government upon the basis of employment or wages for
5 31 employment by employers, as the department finds will be fair
5 32 and reasonable as to all affected interests. Reimbursements
5 33 so payable shall be deemed to be benefits for the purposes of
5 34 section 96.3, subsection 5, paragraph "a", and section 96.9,
5 35 but no reimbursement so payable shall be charged against any



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate File 197 - Introduced continued

6 1 employer's account for the purposes of section 96.7, unless
6 2 wages so transferred are sufficient to establish a valid claim
6 3 in Iowa, and that such charges shall not exceed the amount
6 4 that would have been charged on the basis of a valid claim.
6 5 The department is hereby authorized to make to other state or
6 6 federal agencies and receive from such other state or federal
6 7 agencies, reimbursements from or to the fund, in accordance
6 8 with arrangements pursuant to this section. The department
6 9 shall participate in any arrangements for the payment of
6 10 compensation on the basis of combining an individual's wages
6 11 and employment covered under this Act with the individual's
6 12 wages and employment covered under the unemployment
6 13 compensation laws of other states which are approved by the
6 14 United States secretary of labor in consultation with the
6 15 state unemployment compensation agencies as reasonably
6 16 calculated to assure the prompt and full payment of
6 17 compensation in such situations and which include provisions
6 18 for: Applying the base period of a single state law to a
6 19 claim involving the combining of an individual's wages and
6 20 employment covered under two or more state unemployment
6 21 compensation laws, and avoiding the duplication use of wages
6 22 and employment by reason of such combining.

6 23 Sec. 6. Section 96.23, subsection 1, paragraph b, Code
6 24 2009, is amended to read as follows:

6 25 b. The individual did not receive wages from insured work
6 26 for two calendar quarters and did not receive wages from
6 27 insured work for another calendar quarter equal to or greater
6 28 than the amount required for a calendar quarter, other than
6 29 the calendar quarter in which the individual's wages were
6 30 highest, under section 96.4, subsection 4, paragraph "a".

6 31 Sec. 7. Section 96.40, subsection 8, Code 2009, is amended
6 32 to read as follows:

6 33 8. An individual shall not be entitled to receive shared
6 34 work benefits and regular unemployment compensation benefits
6 35 in an aggregate amount which exceeds the maximum total amount



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate File 197 - Introduced continued

7 1 of benefits payable to that individual in a benefit year as
7 2 provided under section 96.3, subsection 5, paragraph "a".
7 3 Notwithstanding any other provisions of this chapter, an
7 4 individual shall not be eligible to receive shared work
7 5 benefits for more than twenty-six calendar weeks during the
7 6 individual's benefit year.

7 7 Sec. 8. FUTURE APPROPRIATION OF FEDERAL FUNDS. Any funds
7 8 received by this state from the federal government pursuant to
7 9 section 903 of the federal Social Security Act as a result of
7 10 the enactment of this Act are appropriated by the general
7 11 assembly to the department of workforce development to be
7 12 placed in the unemployment compensation trust fund. The
7 13 computation date provided in section 96.19, subsection 8,
7 14 shall be delayed until the funds pursuant to section 903 of
7 15 the federal Social Security Act are received by the state but
7 16 the computation date shall be no later than September 5, 2009,
7 17 if the funds are not received on or before that date. The
7 18 contribution rate table calculation shall use data as of July
7 19 1, 2009, except for inclusion in the unemployment compensation
7 20 trust fund balance of funds received pursuant to section 903
7 21 of the Social Security Act.

7 22 Sec. 9. APPLICABILITY AND EFFECTIVE DATES. The section of
7 23 this Act amending section 96.3 applies to any week of
7 24 unemployment benefits beginning on or after July 5, 2009. The
7 25 section of this Act amending section 96.4 applies to any new
7 26 claim of unemployment benefits with an effective date on or
7 27 after July 5, 2009.

7 28 EXPLANATION

7 29 This bill relates to unemployment insurance benefits and
7 30 brings Iowa into compliance with federal law in order to
7 31 receive additional federal funds.

7 32 The bill establishes training extension benefits. An
7 33 individual who has been separated from a declining occupation
7 34 or who involuntarily lost a job due to a permanent reduction
7 35 in operations but who is in an approved job training program



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate File 197 - Introduced continued

8 1 when the individual's regular unemployment benefits run out
8 2 may be eligible for training extension benefits. A declining
8 3 occupation is defined as one in which there is a lack of
8 4 sufficient current demand in the labor market for which the
8 5 individual has skills or experience. The training extension
8 6 benefit amount is no more than 26 times the individual's
8 7 weekly benefit amount and equal to the weekly benefit amount.
8 8 Employers shall not be charged for an individual's extension
8 9 training benefits.

8 10 In order to be eligible for the training extension
8 11 benefits, an individual must be in training for a high-demand
8 12 occupation, which is defined in the bill, or high-technology
8 13 occupation; must file any unemployment insurance claim to
8 14 which the individual becomes entitled to under state or
8 15 federal law; and must be enrolled and be making satisfactory
8 16 progress in the training.

8 17 The bill states that if an individual is a part-time worker
8 18 a majority of the weeks of work in the individual's base
8 19 period, then the part-time worker is not required to be
8 20 available for, seek, or accept full-time employment.

8 21 An alternate method of calculating the base period, to
8 22 determine the monetary attachment-to-the-workforce eligibility
8 23 of individuals for unemployment benefits, is included for
8 24 cases where the current method of calculation makes an
8 25 individual ineligible for unemployment benefits. The bill
8 26 moves the base period closer, by one quarter, to the benefit
8 27 claim filing date so that the base period would consist of the
8 28 first four calendar quarters immediately preceding the
8 29 calendar quarter in which the claim for unemployment benefits
8 30 is filed if doing so would qualify the individual for
8 31 benefits.

8 32 The bill waives employer charges for unemployment claims
8 33 stemming from temporary workers who have replaced active-duty
8 34 military employees. The bill prevents the account of an
8 35 employer from being charged if benefits are paid to an



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate File 197 - Introduced continued

9 1 individual who is laid off as the result of the return to work
9 2 of a permanent employee who is a member of the national guard
9 3 of the United States armed forces reserves ordered to
9 4 temporary duty, as defined in Code section 29A.1, subsection
9 5 3, 11, or 12, for any purpose and who has completed the duty,
9 6 or who is a member of the civil air patrol performing duty
9 7 pursuant to Code section 29A.3A and who has completed the
9 8 duty.

9 9 Any funds received from the federal government due to the
9 10 bill's enactment are appropriated by the general assembly to
9 11 the department of workforce development to be placed in the
9 12 unemployment compensation trust fund. The computation date in
9 13 Code section 96.19(8) is delayed until federal funds are
9 14 received but only until September 5, 2009, if the funds are
9 15 not received by then.

9 16 The amendment in the bill to Code section 96.3 applies to
9 17 any week of unemployment benefits that begins on or after July
9 18 5, 2009. The amendment in the bill to Code section 96.4
9 19 applies to any new claim with an effective date on or after
9 20 July 5, 2009.

9 21 LSB 1434SV 83

9 22 ak/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate File 198 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1173)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to bidders at a property tax sale and owners of
- 2 tax sale certificates and including effective and
- 3 applicability date provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLBS 1163SV 83
- 6 sc/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate File 198 - Introduced continued

PAG LIN

1 1 Section 1. Section 446.16, Code 2009, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 4. Only those persons as defined in
1 4 section 4.1 are authorized to register to bid or to bid at the
1 5 tax sale or to own a tax sale certificate by purchase,
1 6 assignment, or otherwise. To be authorized to register to bid
1 7 or to bid at a tax sale or to own a tax sale certificate, a
1 8 person, other than an individual, must have a federal tax
1 9 identification number and either a designation of agent for
1 10 service of process on file with the secretary of state or a
1 11 verified statement meeting the requirements of chapter 547 on
1 12 file with the county recorder of the county in which the
1 13 person wishes to register to bid or to bid at tax sale or of
1 14 the county where the property that is the subject of the tax
1 15 sale certificate is located.

1 16 Sec. 2. EFFECTIVE AND APPLICABILITY DATES. This Act,
1 17 being deemed of immediate importance, takes effect upon
1 18 enactment and applies to tax sales held on or after June 1,
1 19 2009.

1 20 EXPLANATION

1 21 This bill provides that a bidder at a tax sale for
1 22 delinquent property taxes must meet the statutory definition
1 23 of "person". Code section 4.1, subsection 20, defines
1 24 "person" and includes the following: an individual,
1 25 corporation, limited liability company, business trust,
1 26 estate, trust, partnership or association, or any other legal
1 27 entity. The bill provides that, in order to register to bid
1 28 or to bid at a tax sale or to own a tax sale certificate, a
1 29 person, other than an individual, must have a federal tax
1 30 identification number and either have filed with the secretary
1 31 of state a designation of agent for service of process or have
1 32 filed with the appropriate county recorder a verified
1 33 statement of trade name of a business.

1 34 LSB 1163SV 83

1 35 sc/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate File 199 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1170)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the uniform athlete agents Act and providing
- 2 remedies and penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1925SV 83
- 5 av/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate File 199 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 9A.101 TITLE.
1 2 This chapter shall be known as the "Uniform Athlete Agents
1 3 Act".
1 4 Sec. 2. NEW SECTION. 9A.102 DEFINITIONS.
1 5 As used in this chapter, unless the context otherwise
1 6 requires:
1 7 1. "Agency contract" means an agreement pursuant to which
1 8 a student athlete authorizes a person to negotiate or solicit
1 9 on behalf of the student athlete a professional sports
1 10 services contract or an endorsement contract.
1 11 2. "Athlete agent" means an individual who enters into an
1 12 agency contract with a student athlete or, directly or
1 13 indirectly, recruits or solicits a student athlete to enter
1 14 into an agency contract. "Athlete agent" includes an
1 15 individual who represents to the public that the individual is
1 16 an athlete agent. "Athlete agent" does not include a spouse,
1 17 parent, sibling, grandparent, or guardian of the student
1 18 athlete or an individual acting solely on behalf of a
1 19 professional sports team or professional sports organization.
1 20 "Athlete agent" does not include an individual licensed to
1 21 practice as an attorney in this state when the individual is
1 22 acting as a representative for a student athlete, unless the
1 23 attorney also represents the student athlete in negotiations
1 24 for an agent contract.
1 25 3. "Athletic director" means an individual responsible for
1 26 administering the overall athletic program of an educational
1 27 institution or, if an educational institution has separately
1 28 administered athletic programs for male students and female
1 29 students, the athletic program for males or the athletic
1 30 program for females, as appropriate.
1 31 4. "Contact" means a direct or indirect communication
1 32 between an athlete agent and a student athlete, to recruit or
1 33 solicit the student athlete to enter into an agency contract.
1 34 5. "Endorsement contract" means an agreement under which a
1 35 student athlete is employed or receives consideration to use



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate File 199 - Introduced continued

2 1 on behalf of the other party any value that the student
2 2 athlete may have because of publicity, reputation, following,
2 3 or fame obtained because of athletic ability or performance.

2 4 6. "Intercollegiate sport" means a sport played at the
2 5 collegiate level for which eligibility requirements for
2 6 participation by a student athlete are established by a
2 7 national association for the promotion or regulation of
2 8 collegiate athletics.

2 9 7. "Person" means an individual, corporation, business
2 10 trust, estate, trust, partnership, limited liability company,
2 11 association, joint venture, government, governmental
2 12 subdivision, agency, or instrumentality, public corporation,
2 13 or any other legal or commercial entity.

2 14 8. "Professional sports services contract" means an
2 15 agreement under which an individual is employed, or agrees to
2 16 render services, as a player on a professional sports team,
2 17 with a professional sports organization, or as a professional
2 18 athlete.

2 19 9. "Record" means information that is inscribed on a
2 20 tangible medium or that is stored in an electronic or other
2 21 medium and is retrievable in perceivable form.

2 22 10. "Registration" means registration as an athlete agent
2 23 pursuant to this chapter.

2 24 11. "State" means a state of the United States, the
2 25 District of Columbia, Puerto Rico, the United States Virgin
2 26 Islands, or any territory or insular possession subject to the
2 27 jurisdiction of the United States.

2 28 12. "Student athlete" means an individual who engages in,
2 29 is eligible to engage in, or may be eligible in the future to
2 30 engage in, any intercollegiate sport. If an individual is
2 31 permanently ineligible to participate in a particular
2 32 intercollegiate sport, the individual is not a student athlete
2 33 for purposes of that sport.

2 34 Sec. 3. NEW SECTION. 9A.103 SERVICE OF PROCESS ==
2 35 SUBPOENAS.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate File 199 - Introduced continued

3 1 1. By acting as an athlete agent in this state, a
3 2 nonresident individual appoints the secretary of state as the
3 3 individual's agent for service of process in any civil action
3 4 in this state related to the individual's acting as an athlete
3 5 agent in this state.

3 6 2. The secretary of state may issue subpoenas for any
3 7 material that is relevant to the administration of this
3 8 chapter.

3 9 Sec. 4. NEW SECTION. 9A.104 ATHLETE AGENTS ==
3 10 REGISTRATION REQUIRED == VOID CONTRACTS.

3 11 1. Except as otherwise provided in subsection 2, an
3 12 individual shall not act as an athlete agent in this state
3 13 without holding a certificate of registration under section
3 14 9A.106 or 9A.108.

3 15 2. Before being issued a certificate of registration, an
3 16 individual may act as an athlete agent in this state for all
3 17 purposes except signing an agency contract, if all of the
3 18 following occur:

3 19 a. A student athlete or another person acting on behalf of
3 20 the student athlete initiates communication with the
3 21 individual.

3 22 b. Within seven days after an initial act as an athlete
3 23 agent, the individual submits an application for registration
3 24 as an athlete agent in this state.

3 25 3. An agency contract resulting from conduct in violation
3 26 of this section is void and the athlete agent shall return any
3 27 consideration received under the contract.

3 28 Sec. 5. NEW SECTION. 9A.105 REGISTRATION AS ATHLETE
3 29 AGENT == FORM == REQUIREMENTS.

3 30 1. An applicant for registration shall submit an
3 31 application for registration to the secretary of state in a
3 32 form prescribed by the secretary of state. An application
3 33 filed under this section is a public record. The application
3 34 shall be in the name of an individual and, except as otherwise
3 35 provided in subsection 2, signed or otherwise authenticated by



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate File 199 - Introduced continued

4 1 the applicant under penalty of perjury, and contain the
4 2 following information:
4 3 a. The name of the applicant and the address of the
4 4 applicant's principal place of business.
4 5 b. The name of the applicant's business or employer, if
4 6 applicable.
4 7 c. Any business or occupation engaged in by the applicant
4 8 for the five years immediately preceding the date of
4 9 submission of the application.
4 10 d. A description of the applicant's qualifications,
4 11 including:
4 12 (1) Formal training as an athlete agent.
4 13 (2) Practical experience as an athlete agent.
4 14 (3) Educational background relating to the applicant's
4 15 activities as an athlete agent.
4 16 e. The names and addresses of three individuals not
4 17 related to the applicant who are willing to serve as
4 18 references.
4 19 f. The name, sport, and last known team of each individual
4 20 for whom the applicant acted as an athlete agent during the
4 21 five years immediately preceding the date of submission of the
4 22 application.
4 23 g. The names and addresses of all persons who have or
4 24 claim an ownership interest in the applicant's business,
4 25 including:
4 26 (1) The partners, members, officers, managers, associates,
4 27 or profit-sharers of the business if it is not a corporation.
4 28 (2) The officers, directors, and any shareholder of the
4 29 corporation having an interest of five percent or greater in a
4 30 corporation employing the athlete agent.
4 31 h. Whether the applicant or any person named pursuant to
4 32 paragraph "g" has been convicted of a crime that, if committed
4 33 in this state, would be a crime involving moral turpitude or
4 34 which is a felony, and identify the crime.
4 35 i. Whether there has been any administrative or judicial



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate File 199 - Introduced continued

5 1 determination that the applicant or any person named pursuant
5 2 to paragraph "g" has made a materially false, misleading,
5 3 deceptive, or fraudulent representation.

5 4 j. Any instance in which the conduct of the applicant or
5 5 any person named pursuant to paragraph "g" resulted in the
5 6 imposition of a sanction, suspension, or declaration of
5 7 ineligibility to participate in an interscholastic or
5 8 intercollegiate athletic event on, of, or by a student athlete
5 9 or educational institution.

5 10 k. Any sanction, suspension, or disciplinary action taken
5 11 against the applicant or any person named pursuant to
5 12 paragraph "g" arising out of occupational or professional
5 13 conduct.

5 14 1. Whether there has been any denial of an application
5 15 for, suspension or revocation of, or refusal to renew, the
5 16 registration or licensure of the applicant or of any person
5 17 named pursuant to paragraph "g" as an athlete agent in any
5 18 state.

5 19 2. An individual who has submitted an application for, and
5 20 holds a certificate of, registration or licensure as an
5 21 athlete agent in another state may submit a copy of the
5 22 application and certificate in lieu of submitting an
5 23 application in the form prescribed pursuant to subsection 1.
5 24 The secretary of state shall accept the application and the
5 25 certificate from the other state as an application for
5 26 registration in this state if the application to the other
5 27 state complies with all of the following:

5 28 a. Was submitted in the other state within the six-month
5 29 period immediately preceding the submission of the application
5 30 in this state and the applicant certifies that the information
5 31 contained in the application in the other state is current.

5 32 b. Contains information substantially similar to or more
5 33 comprehensive than that required in an application submitted
5 34 in this state.

5 35 c. Was signed by the applicant under penalty of perjury.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate File 199 - Introduced continued

6 1 Sec. 6. NEW SECTION. 9A.106 CERTIFICATE OF REGISTRATION
6 2 == ISSUANCE OR DENIAL == RENEWAL.
6 3 1. Except as otherwise provided in subsection 2, the
6 4 secretary of state shall issue a certificate of registration
6 5 to an individual who complies with section 9A.105, subsection
6 6 1, or whose application has been accepted under section
6 7 9A.105, subsection 2.
6 8 2. The secretary of state may refuse to issue a
6 9 certificate of registration if the secretary of state
6 10 determines that the applicant has engaged in conduct that has
6 11 a significant adverse effect on the applicant's fitness to act
6 12 as an athlete agent. In making the determination, the
6 13 secretary of state may consider whether the applicant has done
6 14 the following:
6 15 a. Been convicted of a crime that, if committed in this
6 16 state, would be a crime involving moral turpitude or a felony.
6 17 b. Made a materially false, misleading, deceptive, or
6 18 fraudulent representation in the application or as an athlete
6 19 agent.
6 20 c. Engaged in conduct that would disqualify the applicant
6 21 from serving in a fiduciary capacity.
6 22 d. Engaged in conduct prohibited by section 9A.114.
6 23 e. Had a certificate of registration or licensure as an
6 24 athlete agent suspended, revoked, or denied or been refused
6 25 renewal of a certificate of registration or licensure as an
6 26 athlete agent in any state.
6 27 f. Engaged in conduct which resulted in the imposition of
6 28 a sanction, suspension, or declaration of ineligibility to
6 29 participate in an interscholastic or intercollegiate athletic
6 30 event on, of, or by a student athlete or educational
6 31 institution.
6 32 g. Engaged in conduct that significantly adversely
6 33 reflects on the applicant's credibility, honesty, or
6 34 integrity.
6 35 3. In making a determination under subsection 2, the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate File 199 - Introduced continued

7 1 secretary of state shall consider the following:
7 2 a. How recently the conduct occurred.
7 3 b. The nature of the conduct and the context in which it
7 4 occurred.
7 5 c. Any other relevant conduct of the applicant.
7 6 4. An athlete agent may apply to renew a certificate of
7 7 registration by submitting an application for renewal in a
7 8 form prescribed by the secretary of state. An application
7 9 filed under this section is a public record. The application
7 10 for renewal must be signed by the applicant under penalty of
7 11 perjury and must contain current information on all matters
7 12 required in an original application for registration.
7 13 5. An individual who has submitted an application for
7 14 renewal of a certificate of registration or licensure in
7 15 another state, in lieu of submitting an application for
7 16 renewal in the form prescribed pursuant to subsection 4, may
7 17 file a copy of the application for renewal and a valid
7 18 certificate of registration or licensure from the other state.
7 19 The secretary of state shall accept the application for
7 20 renewal from the other state as an application for renewal in
7 21 this state if the application to the other state complies with
7 22 all of the following:
7 23 a. Was submitted in the other state within the six-month
7 24 period immediately preceding the filing in this state and the
7 25 applicant certifies the information contained in the
7 26 application for renewal in the other state is current.
7 27 b. Contains information substantially similar to or more
7 28 comprehensive than that required in an application for renewal
7 29 submitted in this state.
7 30 c. Was signed by the applicant under penalty of perjury.
7 31 6. An original certificate of registration or a renewal of
7 32 a certificate of registration is valid for two years.
7 33 Sec. 7. NEW SECTION. 9A.107 SUSPENSION, REVOCATION, OR
7 34 REFUSAL TO RENEW REGISTRATION.
7 35 1. The secretary of state may suspend, revoke, or refuse



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate File 199 - Introduced continued

8 1 to renew a certificate of registration for conduct that would
8 2 have justified denial of a certificate of registration under
8 3 section 9A.106, subsection 2.
8 4 2. The secretary of state may deny, suspend, revoke, or
8 5 refuse to renew a certificate of registration or licensure
8 6 only after proper notice and an opportunity for a hearing held
8 7 in accordance with chapter 17A.
8 8 Sec. 8. NEW SECTION. 9A.108 TEMPORARY REGISTRATION.
8 9 The secretary of state may issue a temporary certificate of
8 10 registration while an application for registration or renewal
8 11 of registration is pending.
8 12 Sec. 9. NEW SECTION. 9A.109 REGISTRATION AND RENEWAL
8 13 FEES.
8 14 An application for registration or renewal of registration
8 15 shall be accompanied by a reasonable registration or renewal
8 16 of registration fee sufficient to offset expenses incurred in
8 17 the administration of this chapter as established by the
8 18 secretary of state.
8 19 Sec. 10. NEW SECTION. 9A.110 REQUIRED FORM OF CONTRACT.
8 20 1. An agency contract shall be in a record, signed, or
8 21 otherwise authenticated by the parties.
8 22 2. An agency contract shall contain the following
8 23 information:
8 24 a. The amount and method of calculating the consideration
8 25 to be paid by the student athlete for services to be provided
8 26 by the athlete agent under the contract and any other
8 27 consideration the athlete agent has received or will receive
8 28 from any other source for entering into the contract or for
8 29 providing the services.
8 30 b. The name of any person not listed in the application
8 31 for registration or renewal of registration who will be
8 32 compensated because the student athlete signed the agency
8 33 contract.
8 34 c. The description of any expenses that the student
8 35 athlete agrees to reimburse.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate File 199 - Introduced continued

9 1 d. The description of the services to be provided to the
9 2 student athlete.
9 3 e. The duration of the contract.
9 4 f. The date of execution of the contract.
9 5 3. An agency contract must contain, in close proximity to
9 6 the signature of the student athlete, a conspicuous notice in
9 7 boldface type in capital letters stating:
9 8 WARNING TO STUDENT ATHLETE
9 9 IF YOU SIGN THIS CONTRACT:
9 10 (1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT
9 11 ATHLETE IN YOUR SPORT;
9 12 (2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS
9 13 AFTER ENTERING INTO THIS CONTRACT, BOTH YOU AND YOUR ATHLETE
9 14 AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR; AND
9 15 (3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER
9 16 SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE
9 17 YOUR ELIGIBILITY.
9 18 4. An agency contract that does not conform to this
9 19 section is voidable by the student athlete. If a student
9 20 athlete voids an agency contract, the student athlete is not
9 21 required to pay any consideration under the contract or to
9 22 return any consideration received from the athlete agent to
9 23 induce the student athlete to enter into the contract.
9 24 5. The athlete agent shall give a record of the signed or
9 25 otherwise authenticated agency contract to the student athlete
9 26 at the time of execution of the contract.
9 27 Sec. 11. NEW SECTION. 9A.111 NOTICE TO EDUCATIONAL
9 28 INSTITUTION.
9 29 1. Within seventy-two hours after entering into an agency
9 30 contract or before the next scheduled athletic event in which
9 31 the student athlete may participate, whichever occurs first,
9 32 the athlete agent shall give notice in a record of the
9 33 existence of the contract to the athletic director of the
9 34 educational institution at which the student athlete is
9 35 enrolled or at which the athlete agent has reasonable grounds



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate File 199 - Introduced continued

10 1 to believe the student athlete intends to enroll.

10 2 2. Within seventy-two hours after entering into an agency
10 3 contract or before the next athletic event in which the
10 4 student athlete may participate, whichever occurs first, the
10 5 student athlete shall inform the athletic director of the
10 6 educational institution at which the student athlete is
10 7 enrolled or intends to enroll that the student athlete has
10 8 entered into an agency contract.

10 9 Sec. 12. NEW SECTION. 9A.112 STUDENT ATHLETE'S RIGHT TO
10 10 CANCEL.

10 11 1. A student athlete may cancel an agency contract by
10 12 giving notice of the cancellation to the athlete agent in a
10 13 record within fourteen days after the contract is signed.

10 14 2. A student athlete shall not waive the right to cancel
10 15 an agency contract.

10 16 3. If a student athlete cancels an agency contract, the
10 17 student athlete is not required to pay any consideration under
10 18 the contract or to return any consideration received from the
10 19 athlete agent to induce the student athlete to enter into the
10 20 contract.

10 21 Sec. 13. NEW SECTION. 9A.113 REQUIRED RECORDS.

10 22 1. An athlete agent shall retain the following records for
10 23 a period of five years:

10 24 a. The name and address of each individual represented by
10 25 the athlete agent.

10 26 b. Any agency contract entered into by the athlete agent.

10 27 c. Any direct costs incurred by the athlete agent in the
10 28 recruitment or solicitation of a student athlete to enter into
10 29 an agency contract.

10 30 2. Records required to be retained pursuant to subsection
10 31 1 are open to inspection by the secretary of state during
10 32 normal business hours.

10 33 Sec. 14. NEW SECTION. 9A.114 PROHIBITED CONDUCT.

10 34 1. An athlete agent, with the intent to induce a student
10 35 athlete to enter into an agency contract, shall not do any of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate File 199 - Introduced continued

11 1 the following:

11 2 a. Give any materially false, misleading, deceptive, or
11 3 fraudulent information or make a materially false promise or a
11 4 materially false, misleading, deceptive, or fraudulent
11 5 representation.

11 6 b. Furnish anything of value to a student athlete before
11 7 the student athlete enters into the agency contract.

11 8 c. Furnish anything of value to any individual other than
11 9 the student athlete or another registered athlete agent.

11 10 2. An athlete agent shall not intentionally:

11 11 a. Initiate contact with a student athlete unless
11 12 registered under this chapter.

11 13 b. Refuse or fail to retain or permit inspection of the
11 14 records required to be retained by section 9A.113.

11 15 c. Fail to register when required by section 9A.104.

11 16 d. Provide materially false or misleading information in
11 17 an application for registration or renewal of registration.

11 18 e. Predate or postdate an agency contract.

11 19 f. Fail to notify a student athlete before the student
11 20 athlete signs or otherwise authenticates an agency contract
11 21 for a particular sport that the signing or authentication may
11 22 make the student athlete ineligible to participate as a
11 23 student athlete in that sport.

11 24 Sec. 15. NEW SECTION. 9A.115 CRIMINAL PENALTIES.

11 25 An athlete agent who violates section 9A.114 is guilty of a
11 26 serious misdemeanor.

11 27 Sec. 16. NEW SECTION. 9A.116 CIVIL REMEDIES.

11 28 1. An educational institution has a right of action
11 29 against an athlete agent or a former student athlete for
11 30 damages caused by a violation of this chapter. In an action
11 31 under this section, the court may award costs and reasonable
11 32 attorney fees to the prevailing party.

11 33 2. Damages to an educational institution under subsection
11 34 1 include losses and expenses incurred because, as a result of
11 35 the conduct of an athlete agent or former student athlete, the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate File 199 - Introduced continued

12 1 educational institution was injured by a violation of this
12 2 chapter or was sanctioned, declared ineligible, or suspended
12 3 from participation in athletics by a national association for
12 4 the promotion and regulation of athletics, by an athletic
12 5 conference, or by reasonable self-imposed disciplinary action
12 6 taken to mitigate sanctions likely to be imposed by such an
12 7 association.

12 8 3. A right of action under this section does not accrue
12 9 until the educational institution discovers or by the exercise
12 10 of reasonable diligence should have discovered the violation
12 11 by the athlete agent or former student athlete.

12 12 4. Any liability of the athlete agent or the former
12 13 student athlete under this section is several and not joint.

12 14 5. This chapter does not restrict rights, remedies, or
12 15 defenses of any person under law or equity.

12 16 Sec. 17. NEW SECTION. 9A.117 ADMINISTRATIVE PENALTY.

12 17 The secretary of state may assess a civil penalty against
12 18 an athlete agent not to exceed twenty-five thousand dollars
12 19 for a violation of this chapter.

12 20 Sec. 18. NEW SECTION. 9A.118 UNIFORMITY OF APPLICATION
12 21 AND CONSTRUCTION.

12 22 In applying and construing this chapter, consideration must
12 23 be given to the need to promote uniformity of the law with
12 24 respect to the subject matter of this chapter among states
12 25 that enact the uniform athlete agents Act.

12 26 Sec. 19. NEW SECTION. 9A.119 ELECTRONIC SIGNATURES IN
12 27 GLOBAL AND NATIONAL COMMERCE ACT.

12 28 The provisions of this chapter governing the legal effect,
12 29 validity, or enforceability of electronic records or
12 30 signatures, and of contracts formed or performed with the use
12 31 of such records or signatures, shall be construed as
12 32 conforming to the requirements of section 102 of the federal
12 33 Electronic Signatures in Global and National Commerce Act,
12 34 Pub. L. No. 106-229, 114 Stat. 464 (2000), codified at 15
12 35 U.S.C. } 7001 et seq., as amended.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate File 199 - Introduced continued

13 1 Sec. 20. Code sections 9A.1 through 9A.12, Code 2009, are
13 2 repealed.

13 3 EXPLANATION

13 4 This bill repeals the existing provisions of Code chapter
13 5 9A, which relate to the registration of athlete agents and
13 6 replaces them with the uniform athlete agents Act. The
13 7 uniform athlete agents Act provides for uniform registration,
13 8 certification, and background checks of sports agents seeking
13 9 to represent student athletes who are or may be eligible to
13 10 participate in intercollegiate sports, imposes specified
13 11 contract terms on agreements between student athletes and
13 12 athlete agents, and provides educational institutions with a
13 13 right to notice of the existence of a contract between an
13 14 athlete agent and a student athlete.

13 15 The bill also provides an educational institution with
13 16 civil remedies against an athlete agent or a student athlete
13 17 who violates the provisions of the chapter.

13 18 The bill also provides that an athlete agent that violates
13 19 the prohibited activities section of the Code chapter is
13 20 guilty of a serious misdemeanor. Prohibited activities
13 21 include providing materially false, misleading, deceptive, or
13 22 fraudulent information, making a materially false or
13 23 misleading promise or a materially false, misleading,
13 24 deceptive, or fraudulent representation, furnishing things of
13 25 value before a contract is made with an athlete, violating the
13 26 Code chapter's registration requirements, predating or
13 27 postdating an agency contract, or failing to notify a student
13 28 athlete prior to signing that signing an agency contract may
13 29 make the student athlete ineligible to participate as a
13 30 student athlete in that sport.

13 31 A serious misdemeanor is punishable by confinement for no
13 32 more than one year and a fine of at least \$315 but not more
13 33 than \$1,875.

13 34 LSB 1925SV 83

13 35 av/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate File 200 - Introduced

SENATE FILE
BY HANCOCK

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

A BILL FOR

- 1 An Act creating a sales tax exemption for information technology
- 2 devices during certain dates.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2250SS 83
- 5 ak/mg:sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate File 200 - Introduced 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. 68A. The sales price from the sale of
1 4 information technology devices when the sale takes place
1 5 during a period beginning at 12:01 a.m. on the first Friday in
1 6 August and ending at midnight on the following Saturday. For
1 7 purposes of this subsection, "information technology devices"
1 8 means computers, computer systems, computer networks, and
1 9 equipment used for input, output, processing, storage,
1 10 display, scanning, and printing.

1 11 EXPLANATION

1 12 This bill creates a sales tax exemption from the sale of
1 13 information technology devices when the sale takes place
1 14 during the first Friday and Saturday of August each year.
1 15 Information technology devices means computers, computer
1 16 systems, computer networks, and equipment used for input,
1 17 output, processing, storage, display, scanning, and printing.

1 18 LSB 2250SS 83

1 19 ak/mg:sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate File 201 - Introduced

SENATE FILE
BY JOHNSON

(COMPANION TO LSB 2113HH BY
MAY)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the civil liability of a physician acting as a
2 volunteer emergency medical services director for acts or
3 omissions occurring in the performance of the director's
4 volunteer duties.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 2113SS 83
7 rh/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate File 201 - Introduced continued

PAG LIN

1 1 Section 1. Section 613.17, Code 2009, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 3. A licensed physician acting as a
1 4 volunteer emergency medical services director shall not be
1 5 liable for any civil damages for acts or omissions occurring
1 6 in the performance of the director's volunteer duties unless
1 7 such acts or omissions constitute recklessness or willful and
1 8 wanton misconduct.

1 9 EXPLANATION

1 10 The bill provides that a licensed physician acting as a
1 11 volunteer emergency medical services director shall not be
1 12 liable for any civil damages for acts or omissions occurring
1 13 in the performance of the director's volunteer duties unless
1 14 such acts or omissions constitute recklessness or willful and
1 15 wanton misconduct.

1 16 LSB 2113SS 83

1 17 rh/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate File 202 - Introduced

SENATE FILE
BY JOHNSON and FEENSTRA

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

A BILL FOR

1 An Act relating to the medical assistance reimbursement rate for
2 intermediate care facilities for persons with mental
3 retardation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1505XS 83
6 jp/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate File 202 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 249A.22 INTERMEDIATE CARE
1 2 FACILITIES FOR PERSONS WITH MENTAL RETARDATION ==
1 3 REIMBURSEMENT.
1 4 The reimbursement rate under the medical assistance program
1 5 for intermediate care facilities for persons with mental
1 6 retardation shall be recalculated annually on July 1 to
1 7 include an annual inflation factor. If the reimbursement
1 8 methodology for such facilities provides for a maximum rate
1 9 calculated on a percentile of all such facilities' rates, the
1 10 maximum percentile amount shall be adjusted by the inflation
1 11 factor determined under this section. The annual inflation
1 12 factor applied shall be determined based on the total skilled
1 13 nursing facility market basket index utilized by the centers
1 14 for Medicare and Medicaid services of the United States
1 15 department of health and human services.
1 16 EXPLANATION
1 17 This bill relates to the reimbursement rate paid by the
1 18 medical assistance (Medicaid) program for intermediate care
1 19 facilities for persons with mental retardation by requiring
1 20 the rate to be recalculated annually to incorporate an
1 21 inflation adjustment specified by the bill.
1 22 If the reimbursement methodology for the facilities
1 23 provides for a maximum rate calculated on a percentile of all
1 24 such facilities' rates, the maximum percentile is required to
1 25 be adjusted by the inflation factor.
1 26 LSB 1505XS 83
1 27 jp/nh/14.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate File 203 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 1180)

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

A BILL FOR

1 An Act relating to the identification of the eligibility of
2 tenants of an assisted living program for benefits through the
3 United States department of veterans affairs.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TL5B 2102SV 83
6 pf/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate File 203 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 231C.5A ASSESSMENT OF TENANTS ==
1 2 PROGRAM ELIGIBILITY.

1 3 An assisted living program receiving reimbursement through
1 4 the medical assistance program under chapter 249A shall assist
1 5 the department of veterans affairs in identifying, upon
1 6 admission of a tenant, the tenant's eligibility for benefits
1 7 through the United States department of veterans affairs. The
1 8 assisted living program shall also assist the commission of
1 9 veterans affairs in determining such eligibility for tenants
1 10 residing in the program on July 1, 2009. The department of
1 11 inspections and appeals, in cooperation with the department of
1 12 human services, shall adopt rules to administer this section,
1 13 including a provision that ensures that if a tenant is
1 14 eligible for benefits through the United States department of
1 15 veterans affairs or other third-party payor, the payor of last
1 16 resort for reimbursement to the assisted living program is the
1 17 medical assistance program. The rules shall also require the
1 18 assisted living program to request information from a tenant
1 19 or tenant's personal representative regarding the tenant's
1 20 veteran status and to report to the department of veterans
1 21 affairs only the names of tenants identified as potential
1 22 veterans along with the names of their spouses and any
1 23 dependents. Information reported by the assisted living
1 24 program shall be verified by the department of veterans
1 25 affairs.

1 26 EXPLANATION

1 27 This bill requires assisted living programs that receive
1 28 reimbursement through the medical assistance (Medicaid)
1 29 program to assist the department of veterans affairs in
1 30 identifying, upon admission of a tenant, and for tenants
1 31 already residing in the assisted living program on July 1,
1 32 2009, the tenant's eligibility for benefits through the United
1 33 States department of veterans affairs. The department of
1 34 inspections and appeals, in cooperation with the department of
1 35 human services, shall adopt rules to administer the bill



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

Senate File 203 - Introduced continued

2 1 including rules to ensure that if the tenant is eligible for
2 2 veterans benefits or other third-party payor benefits, the
2 3 payor of last resort for reimbursement to the assisted living
2 4 program is the Medicaid program. The rules are also to
2 5 require the assisted living program to request information
2 6 from a tenant or the tenant's personal representative
2 7 regarding the tenant's veteran status and to report to the
2 8 department of veterans affairs only the names of tenants
2 9 identified as potential veterans along with the names of their
2 10 spouses and any dependents. The information submitted is to
2 11 be verified by the department of veterans affairs.
2 12 Code section 135C.31A is a similar provision applicable to
2 13 health care facilities.
2 14 LSB 2102SV 83
2 15 pf/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1231

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON APPEL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to public records and open meetings, including
- 2 the creation of the public records, open meetings, and privacy
- 3 advisory committee, and providing an effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2139SC 83
- 6 rh/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1231 continued

PAG LIN

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1231 continued

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 10B.5, subsection 2, Code 2009, is amended
2 10 to read as follows:
2 11 2. Information provided in reports required in this
2 12 chapter is ~~a~~ an optional confidential record as provided in
2 13 section 22.7. The attorney general may have access to the
2 14 reports, and may use information in the reports in any action
2 15 to enforce state law, including but not limited to chapters
2 16 9H, 9I, and 10C. The reports shall be made available to
2 17 members of the general assembly and appropriate committees of
2 18 the general assembly in order to determine the extent that
2 19 agricultural land is held in this state by corporations and
2 20 other business and foreign entities and the effect of such
2 21 land ownership upon the economy of this state. The secretary
2 22 of state shall assist any committee of the general assembly
2 23 studying these issues.
2 24 Sec. 5. Section 21.2, subsection 1, Code 2009, is amended
2 25 by adding the following new paragraph:
2 26 NEW PARAGRAPH. i. An entity eligible to exercise
2 27 tax=~~exempt~~ bonding authority under chapter 7C, including a
2 28 nonprofit tax=~~exempt~~ bonding authority under chapter 7C
2 29 designated by the state to serve as a secondary market for
2 30 student loans and a nonprofit tax=~~exempt~~ bonding authority
2 31 under chapter 7C whose board of directors is appointed by the
2 32 governor.
2 33 Sec. 6. Section 21.2, subsection 2, Code 2009, is amended
2 34 to read as follows:
2 35 2. a. "Meeting" means a gathering in person or by



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1231 continued

3 1 electronic means, formal or informal, of a majority of the
3 2 members of a governmental body where there is deliberation or
3 3 action upon any matter within the scope of the governmental
3 4 body's policy-making duties. A meeting includes a series of
3 5 gatherings of members who constitute less than a majority of
3 6 the members at each gathering, but who collectively constitute
3 7 a majority of the members, where the series of gatherings
3 8 includes deliberation or action upon any matter within the
3 9 scope of the governmental body's policy-making duties.

3 10 b. Meetings shall A "meeting" does not include a any of
3 11 the following:

3 12 (1) A gathering of members of a governmental body for
3 13 purely ministerial or social purposes when there is no
3 14 discussion of policy or no intent to avoid the purposes of
3 15 this chapter.

3 16 (2) Written electronic communications by one or more
3 17 members of a governmental body or by its chief executive
3 18 officer that are ordinarily preserved and are accessible and
3 19 that are sent to a majority of the members of the governmental
3 20 body, or a series of such written electronic communications
3 21 each sent only to a minority of the members of the
3 22 governmental body but that in the aggregate are sent to a
3 23 majority of its members that do both of the following:

3 24 (a) Concern a particular matter within the scope of the
3 25 governmental body's policy-making duties.

3 26 (b) Would otherwise constitute a meeting.

3 27 However, this exclusion only applies if the written
3 28 electronic communications, to the extent such communications
3 29 are not exempt from disclosure pursuant to section 22.7 or
3 30 another statute, are either posted on the governmental body's
3 31 internet site or public bulletin board at least twenty-four
3 32 hours prior to the next regular meeting or copies are made
3 33 available for public inspection at least twenty-four hours
3 34 prior to the governmental body's next regular meeting. If a
3 35 special meeting is held on the subject matter of the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1231 continued

4 1 communications before the next regular meeting, the
4 2 communications shall be posted at least twenty-four hours
4 3 prior to the special meeting or made available for public
4 4 inspection at least twenty-four hours prior to that meeting.

4 5 Sec. 7. Section 21.4, subsections 1 and 3, Code 2009, are
4 6 amended to read as follows:

4 7 1. Except as provided in subsection 3, a governmental
4 8 body, ~~except township trustees,~~ shall give notice of the time,
4 9 date, and place of each meeting including a reconvened meeting
4 10 of the governmental body, and ~~its~~ the tentative agenda of the
4 11 meeting, in a manner reasonably calculated to apprise the
4 12 public of that information. Reasonable notice shall include
4 13 advising the news media who have filed a request for notice
4 14 with the governmental body and posting the notice on a
4 15 bulletin board or other prominent place which is easily
4 16 accessible to the public and clearly designated for that
4 17 purpose at the principal office of the body holding the
4 18 meeting, or if no such office exists, at the building in which
4 19 the meeting is to be held.

4 20 3. Subsection 1 does not apply to any of the following:

4 21 a. A meeting reconvened within four hours of the start of
4 22 its recess, where an announcement of the time, date, and place
4 23 of the reconvened meeting is made at the original meeting in
4 24 open session and recorded in the minutes of the meeting and
4 25 there is no change in the agenda.

4 26 b. A meeting held by a formally constituted subunit of a
4 27 parent governmental body ~~may conduct a meeting without notice~~
4 28 ~~as required by this section~~ during a lawful meeting of the
4 29 parent governmental body, or during a recess in that meeting
4 30 of up to four hours, or a meeting of that subunit immediately
4 31 following ~~that~~ the meeting of the parent governmental body, if
4 32 the meeting of ~~the~~ that subunit is publicly announced in open
4 33 session at the parent meeting and the subject of the meeting
4 34 reasonably coincides with the subjects discussed or acted upon
4 35 by the parent governmental body.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1231 continued

5 1 Sec. 8. Section 21.5, subsection 1, paragraph j, Code
5 2 2009, is amended to read as follows:
5 3 j. To discuss the purchase of particular real estate only
5 4 where premature disclosure could be reasonably expected to
5 5 increase the price the governmental body would have to pay for
5 6 that property. The minutes and the ~~tape~~ audio recording of a
5 7 session closed under this paragraph shall be available for
5 8 public examination when the transaction discussed is
5 9 completed.

5 10 Sec. 9. Section 21.5, subsection 4, Code 2009, is amended
5 11 to read as follows:

5 12 4. A governmental body shall keep detailed minutes of all
5 13 discussion, persons present, and action occurring at a closed
5 14 session, and shall also ~~tape~~ audio record all of the closed
5 15 session. The detailed minutes and ~~tape~~ audio recording of a
5 16 closed session shall be sealed and shall not be public records
5 17 open to public inspection. However, upon order of the court
5 18 in an action to enforce this chapter, the detailed minutes and
5 19 ~~tape~~ audio recording shall be unsealed and examined by the
5 20 court in camera. The court shall then determine what part, if
5 21 any, of the minutes should be disclosed to the party seeking
5 22 enforcement of this chapter for use in that enforcement
5 23 proceeding. In determining whether any portion of the minutes
5 24 or recording shall be disclosed to such a party for this
5 25 purpose, the court shall weigh the prejudicial effects to the
5 26 public interest of the disclosure of any portion of the
5 27 minutes or recording in question, against its probative value
5 28 as evidence in an enforcement proceeding. After such a
5 29 determination, the court may permit inspection and use of all
5 30 or portions of the detailed minutes and ~~tape~~ audio recording
5 31 by the party seeking enforcement of this chapter. A
5 32 governmental body shall keep the detailed minutes and ~~tape~~
5 33 audio recording of any closed session for a period of at least
5 34 one year from the date of that meeting, except as otherwise
5 35 required by law.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1231 continued

6 1 Sec. 10. Section 21.6, subsection 3, paragraph a, Code
6 2 2009, is amended to read as follows:

6 3 a. Shall assess each member of the governmental body who
6 4 participated in its violation damages in the amount of not
6 5 more than five hundred dollars ~~nor~~ and not less than one
6 6 hundred dollars. However, if a member of a governmental body
6 7 knowingly participated in such a violation, damages shall be
6 8 in the amount of not more than two thousand five hundred
6 9 dollars and not less than one thousand dollars. These damages
6 10 shall be paid by the court imposing it to the state of Iowa,
6 11 if the body in question is a state governmental body, or to
6 12 the local government involved if the body in question is a
6 13 local governmental body. A member of a governmental body
6 14 found to have violated this chapter shall not be assessed such
6 15 damages if that member proves that the member did any of the
6 16 following:

6 17 (1) Voted against the closed session.

6 18 (2) Had good reason to believe and in good faith believed
6 19 facts which, if true, would have indicated compliance with all
6 20 the requirements of this chapter.

6 21 (3) Reasonably relied upon a decision of a court or a
6 22 formal opinion of the attorney general or the attorney for the
6 23 governmental body, given in writing, or as memorialized in the
6 24 minutes of the meeting at which a formal oral opinion was
6 25 given, or an advisory opinion of the attorney general or the
6 26 attorney for the governmental body, given in writing.

6 27 Sec. 11. NEW SECTION. 22.0A PURPOSE.

6 28 The purpose of this chapter is to provide as much
6 29 transparency in government operations as possible consistent
6 30 with the need to avoid undue invasions of personal privacy and
6 31 the need to avoid significant interference with the
6 32 achievement of other important and legitimate state
6 33 objectives.

6 34 Sec. 12. Section 22.1, Code 2009, is amended to read as
6 35 follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1231 continued

7 1 22.1 DEFINITIONS.

7 2 1. "Confidential record" means a government record
7 3 designated by statute as unavailable for examination and
7 4 copying by members of the public.

7 5 ~~1.~~ 2. The term "Government body" means this
7 6 state, or any county, city, township, school corporation,
7 7 political subdivision, tax-supported district, nonprofit
7 8 corporation other than a fair conducting a fair event as
7 9 provided in chapter 174, whose facilities or indebtedness are
7 10 supported in whole or in part with property tax revenue and
7 11 which is licensed to conduct pari-mutuel wagering pursuant to
7 12 chapter 99D, an entity eligible to exercise tax-exempt bonding
7 13 authority under chapter 7C, including a nonprofit tax-exempt
7 14 bonding authority under chapter 7C designated by the state to
7 15 serve as a secondary market for student loans and a nonprofit
7 16 tax-exempt bonding authority under chapter 7C whose board of
7 17 directors is appointed by the governor, or other entity of
7 18 this state, or any branch, department, board, bureau,
7 19 commission, council, committee, official, or officer of any of
7 20 the foregoing or any employee delegated the responsibility for
7 21 implementing the requirements of this chapter.

7 22 3. "Government record" means a record owned by, created
7 23 by, in the possession of, or under the control of, any unit,
7 24 division, or part of state or local government or the
7 25 officials or employees of such public bodies in the course of
7 26 the performance of their respective duties.

7 27 ~~2.~~ 4. The term "Lawful custodian" means the
7 28 government body currently in physical possession of the public
7 29 government record. The custodian of a public government
7 30 record in the physical possession of persons outside a
7 31 government body is the government body owning that government
7 32 record. The government records relating to the investment of
7 33 public funds are the property of the public body responsible
7 34 for the public funds. Each government body shall delegate to
~~7 35 particular officials or employees of that government body the~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

~~Senate Study Bill 1231 continued~~

~~8 1 responsibility for implementing the requirements of this
8 2 chapter and shall publicly announce the particular officials
8 3 or employees to whom responsibility for implementing the
8 4 requirements of this chapter has been delegated. "Lawful
8 5 custodian" does not mean an automated data processing unit of
8 6 a public body if the data processing unit holds the government
8 7 records solely as the agent of another public body, nor does
8 8 it mean a unit which holds the government records of other
8 9 public bodies solely for storage.~~

~~8 10 3. As used in this chapter, "public records" includes all
8 11 records, documents, tape, or other information, stored or
8 12 preserved in any medium, of or belonging to this state or any
8 13 county, city, township, school corporation, political
8 14 subdivision, nonprofit corporation other than a fair
8 15 conducting a fair event as provided in chapter 174, whose
8 16 facilities or indebtedness are supported in whole or in part
8 17 with property tax revenue and which is licensed to conduct
8 18 pari-mutuel wagering pursuant to chapter 99D, or tax-supported
8 19 district in this state, or any branch, department, board,
8 20 bureau, commission, council, or committee of any of the
8 21 foregoing.~~

~~8 22 "Public records" also includes all records relating to the
8 23 investment of public funds including but not limited to
8 24 investment policies, instructions, trading orders, or
8 25 contracts, whether in the custody of the public body
8 26 responsible for the public funds or a fiduciary or other third
8 27 party.~~

~~8 28 5. "Optional confidential record" means a government
8 29 record designated by statute as unavailable for examination
8 30 and copying by members of the public unless otherwise ordered
8 31 by a court, by the lawful custodian of the records, or by
8 32 another person duly authorized to release such information.~~

~~8 33 6. "Public record" means a government record to which
8 34 members of the public have an unqualified right to examine and
8 35 copy and includes a government record not designated by~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1231 continued

9 1 statute as either a confidential record or an optional
9 2 confidential record.

9 3 7. "Record" means information of every kind, nature, and
9 4 form preserved or stored in any medium including but not
9 5 limited to paper, electronic media, or film media.

9 6 Sec. 13. Section 22.2, subsection 2, Code 2009, is amended
9 7 to read as follows:

9 8 2. A government body shall not prevent the examination or
9 9 copying of a public record by contracting with a nongovernment
9 10 body to perform any of its duties or functions. A record
9 11 created by, in the possession of, or under the control of, any
9 12 nongovernment body or person, which is a direct part of the
9 13 execution or performance of duties imposed upon the
9 14 nongovernment body or person by contract with a government
9 15 body under which the nongovernment body or person performs a
9 16 function of the government body, is a government record. The
9 17 lawful custodian of such a government record is the government
9 18 body with whom the nongovernment body or person has executed
9 19 the contract.

9 20 Sec. 14. NEW SECTION. 22.2A RECORD REQUESTS == TIME
9 21 LIMITS.

9 22 1. Upon receipt of an oral or written request to examine
9 23 or copy a public record, the lawful custodian shall, if
9 24 feasible in the ordinary course of business, permit such
9 25 examination or copying at the time of the request. If it is
9 26 not feasible in the ordinary course of business to permit
9 27 examination or copying of the public record at the time of the
9 28 request, the lawful custodian shall immediately notify the
9 29 requester, orally or in writing, when such examination or
9 30 copying may take place, which shall be no later than five
9 31 business days from the time of the request unless there is
9 32 good cause for further delay. If further delay is necessary
9 33 because of good cause in responding to a request to examine or
9 34 copy a record the lawful custodian knows is a public record,
9 35 the lawful custodian shall provide the requester with a



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1231 continued

10 1 written statement detailing the reason or reasons for the
10 2 delay and the date by which the request will be satisfied.
10 3 2. If the lawful custodian is in doubt as to whether the
10 4 record requested is a public record or whether the requester
10 5 should be permitted to examine or copy an optional
10 6 confidential record specified in section 22.7, the lawful
10 7 custodian shall make that determination within ten business
10 8 days from the date of the request unless further delay is
10 9 necessary because good cause, which is communicated in writing
10 10 to the requester. Examination or copying of the government
10 11 record shall be allowed within five business days from the
10 12 date the lawful custodian makes the decision in such
10 13 circumstances to permit examination or copying of the record
10 14 unless there is good cause for further delay in fulfilling the
10 15 request as provided in subsection 1.

10 16 3. If the lawful custodian denies a request to examine or
10 17 copy a public record, the custodian must provide the requester
10 18 at the time of the denial a written statement denying the
10 19 request and detailing the specific reason or reasons for the
10 20 denial.

10 21 4. If the lawful custodian does not fulfill a request to
10 22 examine or copy a public record within the times prescribed in
10 23 this section, the request shall be deemed denied and the
10 24 requester shall be entitled to file a lawsuit against the
10 25 lawful custodian pursuant to section 22.10.

10 26 Sec. 15. NEW SECTION. 22.2B PUBLIC RECORDS INFORMATION
10 27 OFFICER.

10 28 1. Each government body shall designate and publicly
10 29 identify a public records officer responsible for serving as a
10 30 point of contact for members of the public requesting access
10 31 to government records pursuant to this chapter. The public
10 32 records officer shall oversee the government body's compliance
10 33 with the public records disclosure requirements of this
10 34 chapter. The public records officer shall also ensure the
10 35 government body's record retention and destruction policies



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1231 continued

11 1 and procedures comply with the applicable law.

11 2 2. A public records officer shall complete at least four
11 3 hours of training regarding the requirements of this chapter
11 4 within six months of being designated the public records
11 5 officer for the government body.

11 6 Sec. 16. Section 22.3, subsection 2, Code 2009, is amended
11 7 to read as follows:

11 8 2. All expenses of the examination and copying shall be
11 9 paid by the person desiring to examine or copy. The lawful
11 10 custodian may charge a reasonable fee for the services of the
11 11 lawful custodian or the custodian's authorized designee in
11 12 supervising the examination and copying of the records or in
11 13 reviewing the records for optional confidential record

11 14 information or for confidential record information prior to
11 15 release. If the lawful custodian is a state executive branch
11 16 agency, the lawful custodian shall provide such services at no
11 17 charge to a requester for up to three hours per month. If

11 18 copy equipment is available at the office of the lawful
11 19 custodian of any public records, the lawful custodian shall
11 20 provide any person a reasonable number of copies of any public
11 21 record in the custody of the office upon the payment of a fee.

11 22 The fee for the copying service as determined by the lawful
11 23 custodian shall not exceed the actual cost of providing the
11 24 service. Actual costs shall include only those expenses
11 25 directly attributable to supervising the examination of and
11 26 making and providing copies of public records. Actual costs
11 27 shall not include charges for ordinary expenses or costs such
11 28 as employment benefits, depreciation, maintenance,
11 29 electricity, or insurance associated with the administration
11 30 of the office of the lawful custodian.

11 31 Sec. 17. Section 22.4, Code 2009, is amended to read as
11 32 follows:

11 33 22.4 HOURS WHEN AVAILABLE.

11 34 The rights of persons under this chapter may be exercised
11 35 at any time during the customary office hours of the lawful



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1231 continued

12 1 custodian of the government records. However, if the lawful
12 2 custodian does not have customary office hours of at least
12 3 thirty hours per week, such right may be exercised at any time
12 4 from nine o'clock a.m. to noon and from one o'clock p.m. to
12 5 four o'clock p.m. Monday through Friday, excluding legal
12 6 holidays, unless the person exercising such right and the
12 7 lawful custodian agree on a different time.

12 8 Sec. 18. Section 22.7, subsection 7, Code 2009, is amended
12 9 to read as follows:

12 10 7. Appraisals or appraisal information concerning the
12 11 purchase of real or personal property for public purposes,
12 12 prior to ~~public announcement of a project~~ the submission of
12 13 the appraisal to the property owner or other interest holders
12 14 as provided in section 6B.45.

12 15 Sec. 19. Section 22.7, subsection 10, Code 2009, is
12 16 amended by striking the subsection.

12 17 Sec. 20. Section 22.7, subsection 11, Code 2009, is
12 18 amended to read as follows:

12 19 11. a. Personal information in confidential personnel
12 20 records of public government bodies ~~including but not limited~~
12 21 ~~to cities, boards of supervisors and school districts~~ relating
12 22 to identified or identifiable individuals who are officials,
12 23 officers, or employees of the government bodies. However, the
12 24 following information relating to such individuals contained
12 25 in personnel records shall be public records:

12 26 (1) The name and compensation of the individual including
12 27 any written agreement establishing compensation or any other
12 28 terms of employment excluding any information otherwise
12 29 excludable from public information pursuant to this section or
12 30 any other applicable provision of law. For purposes of this
12 31 paragraph, "compensation" means payment of, or agreement to
12 32 pay, any money, thing of value, or financial benefit conferred
12 33 in return for labor or services rendered by an officer,
12 34 employee, or other person plus the value of benefits including
12 35 but not limited to casualty, disability, life, or health



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1231 continued

13 1 insurance, other health or wellness benefits, vacation,
13 2 holiday, and sick leave, severance payments, retirement
13 3 benefits, and deferred compensation.

13 4 (2) The date the individual was employed by the government
13 5 body.

13 6 (3) The positions the individual holds or has held with
13 7 the government body.

13 8 (4) The educational institutions attended by the
13 9 individual, including any diplomas and degrees earned, and the
13 10 names of the individual's previous employers, positions
13 11 previously held, and dates of previous employment.

13 12 (5) Any final disciplinary action taken against the
13 13 individual that resulted in the individual's discharge.

13 14 b. Personal information in confidential personnel records
13 15 of government bodies relating to student employees shall only
13 16 be released pursuant to 20 U.S.C. } 1232g.

13 17 Sec. 21. Section 22.7, subsection 18, Code 2009, is
13 18 amended to read as follows:

13 19 18. a. Communications not required by law, rule,
13 20 procedure, or contract that are made to a government body or
13 21 to any of its employees by identified persons outside of
13 22 government, to the extent that the government body receiving
13 23 those communications from such persons outside of government
13 24 could reasonably believe that those persons would be
13 25 discouraged from making them to that government body if they
13 26 were available for general public examination. As used in
13 27 this subsection, "persons outside of government" does not
13 28 include persons or employees of persons who are communicating
13 29 with respect to a consulting or contractual relationship with
13 30 a government body or who are communicating with a government
13 31 body with whom an arrangement for compensation exists.

13 32 Notwithstanding this provision:

13 33 a. (1) The communication is a public record to the extent
13 34 that the person outside of government making that
13 35 communication consents to its treatment as a public record.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1231 continued

14 1 ~~b.~~ (2) Information contained in the communication is a
14 2 public record to the extent that it can be disclosed without
14 3 directly or indirectly indicating the identity of the person
14 4 outside of government making it or enabling others to
14 5 ascertain the identity of that person.

14 6 ~~e.~~ (3) Information contained in the communication is a
14 7 public record to the extent that it indicates the date, time,
14 8 specific location, and immediate facts and circumstances
14 9 surrounding the occurrence of a crime or other illegal act,
14 10 except to the extent that its disclosure would plainly and
14 11 seriously jeopardize a continuing investigation or pose a
14 12 clear and present danger to the safety of any person. In any
14 13 action challenging the failure of the lawful custodian to
14 14 disclose any particular information of the kind enumerated in
14 15 this paragraph, the burden of proof is on the lawful custodian
14 16 to demonstrate that the disclosure of that information would
14 17 jeopardize such an investigation or would pose such a clear
14 18 and present danger.

14 19 b. This subsection does not apply to information relating
14 20 to applications to a government body for employment.

14 21 Sec. 22. Section 22.7, subsections 40, 43, and 48, Code
14 22 2009, are amended to read as follows:

14 23 40. The portion of a record request that contains an
14 24 internet protocol number ~~which identifies the computer from~~
~~14 25 which a person requests a record, whether the person using~~
~~14 26 such computer makes the request through the IowAccess network~~
~~14 27 or directly to a lawful custodian. However, such record may~~
~~14 28 be released with the express written consent of the person~~
~~14 29 requesting the record.~~

14 30 43. Information obtained by the commissioner of insurance
14 31 pursuant to section 502.607, subsection 2.

14 32 48. Sex offender registry records under chapter 692A,
~~14 33 except~~ shall only be released as provided in section 692A.13.

14 34 Sec. 23. Section 22.7, subsection 52, paragraphs a and c,
14 35 Code 2009, are amended to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1231 continued

15 1 a. The following records relating to a charitable donation
15 2 ~~made to a foundation acting solely for the support of an~~
~~15 3 institution governed by the state board of regents, to a~~
~~15 4 foundation acting solely for the support of an institution~~
~~15 5 governed by chapter 260C, to a private foundation as defined~~
~~15 6 in section 509 of the Internal Revenue Code organized for the~~
~~15 7 support of a government body, or to an endow Iowa qualified~~
~~15 8 community foundation, as defined in section 15E.303, organized~~
~~15 9 for the support of a government body:~~

15 10 (1) Portions of records that disclose a donor's or
15 11 prospective donor's personal, financial, estate planning, or
15 12 gift planning matters.

15 13 (2) Records received from a donor or prospective donor
15 14 regarding such donor's prospective gift or pledge.

15 15 (3) Records containing information about a donor or a
15 16 prospective donor in regard to the appropriateness of the
15 17 solicitation and dollar amount of the gift or pledge.

15 18 (4) Portions of records that identify a prospective donor
15 19 and that provide information on the appropriateness of the
15 20 solicitation, the form of the gift or dollar amount requested
15 21 by the solicitor, and the name of the solicitor.

15 22 (5) Portions of records disclosing the identity of a donor
15 23 or prospective donor, including the specific form of gift or
15 24 pledge that could identify a donor or prospective donor,
15 25 directly or indirectly, when such donor has requested
15 26 anonymity in connection with the gift or pledge. This
15 27 subparagraph does not apply to a gift or pledge from a
15 28 publicly held business corporation.

15 29 c. Except as provided in paragraphs "a" and "b", portions
15 30 of records relating to the receipt, holding, and disbursement
15 31 of gifts made for the benefit of regents institutions and made
15 32 through foundations established for support of regents
15 33 institutions, including but not limited to written
15 34 fund-raising policies and documents evidencing fund-raising
15 35 practices, shall be subject to this chapter. Unless otherwise



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1231 continued

16 1 provided, the lawful custodian of all records subject to this
16 2 paragraph is the regents institution to be benefited by such
16 3 gifts.

16 4 Sec. 24. Section 22.7, subsection 55, Code 2009, is
16 5 amended to read as follows:

16 6 55. An intelligence assessment and intelligence data under
16 7 chapter 692, ~~except~~ shall only be released as provided in
16 8 section 692.8A.

16 9 Sec. 25. Section 22.7, Code 2009, is amended by adding the
16 10 following new subsections:

16 11 NEW SUBSECTION. 62. PUBLIC EMPLOYMENT APPLICATIONS.

16 12 a. The identity and qualifications of an applicant for
16 13 employment by a government body if the applicant requests
16 14 anonymity in writing and the government body determines that
16 15 anonymity is necessary to induce the applicant to apply for
16 16 the employment position. Such information shall be exempt
16 17 from disclosure until an applicant is considered by the
16 18 government body to be a finalist for the position. For
16 19 purposes of this subsection, "finalist" means any applicant
16 20 who is determined to be among those who are under final
16 21 consideration for the position, and at least includes the five
16 22 most qualified applicants as determined by the recommending or
16 23 selecting authority. If there are five or fewer applicants
16 24 for the particular position, all of the applicants shall be
16 25 considered finalists for purposes of this subsection. The
16 26 identities and qualifications of the finalists shall be made
16 27 available for public inspection at least three business days
16 28 prior to a final decision.

16 29 b. Documents relating to a government body's evaluation of
16 30 the qualifications and merits of an applicant for employment
16 31 by that government body.

16 32 NEW SUBSECTION. 63. TENTATIVE, PRELIMINARY, OR DRAFT
16 33 MATERIALS. Tentative, preliminary, draft, speculative, or
16 34 research material, created prior to its completion for the
16 35 purpose for which it is intended and in a form prior to the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1231 continued

17 1 form in which it is submitted for use or used in the actual
17 2 formulation, recommendation, adoption, or execution of any
17 3 official policy or action by a public official authorized to
17 4 make such decisions for the government body. Such materials
17 5 shall be treated as a public record at the time the materials
17 6 are actually used for the final formulation, recommendation,
17 7 adoption, or execution of any official policy or action of a
17 8 government body.

17 9 Sec. 26. Section 22.8, subsection 1, Code 2009, is amended
17 10 to read as follows:

17 11 1. The district court may grant an injunction restraining
17 12 the examination, including copying, of a specific public
17 13 record or a narrowly drawn class of public records. A hearing
17 14 shall be held on a request for injunction upon reasonable
17 15 notice as determined by the court to persons requesting access
17 16 to the record which is the subject of the request for
17 17 injunction. It shall be the duty of the lawful custodian and
17 18 any other person seeking an injunction to ensure compliance
17 19 with the notice requirement. Such an injunction may be issued
17 20 only if the petition supported by affidavit shows and if the
17 21 court finds ~~both~~ any of the following:

17 22 a. That the examination would clearly not be in the public
17 23 interest because the potential harm to the public interest
17 24 from disclosure of the particular information involved clearly
17 25 outweighs any potential benefit to the public interest from
17 26 disclosure.

17 27 b. That the examination would substantially and
17 28 irreparably injure any person or persons because it would
17 29 invade the personal privacy of the identified subject of the
17 30 record and the harm to that person from such disclosure is not
17 31 outweighed by the public interest in its disclosure.

17 32 c. That the record at issue is not a public record.

17 33 d. That the record at issue is a record exempt from
17 34 mandatory disclosure pursuant to section 22.7 and that a
17 35 determination by the custodian to permit inspection of the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1231 continued

18 1 record by one or more members of the public is a violation of
18 2 law or is arbitrary, capricious, unreasonable, or an abuse of
18 3 discretion.

18 4 Sec. 27. Section 22.8, subsection 4, paragraphs c and d,
18 5 Code 2009, are amended to read as follows:

18 6 c. To determine whether the government record in question
18 7 is a public record, an optional confidential record, or a
18 8 confidential record.

18 9 d. To determine whether ~~a~~ an optional confidential record
18 10 should be available for inspection and copying to the person
18 11 requesting the right to do so. A reasonable delay for this
18 12 purpose shall not exceed ~~twenty calendar days and ordinarily~~
~~18 13 should not exceed~~ ten business days.

18 14 Sec. 28. Section 22.10, subsection 3, paragraph b, Code
18 15 2009, is amended to read as follows:

18 16 b. Shall assess the persons who participated in its
18 17 violation damages in the amount of not more than five hundred
18 18 dollars ~~not~~ and not less than one hundred dollars. However,
18 19 if a member of a government body knowingly participated in
18 20 such a violation, damages shall be in the amount of not more
18 21 than two thousand five hundred dollars and not less than one
18 22 thousand dollars. These damages shall be paid by the court
18 23 imposing them to the state of Iowa if the body in question is
18 24 a state government body, or to the local government involved
18 25 if the body in question is a local government body. A person
18 26 found to have violated this chapter shall not be assessed such
18 27 damages if that person proves that the person ~~either voted did~~
18 28 any of the following:

18 29 (1) Voted against the action violating this chapter,
18 30 refused to participate in the action violating this chapter,
18 31 or engaged in reasonable efforts under the circumstances to
18 32 resist or prevent the action in violation of this chapter;
~~18 33 had.~~

18 34 (2) Had good reason to believe and in good faith believed
18 35 facts which, if true, would have indicated compliance with the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1231 continued

19 1 requirements of this chapter; ~~or reasonably.~~
19 2 (3) Reasonably relied upon a decision of a court or ~~an a~~
19 3 formal opinion of the attorney general or the attorney for the
19 4 government body, given in writing, or as memorialized in the
19 5 minutes of the meeting at which a formal oral opinion was
19 6 given, or an advisory opinion of the attorney general or the
19 7 attorney for the government body, given in writing.

19 8 Sec. 29. Section 22.10, subsection 5, Code 2009, is
19 9 amended by striking the subsection.

19 10 Sec. 30. Section 22.13, Code 2009, is amended to read as
19 11 follows:

19 12 22.13 SETTLEMENTS == ~~GOVERNMENTAL~~ GOVERNMENT BODIES.

19 13 1. A written summary of the terms of settlement, including
19 14 amounts of payments made to or through a claimant, or other
19 15 disposition of any claim for damages made against a
19 16 ~~governmental~~ government body or against an employee, officer,
19 17 or agent of a ~~governmental~~ government body, by an insurer
19 18 pursuant to a contract of liability insurance issued to the
19 19 ~~governmental~~ government body, shall be filed with the
19 20 ~~governmental~~ government body and shall be a public record.

19 21 2. A final binding settlement agreement between any
19 22 government body of this state or unit or official of such a
19 23 government body that resolves a legal dispute between such a
19 24 government body and another person or entity shall be filed
19 25 with the government body. For each such settlement agreement,
19 26 the government body shall prepare and file, together with the
19 27 settlement agreement, a brief summary indicating the identity
19 28 of the parties involved, the nature of the dispute, any
19 29 underlying relevant facts, and the terms of the settlement.
19 30 The settlement agreement and summary shall be available for
19 31 public inspection.

19 32 Sec. 31. Section 22.14, subsection 3, Code 2009, is
19 33 amended to read as follows:

19 34 3. If a fiduciary or other third party with custody of
19 35 public investment transactions records fails to produce public



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1231 continued

20 1 records within a reasonable period of time as requested by the
20 2 ~~public government~~ body, the ~~public government~~ body shall make
20 3 no new investments with or through the fiduciary or other
20 4 third party and shall not renew existing investments upon
20 5 their maturity with or through the fiduciary or other third
20 6 party. The fiduciary or other third party shall be liable for
20 7 the penalties imposed under ~~section 22.6~~ statute, common law,
20 8 or contract due to the acts or omissions of the fiduciary or
20 9 other third party ~~and any other remedies available under~~
20 10 ~~statute, common law, or contract.~~

20 11 Sec. 32. NEW SECTION. 22.15 JUDICIAL BRANCH == RULES.

20 12 This chapter does not apply to government records owned,
20 13 created, possessed, or under the control of the judicial
20 14 branch related to the performance by the courts of their
20 15 judicial functions. The supreme court shall prescribe rules
20 16 governing access to such government records consistent with
20 17 the purposes of this chapter.

20 18 Sec. 33. NEW SECTION. 23.1 OPEN MEETINGS, PUBLIC
20 19 RECORDS, AND PRIVACY ADVISORY COMMITTEE.

20 20 1. COMMITTEE ESTABLISHED. An open meetings, public
20 21 records, and privacy advisory committee is established to
20 22 serve as a resource for public access to government
20 23 information in light of the policy of this state to provide as
20 24 much public access to government information and proceedings
20 25 as is consistent with the public interest and the need to
20 26 protect individuals against undue invasions of personal
20 27 privacy.

20 28 2. MEMBERSHIP.

20 29 a. The advisory committee shall consist of sixteen
20 30 members, including twelve voting members and four nonvoting
20 31 members.

20 32 (1) The voting members shall be the following:

20 33 (a) One member representing municipal interests, appointed
20 34 by the governor.

20 35 (b) One member representing county or regional interests,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1231 continued

21 1 appointed by the governor.
21 2 (c) One member representing school district interests,
21 3 appointed by the governor.
21 4 (d) One member representing law enforcement interests,
21 5 appointed by the governor.
21 6 (e) One member representing executive branch interests,
21 7 appointed by the governor.
21 8 (f) One member representing freedom of information
21 9 advocacy group interests, appointed by the governor.
21 10 (g) One member representing newspaper and broadcasting
21 11 interests, appointed by the governor.
21 12 (h) Two public members, appointed by the governor.
21 13 (i) The attorney general or the attorney general's
21 14 designee.
21 15 (j) The citizens' aide or the citizens' aide's designee.
21 16 (k) A representative from the department of administrative
21 17 services with expertise in electronic records.
21 18 (1) One member representing the judicial branch as
21 19 designated by the chief justice of the supreme court.
21 20 (2) The nonvoting members of the advisory committee shall
21 21 be two state representatives, one appointed by the speaker of
21 22 the house of representatives and one appointed by the minority
21 23 leader of the house of representatives, and two state
21 24 senators, one appointed by the majority leader of the senate
21 25 and one appointed by the minority leader of the senate.
21 26 b. A majority of the advisory committee members shall
21 27 constitute a quorum.
21 28 3. DUTIES. The advisory committee shall:
21 29 a. Serve as the central coordinator of information about
21 30 the public's right to access government information and
21 31 proceedings. The advisory committee shall provide basic
21 32 information about the requirements of chapters 21 and 22 and
21 33 other relevant freedom of information laws and shall also
21 34 provide information about best practices for state and local
21 35 governments to comply with and to enforce such laws.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1231 continued

22 1 b. Serve as a resource to support the establishment and
22 2 maintenance of a central publicly accessible internet site
22 3 that provides specific guidance to members of the public about
22 4 utilizing the relevant law to be better informed and active
22 5 participants in open government.

22 6 c. Serve as a resource to support education and training
22 7 about chapters 21 and 22 and other relevant freedom of
22 8 information laws to lawful custodians and other persons
22 9 subject to the requirements of such laws.

22 10 d. Make recommendations to the governor and the general
22 11 assembly by proposing legislation relating to public access to
22 12 government information.

22 13 e. Aid the general assembly in evaluating the impact of
22 14 legislation affecting public access to government information.

22 15 f. Conduct public hearings, conferences, workshops, and
22 16 other meetings as necessary to address problems and suggest
22 17 solutions concerning access to government information and
22 18 proceedings.

22 19 g. Review the collection, maintenance, and use of
22 20 government records by lawful custodians to ensure that
22 21 confidential records and information are handled to adequately
22 22 protect personal privacy interests.

22 23 h. Beginning January 10, 2010, and annually thereafter,
22 24 prepare and transmit to the governor and general assembly a
22 25 report relating to public access to government information.

22 26 4. TERMS. The term of the members appointed by the
22 27 governor shall be for three years, staggered by the governor,
22 28 beginning upon the convening of a regular session of the
22 29 general assembly and ending upon the convening of a regular
22 30 session of the general assembly three years later. The terms
22 31 of the members appointed by a member of the general assembly
22 32 shall be as provided in section 69.16B.

22 33 5. MEETINGS. The advisory committee shall elect a
22 34 chairperson and vice chairperson. The committee shall meet at
22 35 least three times per year but may meet as often as necessary.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1231 continued

23 1 At least one of the meetings shall be held during the regular
23 2 legislative session. Meetings may be called by the
23 3 chairperson or at the request of four members. The advisory
23 4 committee is subject to the open meetings requirements of
23 5 chapter 21.

23 6 6. EXPENSES OR COMPENSATION.

23 7 a. A member of the general assembly shall be paid, in
23 8 accordance with section 2.10, per diem and necessary travel
23 9 and actual expenses incurred in attending meetings of the
23 10 advisory committee.

23 11 b. Public members appointed by the governor shall receive
23 12 reimbursement for actual and necessary expenses incurred while
23 13 serving in their official capacity.

23 14 7. FUNDING. The advisory committee may seek grants,
23 15 appropriations, and outside funding to fund the costs of
23 16 public hearings, conferences, workshops, and other activities
23 17 of the committee. Contributions to support the work of the
23 18 committee shall not be accepted from a political party with a
23 19 pecuniary or other vested interest in the outcome of the
23 20 issues considered by the committee.

23 21 8. STAFFING. The legislative services agency shall
23 22 provide staffing and administrative support for the advisory
23 23 committee. In addition, the committee may contract for
23 24 administrative, professional, and clerical services subject to
23 25 the availability of funding.

23 26 Sec. 34. Section 34A.7A, subsection 4, Code 2009, is
23 27 amended to read as follows:

23 28 4. The amount collected from a wireless service provider
23 29 and deposited in the fund, pursuant to section 22.7,
23 30 subsection 6, information provided by a wireless service
23 31 provider to the program manager consisting of trade secrets,
23 32 pursuant to section 22.7, subsection 3, and other financial or
23 33 commercial operations information provided by a wireless
23 34 service provider to the program manager, shall be ~~kept~~
~~23 35 confidential~~ an optional confidential record as provided under



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1231 continued

24 1 section 22.7. This subsection does not prohibit the inclusion
24 2 of information in any report providing aggregate amounts and
24 3 information which does not identify numbers of accounts or
24 4 customers, revenues, or expenses attributable to an individual
24 5 wireless communications service provider.

24 6 Sec. 35. Section 68B.32B, subsection 11, Code 2009, is
24 7 amended to read as follows:

24 8 11. A complaint shall be a public record, but some or all
24 9 of the contents may be treated as an optional confidential
24 10 record under section 22.7, subsection 18, to the extent
24 11 necessary under subsection 3 of this section. Information
24 12 informally reported to the board and board staff which results
24 13 in a board-initiated investigation shall be a public record
24 14 but may be treated as an optional confidential information
24 15 record consistent with the provisions of section 22.7,
24 16 subsection 18. If the complainant, the person who provides
24 17 information to the board, or the person who is the subject of
24 18 an investigation publicly discloses the existence of an
24 19 investigation, the board may publicly confirm the existence of
24 20 the disclosed formal complaint or investigation and, in the
24 21 board's discretion, make the complaint or the informal
24 22 referral public, as well as any other documents that were
24 23 issued by the board to any party to the investigation.
24 24 However, investigative materials may be furnished to the
24 25 appropriate law enforcement authorities by the board at any
24 26 time. Upon the commencement of a contested case proceeding by
24 27 the board, all investigative material relating to that
24 28 proceeding shall be made available to the subject of the
24 29 proceeding. The entire record of any contested case
24 30 proceeding initiated under this section shall be a public
24 31 record.

24 32 Sec. 36. Section 76.11, Code 2009, is amended to read as
24 33 follows:

24 34 76.11 CONFIDENTIALITY OF BOND HOLDERS == EXCEPTIONS.
24 35 Records of identity of owners of public bonds or



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1231 continued

25 1 obligations maintained as provided in section 76.10 or by the
25 2 issuer of the bonds are optional confidential records entitled
~~25 3 to protection~~ under section 22.7, subsection 17. ~~However, and~~
25 4 the issuer of the bonds or a state or federal agency may
25 5 obtain information as necessary.

25 6 Sec. 37. Section 124.553, subsection 3, Code 2009, is
25 7 amended to read as follows:

25 8 3. Information contained in the program and any
25 9 information obtained from it, and information contained in the
25 10 records of requests for information from the program, is
25 11 privileged and strictly confidential information. Such
25 12 information is a an optional confidential ~~public~~ record
25 13 pursuant to section 22.7, and is not subject to discovery,
25 14 subpoena, or other means of legal compulsion for release
25 15 except as provided in this division. Information from the
25 16 program shall not be released, shared with an agency or
25 17 institution, or made public except as provided in this
25 18 division.

25 19 Sec. 38. Section 135.43, subsection 7, Code 2009, is
25 20 amended to read as follows:

25 21 7. a. The Iowa department of public health and the
25 22 department of human services shall adopt rules providing for
25 23 disclosure of optional confidential record information ~~which~~
~~25 24 is confidential~~ under chapter 22 or any confidential record
25 25 information under any other provision of state law, to the
25 26 review team for purposes of performing its child death and
25 27 child abuse review responsibilities.

25 28 b. A person in possession or control of medical,
25 29 investigative, assessment, or other information pertaining to
25 30 a child death and child abuse review shall allow the
25 31 inspection and reproduction of the information by the
25 32 department upon the request of the department, to be used only
25 33 in the administration and for the duties of the Iowa child
25 34 death review team. Except as provided for a report on a child
25 35 fatality by an ad hoc child fatality review committee under



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1231 continued

26 1 subsection 4, information and records produced under this
26 2 section which are optional confidential records under section
26 3 22.7 and confidential records under chapter 235A, and
26 4 information or records received from the confidential records,
26 5 remain confidential under this section. A person does not
26 6 incur legal liability by reason of releasing information to
26 7 the department as required under and in compliance with this
26 8 section.

26 9 Sec. 39. Section 147A.26, subsection 2, Code 2009, is
26 10 amended to read as follows:

26 11 2. The data collected by and furnished to the department
26 12 pursuant to this section are optional confidential records of
26 13 the condition, diagnosis, care, or treatment of patients or
26 14 former patients, including outpatients, pursuant to section
26 15 22.7. The compilations prepared for release or dissemination
26 16 from the data collected are not confidential under section
26 17 22.7, subsection 2. However, information which individually
26 18 identifies patients shall not be disclosed and state and
26 19 federal law regarding patient confidentiality shall apply.

26 20 Sec. 40. Section 202A.2, subsection 3, paragraph b, Code
26 21 2009, is amended to read as follows:

26 22 b. The department, in consultation with the office of
26 23 attorney general, shall designate information in purchase
26 24 reports that reveals the identity of a packer or livestock
26 25 seller as optional confidential records pursuant to section
26 26 22.7.

26 27 Sec. 41. Section 232.149, subsection 2, Code 2009, is
26 28 amended to read as follows:

26 29 2. Records and files of a criminal or juvenile justice
26 30 agency concerning a child involved in a delinquent act are
26 31 public records, except that release of criminal history data,
26 32 intelligence data, and law enforcement investigatory files is
26 33 subject to the provisions of section 22.7 and chapter 692, and
26 34 juvenile court social records, as defined in section 232.2,
26 35 subsection 31, shall be deemed an optional confidential record



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1231 continued

27 1 criminal identification files under section 22.7, subsection
27 2 9. The records are subject to sealing under section 232.150
27 3 unless the juvenile court waives its jurisdiction over the
27 4 child so that the child may be prosecuted as an adult for a
27 5 public offense.

27 6 Sec. 42. Section 252B.24, subsection 3, Code 2009, is
27 7 amended to read as follows:

27 8 3. The records of the state case registry are optional
27 9 confidential records pursuant to chapter 22 and may only be
27 10 disclosed or used as provided in section 252B.9.

27 11 Sec. 43. Section 252G.5, unnumbered paragraph 1, Code
27 12 2009, is amended to read as follows:

27 13 The records of the centralized employee registry are
27 14 confidential records pursuant to ~~sections 22.7 and~~ section
27 15 252B.9, and may be accessed only by state agencies as provided
27 16 in this section and section 252B.9. When a state agency
27 17 accesses information in the registry, the agency may use the
27 18 information to update the agency's own records. Access to and
27 19 use of the information contained in the registry shall be
27 20 limited to the following:

27 21 Sec. 44. Section 321.189A, subsection 6, Code 2009, is
27 22 amended to read as follows:

27 23 6. The department shall keep ~~as confidential public~~
~~27 24 records under section 22.7,~~ all records regarding licenses
27 25 issued under this section as optional confidential records
27 26 under section 22.7.

27 27 Sec. 45. Section 452A.33, subsection 1, paragraph d, Code
27 28 2009, is amended to read as follows:

27 29 d. The information included in a report submitted by a
27 30 retail dealer is deemed to be a trade secret, ~~protected as a~~
~~27 31 confidential record~~ and is an optional confidential record
27 32 pursuant to section 22.7.

27 33 Sec. 46. Section 452A.33, subsection 2, paragraph c, Code
27 34 2009, is amended to read as follows:

27 35 c. The report shall not provide information regarding



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1231 continued

28 1 motor fuel or biofuel which is sold and dispensed by an
28 2 individual retail dealer or at a particular retail motor fuel
28 3 site. The report shall not include a trade secret ~~protected~~
~~28 4 as a confidential record pursuant as referred to in~~ section
28 5 22.7.

28 6 Sec. 47. Section 455K.4, subsection 4, Code 2009, is
28 7 amended to read as follows:

28 8 4. Information that is disclosed under subsection 2,
28 9 paragraph "b", is confidential and is not subject to
28 10 disclosure under chapter 22. ~~A governmental entity,~~
~~28 11 governmental employee, or governmental official who discloses~~
~~28 12 information in violation of this subsection is subject to the~~
~~28 13 penalty provided in section 22.6.~~

28 14 Sec. 48. Section 476.74, subsection 4, Code 2009, is
28 15 amended to read as follows:

28 16 4. VERIFIED COPIES REQUIRED. Every public utility shall
28 17 file with the board a verified copy of the contract or
28 18 arrangement referred to in this section, or a verified summary
28 19 of the unwritten contract or arrangement, and also of all the
28 20 contracts and arrangements or a verified summary of the
28 21 unwritten contracts or arrangements, whether written or
28 22 unwritten, entered into prior to July 1, 1989, and in force
28 23 and effect at that time. Any contract or agreement determined
28 24 by the board to be a an optional confidential record pursuant
28 25 to section 22.7 shall be returned to the public utility filing
28 26 the ~~confidential~~ record within sixty days after the contract
28 27 or agreement is filed.

28 28 Sec. 49. Section 477A.7, subsection 3, paragraph b, Code
28 29 2009, is amended to read as follows:

28 30 b. For purposes of this subsection, the number of
28 31 customers of a cable service provider or video service
28 32 provider shall be determined based on the relative number of
28 33 subscribers in that municipality at the end of the prior
28 34 calendar year as reported to the municipality by all incumbent
28 35 cable providers and holders of a certificate of franchise



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1231 continued

29 1 authority. Any records showing the number of subscribers
29 2 shall be considered optional confidential records pursuant to
29 3 section 22.7. The incumbent cable provider shall provide to
29 4 the municipality, on an annual basis, the maintenance and
29 5 support costs of the institutional network, subject to an
29 6 independent audit. A municipality acting under this
29 7 subsection shall notify and present a bill to competitive
29 8 cable service providers or competitive video service providers
29 9 for the amount of such support on an annual basis, beginning
29 10 one year after issuance of the certificate of franchise
29 11 authority. The annual institutional network support shall be
29 12 due and paid by the providers to the municipality in four
29 13 quarterly payments, not later than forty-five days after the
29 14 close of each quarter. The municipality shall reimburse the
29 15 incumbent cable provider for the amounts received from
29 16 competitive cable service providers or competitive video
29 17 service providers.

29 18 Sec. 50. Section 507.14, subsections 2, 3, 5, and 6, Code
29 19 2009, are amended to read as follows:

29 20 2. A report of an examination of a domestic or foreign
29 21 insurer which is preliminary under the rules of the division
29 22 is ~~a~~ an optional confidential record under chapter 22 except
29 23 when sought by the insurer to which the report relates or an
29 24 insurance regulator of another state, and is privileged and
29 25 confidential in any judicial or administrative proceeding.

29 26 3. All work papers, notes, recorded information,
29 27 documents, market conduct annual statements, and copies
29 28 thereof that are produced or obtained by or disclosed to the
29 29 commissioner or any other person in the course of analysis by
29 30 the commissioner of the financial condition or market conduct
29 31 of an insurer are optional confidential records under chapter
29 32 22 and shall be privileged and confidential in any judicial or
29 33 administrative proceeding except any of the following:

29 34 a. An action commenced by the commissioner under chapter
29 35 507C.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1231 continued

30 1 b. An administrative proceeding brought by the insurance
30 2 division under chapter 17A.
30 3 c. A judicial review proceeding under chapter 17A brought
30 4 by an insurer to whom the records relate.
30 5 d. An action or proceeding which arises out of the
30 6 criminal provisions of the laws of this state or the United
30 7 States.
30 8 5. A financial statement filed by an employer
30 9 self-insuring workers' compensation liability pursuant to
30 10 section 87.11, or the working papers of an examiner or the
30 11 division in connection with calculating appropriate security
30 12 and reserves for the self-insured employer are optional
30 13 confidential records under chapter 22 except when sought by
30 14 the employer to which the financial statement or working
30 15 papers relate or an insurance or workers' compensation
30 16 self-insurance regulator of another state, and are privileged
30 17 and confidential in any judicial or administrative proceeding.
30 18 The financial information of a nonpublicly traded employer
30 19 which self-insures for workers' compensation liability
30 20 pursuant to section 87.11 is protected as proprietary trade
30 21 secrets to the extent consistent with the commissioner's
30 22 duties to oversee the security of self-insured workers'
30 23 compensation liability.
30 24 6. Analysis notes, work papers, or other documents related
30 25 to the analysis of an insurer are optional confidential
30 26 records under chapter 22.
30 27 Sec. 51. Section 507A.4, subsection 10, paragraph b, Code
30 28 2009, is amended to read as follows:
30 29 b. The sponsor of the health benefit plan shall file an
30 30 application for waiver from the provisions of this chapter
30 31 with the commissioner as prescribed by the commissioner and
30 32 shall file periodic statements and information as required by
30 33 the commissioner. The commissioner shall adopt rules pursuant
30 34 to chapter 17A implementing this subsection. All statements
30 35 and information filed with or disclosed to the commissioner



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1231 continued

31 1 pursuant to this subsection are optional confidential records
31 2 pursuant to chapter 22.

31 3 Sec. 52. Section 507E.5, subsection 1, Code 2009, is
31 4 amended to read as follows:

31 5 1. All investigation files, investigation reports, and all
31 6 other investigative information in the possession of the
31 7 bureau are confidential records ~~under chapter 22~~ except as
31 8 specifically provided in this section and are not subject to
31 9 discovery, subpoena, or other means of legal compulsion for
31 10 their release until opened for public inspection by the
31 11 bureau, or upon the consent of the bureau, or until a court of
31 12 competent jurisdiction determines, after notice to the bureau
31 13 and hearing, that the bureau will not be unnecessarily
31 14 hindered in accomplishing the purposes of this chapter by
31 15 their opening for public inspection. However, investigative
31 16 information in the possession of the bureau may be disclosed,
31 17 in the commissioner's discretion, to appropriate licensing
31 18 authorities within this state, another state or the District
31 19 of Columbia, or a territory or country in which a licensee is
31 20 licensed or has applied for a license.

31 21 Sec. 53. Section 515.103, subsection 6, paragraph b, Code
31 22 2009, is amended to read as follows:

31 23 b. Information filed with the commissioner of insurance
31 24 pursuant to this subsection shall be considered a confidential
31 25 record and be recognized ~~and protected~~ as a trade secret
31 26 pursuant to section 22.7, subsection 3.

31 27 Sec. 54. Section 523A.204, subsection 3, Code 2009, is
31 28 amended to read as follows:

31 29 3. All records maintained by the commissioner under this
31 30 section shall be optional confidential records pursuant to
31 31 section 22.7, subsection 58, and shall not be made available
31 32 for inspection or copying except upon the approval of the
31 33 commissioner or the attorney general.

31 34 Sec. 55. Section 523A.502A, subsection 2, Code 2009, is
31 35 amended to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1231 continued

32 1 2. All records maintained by the commissioner under this
32 2 section shall be optional confidential records pursuant to
32 3 section 22.7, subsection 58, and shall not be made available
32 4 for inspection or copying except upon the approval of the
32 5 commissioner or the attorney general.

32 6 Sec. 56. Section 523C.23, subsection 1, paragraph c,
32 7 unnumbered paragraph 1, Code 2009, is amended to read as
32 8 follows:

32 9 Information obtained in the course of an investigation ~~is~~
~~32 10 confidential shall be treated as an optional confidential~~
~~32 11 record~~ as provided in section 22.7. However, upon a
32 12 determination that disclosure of the information is necessary
32 13 or appropriate in the public interest or for the protection of
32 14 consumers, the commissioner may do any of the following:

32 15 Sec. 57. Section 556.24A, subsection 2, Code 2009, is
32 16 amended to read as follows:

32 17 2. Notwithstanding any other provision of law, any other
32 18 identifying information set forth in any report, record,
32 19 claim, or other document submitted to the treasurer of state
32 20 pursuant to this chapter concerning unclaimed or abandoned
32 21 property ~~is a confidential~~ shall be treated as an optional
32 22 confidential record as provided in section 22.7 and shall be
32 23 made available for public examination or copying only in the
32 24 discretion of the treasurer.

32 25 Sec. 58. Section 692.8A, subsection 4, Code 2009, is
32 26 amended to read as follows:

32 27 4. An intelligence assessment and intelligence data shall
32 28 be deemed a confidential record of the department ~~under~~
~~32 29 section 22.7, subsection 55,~~ except as otherwise provided in
32 30 this subsection. This section shall not be construed to
32 31 prohibit the dissemination of an intelligence assessment to
32 32 any agency or organization if necessary for carrying out the
32 33 official duties of the agency or organization, or to a person
32 34 if disseminated for an official purpose, and to a person if
32 35 necessary to protect a person or property from a threat of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1231 continued

33 1 imminent serious harm. This section shall also not be
33 2 construed to prohibit the department from disseminating a
33 3 public health and safety threat advisory or alert by press
33 4 release or other method of public communication.

33 5 Sec. 59. Section 692A.13, subsection 8, Code 2009, is
33 6 amended to read as follows:

33 7 8. Sex offender registry records are confidential records
33 8 ~~pursuant to section 22.7~~ and shall only be released as
33 9 provided in this section.

33 10 Sec. 60. Section 708.2B, unnumbered paragraph 2, Code
33 11 2009, is amended to read as follows:

33 12 District departments or contract service providers shall
33 13 receive upon request peace officers' investigative reports
33 14 regarding persons participating in programs under this
33 15 section. The receipt of reports under this section shall not
33 16 waive the confidentiality of the reports ~~under section 22.7~~.

33 17 Sec. 61. Section 716.6B, subsection 1, paragraph a, Code
33 18 2009, is amended to read as follows:

33 19 a. An aggravated misdemeanor if computer data is accessed
33 20 that contains ~~a~~ an optional confidential record, as defined in
33 21 section 22.7, operational or support data of a public utility,
33 22 as defined in section 476.1, operational or support data of a
33 23 rural water district incorporated pursuant to chapter 357A or
33 24 504, operational or support data of a municipal utility
33 25 organized pursuant to chapter 388 or 389, operational or
33 26 support data of a public airport, or a trade secret, as
33 27 defined in section 550.2.

33 28 Sec. 62. Section 907.4, Code 2009, is amended to read as
33 29 follows:

33 30 907.4 DEFERRED JUDGMENT DOCKET.

33 31 A deferment of judgment under section 907.3 shall be
33 32 entered promptly by the clerk of the district court, or the
33 33 clerk's designee, into the deferred judgment database of the
33 34 state, which shall serve as the deferred judgment docket. The
33 35 docket shall contain a permanent record of the deferred



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1231 continued

34 1 judgment including the name and date of birth of the
34 2 defendant, the district court docket number, the nature of the
34 3 offense, and the date of the deferred judgment. Before
34 4 granting deferred judgment in any case, the court shall search
34 5 the deferred judgment docket and shall consider any prior
34 6 record of a deferred judgment against the defendant. The
34 7 permanent record provided for in this section is ~~a~~ an optional
34 8 confidential record exempted from public access under section
34 9 22.7 and shall be available only to justices of the supreme
34 10 court, judges of the court of appeals, district judges,
34 11 district associate judges, judicial magistrates, clerks of the
34 12 district court, judicial district departments of correctional
34 13 services, county attorneys, and the department of corrections
34 14 requesting information pursuant to this section, or the
34 15 designee of a justice, judge, magistrate, clerk, judicial
34 16 district department of correctional services, or county
34 17 attorney, or department.

34 18 Sec. 63. Section 915.90, unnumbered paragraph 1, Code
34 19 2009, is amended to read as follows:

34 20 A person in possession or control of investigative or other
34 21 information pertaining to an alleged crime or a victim filing
34 22 for compensation shall allow the inspection and reproduction
34 23 of the information by the department upon the request of the
34 24 department, to be used only in the administration and
34 25 enforcement of the crime victim compensation program.
34 26 Information and records which are optional confidential
34 27 records under section 22.7 and information or records received
34 28 from ~~the confidential~~ such information or records remain
34 29 confidential under this section.

34 30 Sec. 64. Section 22.6, Code 2009, is repealed.

34 31 Sec. 65. EFFECTIVE DATE. This Act takes effect July 1,
34 32 2010.

34 33

EXPLANATION

34 34 This bill relates to Iowa's Open Meetings Law (Code chapter
34 35 21) and Iowa's Public Records Law (Code chapter 22) and



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1231 continued

35 1 creates the public records, open meetings, and privacy
35 2 advisory committee.
35 3 DEFINITION OF MEETING. The bill expands the definition of
35 4 "meeting" under the open meetings law to include serial
35 5 gatherings of members of a governmental body who constitute
35 6 less than a majority of the members at each gathering, but who
35 7 collectively constitute a majority of the members, where the
35 8 series of gatherings includes deliberation or action upon any
35 9 matter within the scope of the governmental body's
35 10 policy-making duties. The bill specifies that a "meeting"
35 11 does not include written electronic communications by one or
35 12 more members of a governmental body or by its chief executive
35 13 officer that are ordinarily preserved and are accessible and
35 14 that are sent to a majority of the members of the governmental
35 15 body, or a series of such written electronic communications
35 16 each sent only to a minority of the members of the
35 17 governmental body but that in the aggregate are sent to a
35 18 majority of the members, that both concern a particular matter
35 19 within the scope of the governmental body's policymaking
35 20 duties and would otherwise constitute a meeting, if the
35 21 written electronic communications, to the extent such
35 22 communications are not exempt from disclosure, are either
35 23 posted on the governmental body's internet site or public
35 24 bulletin board prior to the next regular meeting or copies are
35 25 made available for public inspection at the governmental
35 26 body's next meeting. If a special meeting is held on the
35 27 subject matter of the communications before the next regular
35 28 meeting, the communications shall be posted prior to the
35 29 special meeting or made available for public inspection at
35 30 that meeting.
35 31 The bill provides that except as otherwise provided, a
35 32 reconvened meeting of a governmental body is also subject to
35 33 the meeting notice requirements pursuant to Code section 21.4.
35 34 This requirement does not apply to a meeting of a governmental
35 35 body that is reconvened within four hours of the start of its



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

Senate Study Bill 1231 continued

36 1 recess, where an announcement of the time, date, and place of
36 2 the reconvened meeting is made at the original meeting in open
36 3 session and recorded in the minutes of the meeting and there
36 4 is no change in the agenda. The notice requirement also does
36 5 not apply to a meeting held by a formally constituted subunit
36 6 of a parent governmental body during a lawful meeting of the
36 7 parent governmental body or during a recess in that meeting of
36 8 up to four hours, or a meeting of that subunit immediately
36 9 following the meeting of the parent governmental body, if the
36 10 meeting of the subunit is publicly announced in open session
36 11 at the parent meeting and the subject of the meeting
36 12 reasonably coincides with the subjects discussed or acted upon
36 13 by the parent governmental body. The bill also changes all
36 14 references relating to "tape" recordings of closed meetings to
36 15 "audio" recordings.

36 16 CIVIL AND CRIMINAL PENALTY PROVISIONS. The bill increases
36 17 the civil penalty damage amounts for violations of the open
36 18 meetings and public records laws for each member of the
36 19 governmental body or each person who knowingly participated in
36 20 the violation from not less than \$100 and not more than \$500
36 21 to not less than \$1,000 and not more than \$2,500 subject to
36 22 the existing defenses contained in Code sections 21.6 and
36 23 22.10. The bill retains the current civil penalty damage
36 24 amounts for such violations for each member of the
36 25 governmental body or each person who participated in the
36 26 violation (\$100 to \$500).

36 27 The bill repeals the criminal penalty provision for knowing
36 28 violations or attempts to violate any provisions of the public
36 29 records law.

36 30 PUBLIC RECORDS == CHAPTER PURPOSE. The bill provides a
36 31 purpose provision in the public records chapter. The bill
36 32 provides the purpose of the public records law is to provide
36 33 as much transparency in government operations as possible
36 34 consistent with the need to avoid undue invasions of personal
36 35 privacy.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1231 continued

37 1 RECORDS DEFINITIONS. The bill amends the terms used to
37 2 identify records and different classes of records under the
37 3 public records law.
37 4 The bill defines a "record" under Code chapter 22 to mean
37 5 information of every kind, nature, and form preserved or
37 6 stored in any medium including but not limited to paper,
37 7 electronic media, or film media. The bill also designates the
37 8 following categories of records in Code chapter 22:
37 9 1. "Government record" means a record owned by, created
37 10 by, in the possession of, or under the control of, any unit,
37 11 division, or part of state or local government or the
37 12 officials or employees of such bodies in the course of the
37 13 performance of their respective duties.
37 14 2. "Public record" means a government record which a
37 15 member of the public has an unqualified right to examine and
37 16 copy and includes a government record not designated by
37 17 statute as either a confidential record or an optional
37 18 confidential record.
37 19 3. "Confidential record" means a government record
37 20 designated by statute as unavailable for examination and
37 21 copying by a member of the public.
37 22 4. "Optional confidential record" means a government
37 23 record designated by statute as unavailable for examination
37 24 and copying by a member of the public unless otherwise ordered
37 25 by a court, by the lawful custodian of the records, or by
37 26 another person duly authorized to release such information.
37 27 The bill makes conforming changes throughout the Code based
37 28 upon the new identification terms for various classes of
37 29 records established in the bill for Code chapter 22. The
37 30 conforming terminology changes provide for a continuation of
37 31 the current public disclosure status of records. Additional
37 32 conforming changes to these and other Code provisions may be
37 33 necessary to fully implement the new identification terms for
37 34 various classes of records established by the bill.
37 35 RECORDS ACCESS == GOVERNMENT BODY CONTRACTS WITH



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

Senate Study Bill 1231 continued

38 1 NONGOVERNMENT BODY. Current law provides that a government
38 2 body may not avoid application of the public records law by
38 3 contracting out any of its functions to a nongovernment person
38 4 or entity. The bill provides that a record created by, in the
38 5 possession of, or under the control of, any nongovernment body
38 6 or person which is a direct part of the execution or
38 7 performance of duties imposed upon the nongovernment body or
38 8 person by contract with a government body under which the
38 9 nongovernment body or person performs a function of the
38 10 government body is a government record. The lawful custodian
38 11 of such a government record is the government body with whom
38 12 the nongovernment body or person has executed the contract.
38 13 Consistent with this change, the bill makes a conforming
38 14 amendment relating to records involving charitable donations
38 15 and specifies that, unless otherwise provided, the lawful
38 16 custodian of all records relating to the receipt, holding, and
38 17 disbursement of gifts made for the benefit of regents
38 18 institutions and made through foundations established for the
38 19 support of regents institutions is the regents institution to
38 20 be benefited by such gifts.

38 21 RECORDS REQUESTS == TIME LIMITS. The bill provides that
38 22 upon receipt of an oral or written request to examine or copy
38 23 a public record, the lawful custodian shall, if feasible in
38 24 the ordinary course of business, permit such examination or
38 25 copying at the time of the request. If it is not feasible in
38 26 the ordinary course of business to permit examination or
38 27 copying of the public record at the time of the request, the
38 28 lawful custodian shall immediately notify the requester,
38 29 orally or in writing, when such examination or copying may
38 30 take place which shall be no later than five business days
38 31 from the time of the request unless there is good cause for
38 32 further delay. If further delay is necessary because of good
38 33 cause, the lawful custodian shall provide the requester with a
38 34 written statement detailing the reason or reasons for the
38 35 delay and the date by which the request will be satisfied.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1231 continued

39 1 If the lawful custodian is in doubt as to whether the
39 2 record requested is a public record or whether the requester
39 3 should be permitted to examine or copy a record specified in
39 4 Code section 22.7, the lawful custodian shall make that
39 5 determination within 10 business days from the date of the
39 6 request unless further delay is necessary. Examination or
39 7 copying of the record shall be allowed within five business
39 8 days from the date the lawful custodian makes the decision to
39 9 permit examination or copying of the record unless there is
39 10 good cause for further delay in fulfilling the request. If
39 11 the lawful custodian denies a request to examine or copy a
39 12 record, the custodian must provide the requester at the time
39 13 of the denial a written statement denying the request and
39 14 detailing the specific reason or reasons for the denial. If
39 15 the lawful custodian does not fulfill a request to examine or
39 16 copy a public record within the time frames prescribed, the
39 17 request shall be deemed denied and the requester shall be
39 18 entitled to file a lawsuit against the lawful custodian
39 19 pursuant to Code section 22.10.

39 20 PUBLIC RECORDS INFORMATION OFFICER. The bill provides that
39 21 a government body shall designate and publicly identify a
39 22 public records officer as a point of contact for the public
39 23 requesting access to a government record. The public records
39 24 officer shall also ensure the government body's record
39 25 retention and destruction policies and procedures comply with
39 26 the applicable law.

39 27 SUPERVISION == FEES. The bill provides that a lawful
39 28 custodian may charge a reasonable fee for reviewing records
39 29 for optional confidential or confidential record information
39 30 prior to release. If the lawful custodian is a state
39 31 executive branch agency, the lawful custodian shall provide
39 32 such services without charge to the requester for up to three
39 33 hours per month.

39 34 APPRAISAL INFORMATION. Current law provides that appraisal
39 35 or appraisal information concerning the purchase of real or



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

Senate Study Bill 1231 continued

40 1 personal property for public purposes, prior to public
40 2 announcement of a project, shall be confidential. The bill
40 3 amends this law to provide that such information shall remain
40 4 confidential prior to the submission of the appraisal to the
40 5 property owner or other interest holders as provided in Code
40 6 section 6B.45.

40 7 PERSONAL INFORMATION IN CONFIDENTIAL PERSONNEL RECORDS.
40 8 Current law provides that personal information in confidential
40 9 personnel records of government bodies shall be confidential,
40 10 unless otherwise ordered by a court, by the lawful custodian,
40 11 or by another duly authorized person to release such
40 12 information. The bill specifies that the name and
40 13 compensation of the individual, the date the individual was
40 14 employed by the government body, the positions the individual
40 15 holds or has held with the government body, the individual's
40 16 qualifications for the position that the individual holds or
40 17 has held including but not limited to educational background
40 18 and work experience, and any final disciplinary action taken
40 19 against the individual that resulted in the individual's
40 20 discharge shall be public records. Personal information in
40 21 confidential personnel records of government bodies relating
40 22 to student employees shall only be released pursuant to the
40 23 requirements of the Federal Family Educational Rights and
40 24 Privacy Act (FERPA).

40 25 PUBLIC EMPLOYMENT APPLICATIONS. The bill provides that
40 26 identity and qualifications of an applicant for employment by
40 27 a government body if the applicant requests anonymity in
40 28 writing and the government body determines that anonymity is
40 29 necessary to induce the applicant to apply for the public
40 30 employment position shall be confidential unless otherwise
40 31 ordered by a court, by the lawful custodian, or by another
40 32 duly authorized person. Such information shall be exempt from
40 33 disclosure until an applicant is considered by the government
40 34 body to be a finalist for a position in public employment.
40 35 "Finalist" means a person who is one of five or fewer



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1231 continued

41 1 applicants under final consideration for a public employment
41 2 position. If there are five or fewer applicants for the
41 3 particular position, all of the applicants shall be considered
41 4 finalists. The identities and qualifications of the finalists
41 5 shall be made available for public inspection at least three
41 6 business days prior to the final decision. Documents relating
41 7 to a government body's evaluation of the qualifications and
41 8 merits of an applicant for employment by a government body are
41 9 also confidential records unless otherwise released by the
41 10 appropriate person.

41 11 TENTATIVE, PRELIMINARY, OR DRAFT MATERIALS. Tentative,
41 12 preliminary, draft, speculative, or research material, created
41 13 prior to its final completion for the purpose for which it is
41 14 intended and in a form prior to the form in which it is
41 15 submitted for use in the final formulation, recommendation,
41 16 adoption, or execution of any official policy or action by a
41 17 public official authorized to make such decisions for the
41 18 government body, are confidential unless ordered otherwise by
41 19 the appropriate official. Such materials shall be treated as
41 20 public record at the time they are actually used as the basis
41 21 for the final formulation, recommendation, adoption, or
41 22 execution of any official policy or action of a government
41 23 body.

41 24 INJUNCTION RESTRAINING EXAMINATION OF PUBLIC RECORDS.
41 25 Current law provides that, under specified circumstances, a
41 26 district court may grant an injunction restraining the
41 27 examination, including copying, of a specific public record or
41 28 a narrowly drawn class of public records. Such an injunction
41 29 may be issued only if the petition supported by affidavit
41 30 shows and if the court finds that the examination would
41 31 clearly not be in the public interest and that the examination
41 32 would substantially and irreparably injure any person or
41 33 persons. The bill amends this provision to provide that the
41 34 district court may grant an injunction upon a finding that the
41 35 examination would clearly not be in the public interest



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1231 continued

42 1 because the potential harm to the public interest from
42 2 disclosure of the particular information involved clearly
42 3 outweighs any potential benefit to the public interest from
42 4 disclosure, or that the examination would substantially and
42 5 irreparably injure any person or persons because it would
42 6 invade the personal privacy of the identified subject of the
42 7 record and the harm to that person from such disclosure is not
42 8 outweighed by the public interest in its disclosure, or that
42 9 the record at issue is not a public record, or that a
42 10 determination by the custodian to permit inspection of an
42 11 optional public record by one or more members of the public is
42 12 a violation of law or is arbitrary, capricious, unreasonable,
42 13 or an abuse of discretion.

42 14 SETTLEMENT AGREEMENTS. Code chapter 22 currently provides
42 15 that a written summary of the terms of settlement or other
42 16 disposition of any claim for damages made against any
42 17 government body or against an employee, officer, or agent of a
42 18 government body, by an insurer pursuant to a contract of
42 19 liability insurance issued to the government body, shall be
42 20 filed with the government body and shall be a public record.
42 21 The bill provides that all final binding settlement agreements
42 22 between any government body of this state or other unit or
42 23 official of such a government body that resolves a legal
42 24 dispute between such a government body and another person or
42 25 entity shall be filed with the government body together with a
42 26 brief summary indicating the identity of the parties involved,
42 27 the nature of the dispute, any underlying relevant facts, and
42 28 the terms of the settlement. The settlement agreement and
42 29 summary shall be available for public inspection.

42 30 TAX=EXEMPT BONDING AUTHORITY == CODE CHAPTER 7C == MEETINGS
42 31 AND RECORDS. The bill provides that an entity eligible to
42 32 exercise tax=exempt bonding authority under Code chapter 7C
42 33 designated by the state to serve as a secondary market for
42 34 student loans and a nonprofit tax=exempt bonding authority
42 35 under Code chapter 7C whose board of directors is appointed by



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

Senate Study Bill 1231 continued

43 1 the governor is subject to the provisions of the open meetings
43 2 and public records laws.

43 3 JUDICIAL BRANCH == RULES. The bill provides that Code
43 4 chapter 22 does not apply to government records owned,
43 5 created, possessed, or under the control of the judicial
43 6 branch related to the performance by the courts of their
43 7 judicial functions. The bill provides the supreme court shall
43 8 prescribe rules governing access to such records consistent
43 9 with the purposes of Code chapter 22.

43 10 OPEN MEETINGS, PUBLIC RECORDS, AND PRIVACY ADVISORY
43 11 COMMITTEE. The bill creates an open meetings, public records,
43 12 and privacy advisory committee to serve as a resource for
43 13 public access to government information in light of the policy
43 14 of the state to provide as much public access to government
43 15 information and proceedings as is consistent with the public
43 16 interest and the need to protect individuals against undue
43 17 invasions of personal privacy. The advisory committee shall
43 18 consist of 16 members, including 12 voting members and four
43 19 nonvoting, legislative members. The advisory committee shall
43 20 serve as the central coordinator of information about the
43 21 public's right to access government information and
43 22 proceedings. The advisory committee shall provide basic
43 23 information about the requirements of Code chapters 21 and 22
43 24 and other relevant freedom of information laws, shall provide
43 25 information about best practices for state and local
43 26 governments to comply with and to enforce such laws, shall
43 27 serve as a resource to support the establishment and
43 28 maintenance of a central publicly accessible internet site and
43 29 to support education and training about Code chapters 21 and
43 30 22 and other relevant freedom of information laws to lawful
43 31 custodians and other persons subject to the requirements of
43 32 such laws, shall submit a report and make recommendations to
43 33 the governor and the general assembly by evaluating and
43 34 proposing legislation relating to public access to government
43 35 information, shall conduct public hearings, conferences,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

Senate Study Bill 1231 continued

44 1 workshops, and other meetings as necessary to address problems
44 2 and suggest solutions concerning access to government
44 3 information and proceedings, and shall review the collection,
44 4 maintenance, and use of government records by lawful
44 5 custodians to ensure that confidential records and information
44 6 are adequately protecting personal privacy interests.
44 7 EFFECTIVE DATE. The bill takes effect July 1, 2010.
44 8 LSB 2139SC 83
44 9 rh/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1232

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON APPEL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act authorizing to post certain notices, actions, and
- 2 information on an internet website.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1648SC 83
- 5 md/sc/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1232 continued

PAG LIN

1 1 Section 1. Section 21.4, subsection 4, Code 2009, is
1 2 amended to read as follows:
1 3 4. If another section of the Code requires or authorizes a
1 4 manner of giving specific notice of a meeting, hearing, or an
1 5 intent to take action by a governmental body, compliance with
1 6 that section shall constitute compliance with the notice
1 7 requirements of this section.
1 8 Sec. 2. NEW SECTION. 22A.1 ELECTRONIC PUBLICATION OF
1 9 PUBLIC NOTICES.
1 10 1. For purposes of this section, "municipality" means a
1 11 public body or corporation that has power to levy or certify a
1 12 tax or sum of money to be collected by taxation.
1 13 2. a. A municipality that is required by statute to
1 14 publish or post in a public place a notice, action, or other
1 15 information, may, in lieu of such requirements, post the
1 16 notice, action, or other information on an internet website if
1 17 posting such information on an internet website has been
1 18 authorized, by ordinance or resolution of the governing body
1 19 of the municipality, as a means of official publication.
1 20 b. An ordinance or resolution that authorizes posting on
1 21 an internet website as an official publication shall identify
1 22 each type of notice, action, or information that shall be
1 23 posted on an internet website in lieu of publication. If the
1 24 municipality is a city or a county such authorization shall be
1 25 by ordinance.
1 26 c. This section shall not apply to the publication of
1 27 notices under chapter 6B, notices provided under the rules of
1 28 civil procedure, or any notice required to be given by
1 29 personal service.
1 30 3. Notices, actions, or other information posted by a
1 31 municipality on an internet website pursuant to this section
1 32 shall include all information otherwise required to be
1 33 contained in the publication and shall comply with all
1 34 requirements relating to the date of publication.
1 35 4. If posting on an internet website is authorized by a



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1232 continued

2 1 municipality to satisfy publication requirements, all of the
2 2 following shall apply:

2 3 a. The internet website shall be operated and maintained
2 4 by the governing body of the municipality.

2 5 b. The internet website shall be accessible at all times
2 6 by the public, including the visually impaired.

2 7 c. The public shall not be charged for access to any
2 8 notice, action, or other information posted on the internet
2 9 website pursuant to this section.

2 10 d. The internet website shall be searchable by keyword,
2 11 type of notice, action, or information, and geographic
2 12 location.

2 13 e. The notice, action, or other information posted on an
2 14 internet website pursuant to this section shall be maintained
2 15 and accessible through the same website address for as long as
2 16 required by law or as long as such information is customarily
2 17 maintained by the municipality, whichever is longer.

2 18 f. A notice, action, or other information posted on an
2 19 internet website pursuant to this section by a municipality
2 20 other than a city shall also be made available by the
2 21 municipality in a paper format in the office of the county
2 22 auditor. A notice, action, or other information posted on an
2 23 internet website pursuant to this section by a municipality
2 24 that is a city shall also be made available by the
2 25 municipality in a paper format in the office of the city
2 26 clerk.

2 27 Sec. 3. Section 49.53, subsection 2, Code 2009, is amended
2 28 to read as follows:

2 29 2. The notice shall be published in at least one
2 30 newspaper, as defined in section 618.3, which is published in
2 31 the county or other political subdivision in which the
2 32 election is to occur or, if no newspaper is published there,
2 33 in at least one newspaper of substantial circulation in the
2 34 county or political subdivision. For the general election or
2 35 the primary election the foregoing notice shall be published



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1232 continued

3 1 in at least two newspapers published in the county. However,
3 2 if there is only one newspaper published in the county,
3 3 publication in one newspaper shall be sufficient. Compliance
3 4 with the requirements of section 22A.1 shall constitute
3 5 compliance with the publication requirements of this section.

3 6 Sec. 4. Section 279.36, unnumbered paragraph 1, Code 2009,
3 7 is amended to read as follows:

3 8 The requirements of section 279.35 are satisfied by
3 9 publication in at least one newspaper published in the
3 10 district or, if there is none, in at least one newspaper
3 11 having general circulation within the district. Compliance
3 12 with the requirements of section 22A.1 shall constitute
3 13 compliance with the publication requirements of this section.

3 14 Sec. 5. Section 331.305, Code 2009, is amended to read as
3 15 follows:

3 16 331.305 PUBLICATION OF NOTICES.

3 17 Unless otherwise provided by state law, if notice of an
3 18 election, hearing, or other official action is required by
3 19 this chapter, the board shall publish the notice at least
3 20 once, not less than four nor more than twenty days before the
3 21 date of the election, hearing, or other action, in one or more
3 22 newspapers which meet the requirements of section 618.14.

3 23 Notice of an election shall also comply with section 49.53.

3 24 Compliance with the requirements of section 22A.1 shall
3 25 constitute compliance with the publication requirements of
3 26 this section.

3 27 Sec. 6. Section 362.3, Code 2009, is amended by adding the
3 28 following new subsection:

3 29 NEW SUBSECTION. 3. Compliance with the requirements of
3 30 section 22A.1 shall constitute compliance with the
3 31 requirements of this section relating to publication in a
3 32 newspaper and to publication by posting.

3 33 EXPLANATION

3 34 This bill relates to the publication of notices, actions,
3 35 and other information by municipalities, as defined in the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1232 continued

4 1 bill. Under the bill, a municipality that is required by
4 2 statute to publish, or post in a public place, a notice,
4 3 action, or other information, may, in lieu of such
4 4 requirements, post the notice, action, or other information on
4 5 an internet website if posting such information on an internet
4 6 website has been authorized, by ordinance or resolution of the
4 7 municipality and the type of notice, action, or other
4 8 information required to be posted is identified in the
4 9 ordinance or resolution.

4 10 The bill does not allow notices under Code chapter 6B
4 11 ("Procedure Under Eminent Domain"), notices provided under the
4 12 rules of civil procedure, or any notice required to be given
4 13 by personal service to be posted on an internet website in
4 14 lieu of publication or service.

4 15 The bill requires notices, actions, or other information
4 16 posted on an internet website to include all information
4 17 otherwise required to be published and requires compliance
4 18 with all provisions relating to the date of publication.

4 19 The bill also requires an internet website used to post
4 20 notices, actions, and other information to be operated and
4 21 maintained by the governing body of the municipality;
4 22 accessible at all times by the public, including the visually
4 23 impaired; accessible to the public without charge; and
4 24 searchable. All information posted on an internet website
4 25 under the bill shall be maintained and accessible through the
4 26 same website address for as long as required by law or as long
4 27 as such information is customarily maintained by the
4 28 municipality, whichever is longer.

4 29 The bill requires a municipality to make all information
4 30 posted on the internet website, in lieu of publication or
4 31 posting in a public place, available in a paper format in the
4 32 office of the county auditor or in the office of the city
4 33 clerk if the municipality is a city.

4 34 LSB 1648SC 83

4 35 md/sc/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1233

SENATE FILE
BY (PROPOSED COMMITTEE ON
ENVIRONMENT AND ENERGY
INDEPENDENCE BILL BY
CHAIRPERSON BLACK)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to environmental management system designation.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2218SC 83
- 4 tm/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1233 continued

PAG LIN

1 1 Section 1. Section 455J.3, Code 2009, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 7. CONSTRUCTION AND DEMOLITION WASTE
1 4 MANAGEMENT. Provide for the operation of a construction and
1 5 demolition waste management program or contract with a third
1 6 party for the operation of such a program. Such a program may
1 7 include but is not limited to the following activities:

1 8 a. Recycling construction and demolition waste material
1 9 that meets standards for sustainable design, also known and
1 10 referred to as green building standards, as provided for in
1 11 section 103A.7.

1 12 b. Discouraging the disposal of construction and
1 13 demolition waste material at sanitary landfills by educating
1 14 those generating such materials about alternative options.

1 15 c. Encouraging the combined collection of construction and
1 16 demolition waste material from commercial and industrial
1 17 sites.

1 18 d. Targeting recycling facilities that manufacture
1 19 renewable biomass fuels for energy generation for the disposal
1 20 or recycling of construction and demolition waste material.

1 21 e. Implementing programs that encourage the use of
1 22 by-products manufactured from construction and demolition
1 23 waste by recycling facilities.

1 24 EXPLANATION

1 25 This bill relates to environmental management system
1 26 designation.

1 27 In order to be designated an environmental management
1 28 system, a solid waste planning area must actively pursue
1 29 certain activities. The bill adds an additional activity
1 30 relating to construction and demolition waste management that
1 31 must be pursued in order to receive the designation.

1 32 LSB 2218SC 83

1 33 tm/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1234

SENATE FILE
BY (PROPOSED COMMITTEE ON
ENVIRONMENT AND ENERGY
INDEPENDENCE BILL BY
CHAIRPERSON BLACK)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to wastewater treatment.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1736SC 83
- 4 tm/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1234 continued

PAG LIN

1 1 DIVISION I
1 2 WASTEWATER TREATMENT FINANCIAL ASSISTANCE PROGRAM
1 3 Section 1. Section 16.134, Code 2009, is amended to read
1 4 as follows:
1 5 16.134 WASTEWATER TREATMENT FINANCIAL ASSISTANCE PROGRAM.
1 6 1. The Iowa finance authority shall establish and
1 7 administer a wastewater treatment financial assistance
1 8 program. The purpose of the program shall be to provide
1 9 ~~grants~~ financial assistance to enhance water quality ~~and to~~
~~1 10 assist communities to comply with water quality standards~~
~~1 11 adopted by the department of natural resources.~~ The program
1 12 shall be administered in accordance with rules adopted by the
1 13 authority pursuant to chapter 17A.
1 14 2. A wastewater treatment financial assistance fund is
1 15 created under the authority of the Iowa finance authority.
1 16 For the fiscal period beginning July 1, 2009, and ending June
1 17 30, 2016, there is appropriated each fiscal year from the
1 18 rebuild Iowa infrastructure fund created in section 8.57 to
1 19 the Iowa finance authority the sum of four million dollars for
1 20 deposit in the wastewater treatment financial assistance fund.
1 21 The fund shall consist of appropriations made to the fund and
1 22 transfers of interest, earnings, and moneys from other funds
1 23 as provided by law. Moneys in the fund are not subject to
1 24 section 8.33. Notwithstanding section 12C.7, subsection 2,
1 25 interest or earnings on moneys in the fund shall be credited
1 26 to the fund.
1 27 3. Financial assistance under the program shall be used to
1 28 install or upgrade wastewater treatment facilities and
1 29 systems, and for engineering or technical assistance for
1 30 facility planning and design.
1 31 4. The authority shall distribute financial assistance in
1 32 the fund in accordance with the following:
1 33 a. Communities shall be eligible for financial assistance
1 34 by qualifying as a disadvantaged community and seeking
1 35 financial assistance for the installation or upgrade of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1234 continued

2 1 wastewater treatment facilities due to regulatory activity ~~in~~
~~2 2 response to water quality standards adopted by the department~~
2 3 of natural resources ~~in calendar year 2006~~. For purposes of
2 4 this section, the term "disadvantaged community" means the
2 5 same as defined by the department of natural resources for the
2 6 drinking water facilities revolving loan fund established in
2 7 section 455B.295. ~~Communities with a population of three~~
~~2 8 thousand or more do not qualify for financial assistance under~~
~~2 9 the program.~~

2 10 b. Priority shall be given to projects in which the
2 11 financial assistance is used to obtain financing under the
2 12 Iowa water pollution control works and drinking water
2 13 facilities financing program pursuant to section 16.131 or
2 14 other federal or state financing.

2 15 c. Priority shall also be given to projects whose
2 16 completion will provide significant improvement to water
2 17 quality in the relevant watershed.

2 18 d. Priority shall also be given to communities that employ
2 19 an alternative wastewater treatment technology pursuant to
2 20 section 455B.199C.

2 21 e. Priority shall be also given to those communities where
2 22 the financial assistance would provide the greatest reduction
2 23 in water rates for a community.

2 24 d. f. A community meeting the criteria of paragraph "a"
2 25 shall be required to provide matching moneys in accordance
2 26 with the following:

2 27 (1) Unsewered incorporated communities with a population
2 28 of less than five hundred and communities with a population of
2 29 less than five hundred shall be required to provide a five
2 30 percent match.

2 31 (2) Communities with a population of five hundred or more
2 32 but less than one thousand shall be required to provide a ten
2 33 percent match.

2 34 (3) Communities with a population of one thousand or more
2 35 but less than one thousand five hundred shall be required to



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

Senate Study Bill 1234 continued

3 1 provide a twenty percent match.

3 2 (4) Communities with a population of one thousand five
3 3 hundred or more but less than two thousand shall be required
3 4 to provide a thirty percent match.

3 5 (5) Communities with a population of two thousand or more
3 6 ~~but less than three thousand~~ shall be required to provide a
3 7 forty percent match.

3 8 ~~e. g.~~ Financial assistance in the form of grants shall be
3 9 issued on a ~~quarterly~~ annual basis.

3 10 5. The authority in cooperation with the department of
3 11 natural resources shall share information and resources when
3 12 determining the qualifications of a community for financial
3 13 assistance from the fund.

3 14 6. The authority may use an amount of not more than four
3 15 percent of any moneys appropriated for deposit in the fund for
3 16 administration purposes.

~~3 17 7. It is the intent of the general assembly that for the
3 18 fiscal period beginning July 1, 2007, and ending June 30,
3 19 2016, a minimum of four million dollars shall be appropriated
3 20 each fiscal year to the authority for deposit in the
3 21 wastewater treatment financial assistance fund.~~

3 22 DIVISION II

3 23 SPONSORED PROJECTS

3 24 Sec. 2. Section 384.80, subsection 12, Code 2009, is
3 25 amended to read as follows:

3 26 12. "Project" means the acquisition, construction,
3 27 reconstruction, extending, remodeling, improving, repairing,
3 28 and equipping of all or part of a city utility, combined
3 29 utility system, city enterprise, or combined city enterprise,
3 30 or a water resource restoration project within or without the
3 31 corporate limits of the city.

3 32 Sec. 3. Section 384.80, Code 2009, is amended by adding
3 33 the following new subsection:

3 34 NEW SUBSECTION. 15. "Water resource restoration project"
3 35 means the acquisition of real property or improvements or



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1234 continued

4 1 other activity or undertaking that will assist in improving
4 2 the quality of the water in the watershed where a city water
4 3 or wastewater utility is located.
4 4 Sec. 4. Section 384.82, subsection 1, unnumbered paragraph
4 5 1, Code 2009, is amended to read as follows:
4 6 A city may carry out projects, borrow money, and issue
4 7 revenue bonds and pledge orders to pay all or part of the cost
4 8 of projects, which may include a qualified water resource
4 9 restoration project, such revenue bonds and pledge orders to
4 10 be payable solely and only out of the net revenues of the city
4 11 utility, combined utility system, city enterprise, or combined
4 12 city enterprise involved in the project. The cost of a
4 13 project includes the construction contracts, interest upon the
4 14 revenue bonds and pledge orders during the period or estimated
4 15 period of construction and for twelve months thereafter, or
4 16 for twelve months after the acquisition date, such reserve
4 17 funds as the governing body may deem advisable in connection
4 18 with the project and the issuance of revenue bonds and pledge
4 19 orders, and the costs of engineering, architectural, technical
4 20 and legal services, preliminary reports, surveys, property
4 21 valuations, estimates, plans, specifications, notices,
4 22 acquisition of real and personal property, consequential
4 23 damages or costs, easements, rights-of-way, supervision,
4 24 inspection, testing, publications, printing and sale of bonds
4 25 and provisions for contingencies. A city may sell revenue
4 26 bonds or pledge orders at public or private sale in the manner
4 27 prescribed by chapter 75 and may deliver revenue bonds and
4 28 pledge orders to the contractors, sellers, and other persons
4 29 furnishing materials and services constituting a part of the
4 30 cost of the project in payment therefor.
4 31 Sec. 5. Section 384.84, Code 2009, is amended by adding
4 32 the following new subsection:
4 33 NEW SUBSECTION. 1A. The governing body of a city water or
4 34 wastewater utility may enter into an agreement with a
4 35 qualified entity to use proceeds from revenue bonds for a



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1234 continued

5 1 water resource restoration project if the rate imposed is no
5 2 greater than if there was not a water resource restoration
5 3 project agreement. For purposes of this subsection,
5 4 "qualified entity" is an entity created pursuant to chapter
5 5 28E or two entities that have entered into an agreement
5 6 pursuant to chapter 28E, whose purpose is to undertake a
5 7 watershed project that has been approved for water quality
5 8 improvements in the watershed.

5 9 Sec. 6. NEW SECTION. 455B.199 WATER RESOURCE RESTORATION
5 10 SPONSOR PROGRAM.

5 11 1. The department shall establish and administer a water
5 12 resource restoration sponsor program to assist in enhancing
5 13 water quality in the state through the provision of financial
5 14 assistance to communities for a variety of impairment-based,
5 15 locally directed watershed projects.

5 16 2. For purposes of this section, unless the context
5 17 otherwise requires:

5 18 a. "Qualified entity" means the same as defined in section
5 19 384.84.

5 20 b. "Sponsor project" means a water resource restoration
5 21 project as defined in section 384.80.

5 22 3. Moneys in the water pollution control works revolving
5 23 loan fund created in section 455B.295, and the drinking water
5 24 facilities revolving loan fund created in section 455B.295,
5 25 shall be used for the water resource restoration sponsor
5 26 program. The department shall establish on an annual basis
5 27 the percentage of moneys available for the sponsor program
5 28 from the funds.

5 29 4. The interest rate on the loan under the program for
5 30 communities participating in a sponsor project shall be set at
5 31 a level that requires the community to pay not more than the
5 32 amount the community would have paid if they did not
5 33 participate in a sponsor project.

5 34 5. Not more than ninety percent of the projected interest
5 35 payments on bonds issued under section 384.84 or the total



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1234 continued

6 1 cost of the sponsor project shall be advanced to the
6 2 community, whichever is lower.

6 3 6. A proposed sponsor project must be compatible with the
6 4 goals of the water resource restoration sponsor program and
6 5 may include but not be limited to any of the following:

6 6 a. Riparian buffer acquisition, enhancement, expansion, or
6 7 restoration.

6 8 b. Conservation easements.

6 9 c. Riparian zone or wetland buffer extension or
6 10 restoration.

6 11 d. Wetland restoration in conjunction with an adjoining
6 12 high-quality water resource.

6 13 e. Stream bank stabilization and natural channel design
6 14 techniques.

6 15 f. In-stream habitat enhancements and dam removals.

6 16 7. A proposed sponsor project shall not include any of the
6 17 following:

6 18 a. Passive recreation activities and trails including bike
6 19 trails, playgrounds, soccer fields, picnic tables, and picnic
6 20 grounds.

6 21 b. Parking lots.

6 22 c. Diverse habitat creation contrary to the botanical
6 23 history of the area.

6 24 d. Planting of nonnative plant species.

6 25 e. Restoration, conversion, or construction of physical
6 26 structures.

6 27 f. Dredging.

6 28 g. Supplemental environmental projects required as a part
6 29 of a consent decree.

6 30 8. A sponsor project must be approved by the department
6 31 prior to participating in the water resource restoration
6 32 sponsor program.

6 33 9. A resolution by the city council must be approved and
6 34 included as part of an application for the water resource
6 35 restoration sponsor program. After approval of the project,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1234 continued

7 1 the city council shall enter into an agreement pursuant to
7 2 chapter 28E with the qualified entity who shall implement the
7 3 project.

7 4 10. Any conservation easements purchased with moneys
7 5 received under the program must be in perpetuity and must be
7 6 subject to use restrictions that permanently restrict the
7 7 future uses of the land.

7 8 11. The commission shall adopt rules pursuant to chapter
7 9 17A necessary for the administration of this section.

7 10 Sec. 7. Section 455B.295, subsection 2, Code 2009, is
7 11 amended to read as follows:

7 12 2. Each of the revolving loan funds shall include sums
7 13 appropriated to the revolving loan funds by the general
7 14 assembly, sums transferred by action of the governor under
7 15 section 455B.296, subsection 3, sums allocated to the state
7 16 expressly for the purposes of establishing each of the
7 17 revolving loan funds under the Clean Water Act and the Safe
7 18 Drinking Water Act, all receipts by the revolving loan funds,
7 19 and any other sums designated for deposit to the revolving
7 20 loan funds from any public or private source. All moneys
7 21 appropriated to and deposited in the revolving loan funds are
7 22 appropriated and shall be used for the sole purpose of making
7 23 loans to eligible entities to finance all or part of the cost
7 24 of projects, including sponsor projects under the water
7 25 resource restoration sponsor program established in section
7 26 455B.199. The moneys appropriated to and deposited in the
7 27 water pollution control works revolving loan fund shall not be
7 28 used to pay the nonfederal share of the cost of projects
7 29 receiving grants under the Clean Water Act. The moneys in the
7 30 revolving loan funds are not considered part of the general
7 31 fund of the state, are not subject to appropriation for any
7 32 other purpose by the general assembly, and in determining a
7 33 general fund balance shall not be included in the general fund
7 34 of the state but shall remain in the revolving loan funds to
7 35 be used for their respective purposes. The revolving loan



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1234 continued

8 1 funds are separate dedicated funds under the administration
8 2 and control of the authority and subject to section 16.31.
8 3 Moneys on deposit in the revolving loan funds shall be
8 4 invested by the treasurer of state in cooperation with the
8 5 authority, and the income from the investments shall be
8 6 credited to and deposited in the appropriate revolving loan
8 7 funds.

8 8 DIVISION III

8 9 PERMITTING == VARIANCES == ALTERNATIVE
8 10 WASTEWATER TREATMENT TECHNOLOGIES

8 11 Sec. 8. NEW SECTION. 455B.199A PRIORITIZATION OF
8 12 MUNICIPAL WATER QUALITY IMPROVEMENT PROJECTS.

8 13 1. The department shall allow schedules of compliance to
8 14 be included in permits whenever authorized by federal law.
8 15 Such schedules shall ensure that prioritization is given to
8 16 construction of those water quality improvements with the
8 17 greatest benefit to public health and the local environment,
8 18 and shall consider and project anticipated municipal
8 19 expenditures over a twenty-year period, to the degree
8 20 practicable. Such schedules shall be established to maximize
8 21 benefits and minimize local financial impact, where such
8 22 opportunities arise. If information is provided showing that
8 23 the anticipated costs of compliance with a schedule have no
8 24 reasonable relationship to environmental or public health
8 25 needs or benefits, or may result in other detrimental
8 26 environmental impacts, such as significant greenhouse gas
8 27 emissions, the projects may be deferred, in whole or in part
8 28 as determined appropriate by the department, and a variance
8 29 granted, as consistent with applicable federal law.

8 30 2. If a community demonstrates that the cost of compliance
8 31 with a schedule may be significantly reduced by coordinating
8 32 expenditures with other federal or state grant and loan
8 33 opportunities and with other necessary capital projects, the
8 34 department shall allow additional time as needed to allow the
8 35 coordination and reduced expenditure to occur.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1234 continued

9 1 3. Permitting requirements shall not be imposed based on
9 2 federal guidance unless the department determines that
9 3 implementation of the new federal policy or guidance will
9 4 result in significant environmental benefits to the Iowa
9 5 communities subject to the requirements. Where new permitting
9 6 requirements are based on a new or revised interpretation of
9 7 an existing federal rule by the United States environmental
9 8 protection agency, the new or revised interpretation shall not
9 9 serve as the basis for more restrictive permit provisions,
9 10 unless the administrator of the United States environmental
9 11 protection agency issues the new interpretation as a final
9 12 agency position, subject to judicial review.

9 13 4. Unless otherwise restricted by federal law, the
9 14 department may allow compliance schedules of up to forty years
9 15 in national pollutant discharge elimination system permits,
9 16 particularly where the costs of compliance with federal
9 17 program mandates will adversely impact the construction of
9 18 other necessary local capital improvement projects. If the
9 19 department determines an existing condition constitutes a
9 20 significant public health or environmental threat, the
9 21 schedule of compliance shall be based on the shortest
9 22 practicable time frame for remedying the condition.

9 23 Sec. 9. NEW SECTION. 455B.199B DISADVANTAGED COMMUNITIES
9 24 VARIANCE.

9 25 1. The department shall provide for a variance of
9 26 regulations pursuant to this division when it determines that
9 27 water and wastewater regulations adopted pursuant to this
9 28 division affect a disadvantaged community. Such a variance
9 29 shall be consistent with federal rules and regulations. In
9 30 considering an application for a variance, the department
9 31 shall consider the substantial and widespread economic and
9 32 social impact to the ratepayers and the affected community
9 33 that may occur as a result of compliance with a federal
9 34 regulation, a rule adopted by the department, or an order of
9 35 the department pursuant to this division. In considering an



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1234 continued

10 1 application for a variance, the department shall take into
10 2 account the rules adopted pursuant to this division with which
10 3 a regulated entity and the commensurate affected community are
10 4 required to comply.

10 5 2. To determine whether a community is a disadvantaged
10 6 community, the department shall review all circumstances that
10 7 are unique to each regulated entity and the affected community
10 8 to determine whether substantial and widespread economic and
10 9 social impact would occur if compliance with all requirements
10 10 expected to occur over a ten-year period were mandated. The
10 11 analysis shall demonstrate whether the regulated entity and
10 12 various sectors of the local community would face substantial
10 13 financial impacts due to the costs of compliance. Analysis of
10 14 the social impact shall consider, at a minimum, the impact of
10 15 federal and state environmental expenditures on the ability to
10 16 fund other necessary projects in the local community such as
10 17 schools, libraries, hospitals, public safety projects, or
10 18 other social services. The department shall work with the
10 19 regulated entity to gather the necessary information to make
10 20 this determination.

10 21 3. The department shall find that a regulated entity and
10 22 the affected community are a disadvantaged community under any
10 23 of the following circumstances:

10 24 a. A financial analysis of the regulated entity shows that
10 25 the capital, operating, and maintenance costs of pollution
10 26 control will have a substantial impact on the other municipal
10 27 operations of the regulated entity, impact the general
10 28 economic health of that community, or that the regulated
10 29 entity has a limited ability to obtain financing.

10 30 b. (1) The financial impact for households in the
10 31 community resulting from compliance or predating compliance
10 32 include all of the following:

10 33 (a) The per capita cost of the regulatory compliance
10 34 results in sewer rates that equal at least two percent of
10 35 median household income.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1234 continued

11 1 (b) Over fifty percent of the residences in the affected
11 2 community have a residential home property tax valuation of
11 3 fifty thousand dollars or less.
11 4 (c) Over fifty percent of the households in the affected
11 5 community have an annual gross income of less than thirty-five
11 6 thousand dollars.
11 7 (d) Over ten percent of the households in the affected
11 8 community are receiving food assistance from the department of
11 9 human services.
11 10 (2) (a) If a community demonstrates the factor in
11 11 paragraph "b", subparagraph (1), subparagraph division (a),
11 12 exists or will exist as a result of mandated state and federal
11 13 requirements, the community shall be considered to have
11 14 demonstrated substantial and widespread economic and social
11 15 impact under applicable federal law.
11 16 (b) If a community demonstrates that any two factors in
11 17 paragraph "b", subparagraph (1), exist or the factors in
11 18 paragraph "b", subparagraph (1), subparagraph divisions (b)
11 19 through (d) all exist in the community and the projected costs
11 20 of compliance will exceed one and one-half percent of median
11 21 income, the community shall be considered to have demonstrated
11 22 substantial and widespread economic impact under applicable
11 23 federal law.
11 24 4. The department shall grant a regulated entity a
11 25 variance from complying with a rule adopted pursuant to this
11 26 division or as otherwise allowed by federal law, if the
11 27 department determines that the regulated entity or the
11 28 affected community that is a disadvantaged community will
11 29 suffer substantial and widespread economic and social impact.
11 30 The department shall ensure the conditions of any variance
11 31 represent reasonable progress toward complying with rules
11 32 adopted pursuant to this division, but do not result in
11 33 substantial and widespread economic and social impact.
11 34 5. The department shall develop disadvantaged community
11 35 criteria for the revolving loan funds created in chapter



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1234 continued

12 1 455B.291 through 455B.299 and incorporate the criteria into an
12 2 intended use plan. The disadvantaged community designation
12 3 shall allow a community to receive extended loan repayment
12 4 terms, or reduced interest rates for loans awarded from the
12 5 revolving loan funds.

12 6 Sec. 10. NEW SECTION. 455B.199C ALTERNATIVE WASTEWATER
12 7 TREATMENT TECHNOLOGIES == LEGISLATIVE INTENT AND PURPOSE.

12 8 1. The intent of the general assembly is to address the
12 9 rising costs of water and wastewater treatment compliance for
12 10 regulated entities and affected communities by authorizing the
12 11 use of alternative treatment technologies. The purpose of
12 12 this section is to eliminate regulatory barriers that limit or
12 13 prevent the use of new or innovative technologies.

12 14 2. The department shall produce a guidance document for
12 15 wastewater facility design standards to allow for alternative
12 16 treatment technologies. Alternative treatment technologies
12 17 shall be adopted by rule by the department and regulated
12 18 entities shall be encouraged to use such technologies.

12 19 3. Systems which employ alternative treatment technologies
12 20 shall receive expedited technical reviews and streamlined
12 21 permitting processes.

12 22 4. Systems which employ alternative treatment technologies
12 23 shall be eligible for wastewater treatment financial
12 24 assistance pursuant to section 16.134.

12 25 5. For cities with a population of three thousand or less,
12 26 any of the following technical guides, in addition to other
12 27 technical guides approved by the department, may be
12 28 substituted for the wastewater facility design standards
12 29 manual in effect on January 1, 2009:

12 30 a. Curriculum materials published by the consortium of
12 31 institutes for decentralized wastewater treatment.

12 32 b. The on-site sewage design and reference manual
12 33 published by the department of natural resources.

12 34 c. The guidance manual for the management of on-site and
12 35 decentralized wastewater systems published by the United State



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1234 continued

13 1 environmental protection agency.
13 2 d. The most recent edition of a textbook on wastewater
13 3 engineering compiled by Metcalf and Eddy, incorporated.
13 4 6. The department shall waive setback requirements if a
13 5 treatment process does not result in exposed wastewater.
13 6 7. Communities that employ treatments that do not affect
13 7 surface water such as soil infiltration systems shall be
13 8 subject to reduced monitoring requirements.
13 9 8. The department shall revise wastewater treatment
13 10 criteria to reflect treatment performance rather than
13 11 prescriptive criteria.
13 12 Sec. 11. Section 455B.176A, subsection 7, 8, and 9, Code
13 13 2009, are amended by striking the subsections.

13 14 EXPLANATION

13 15 This bill relates to wastewater treatment.
13 16 DIVISION I. Division I of the bill amends the wastewater
13 17 treatment financial assistance program administered by the
13 18 Iowa finance authority.
13 19 Currently, general intent language is provided which
13 20 encourages an annual appropriation of at least \$4 million for
13 21 the program. The division eliminates the intent language and
13 22 replaces it with a standing appropriation for the fiscal
13 23 period beginning July 1, 2009, and ending June 30, 2016, of \$4
13 24 million each fiscal year from the rebuild Iowa infrastructure
13 25 fund to the authority for deposit in the wastewater treatment
13 26 financial assistance fund.
13 27 Currently, communities with a population of 3,000 or more
13 28 do not qualify for financial assistance under the program.
13 29 The division eliminates this restriction.
13 30 The division adds new priority considerations for the
13 31 distribution of financial assistance and provides that
13 32 financial assistance shall be issued on an annual basis as
13 33 opposed to a quarterly basis which is currently the method of
13 34 distribution.
13 35 DIVISION II. Division II of the bill relates to water



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

Senate Study Bill 1234 continued

14 1 resource restoration projects.

14 2 The division provides that a city may carry out projects,
14 3 borrow money, and issue revenue bonds and pledge orders to pay
14 4 all or part of the cost of a project, which may include a
14 5 qualified water resource restoration project.

14 6 The division provides that the governing body of a city
14 7 water or wastewater utility may enter into an agreement to use
14 8 proceeds from revenue bonds for a water resource restoration
14 9 project with a qualified entity if the rate imposed is no
14 10 greater than if there was not a water resource restoration
14 11 project agreement.

14 12 The division requires the department of natural resources
14 13 to establish and administer a water resource restoration
14 14 sponsor program to assist in enhancing water quality in the
14 15 state through the provision of financial assistance to
14 16 communities for a variety of impairment-based, locally
14 17 directed watershed projects. Moneys in the water pollution
14 18 control works revolving loan fund and the drinking water
14 19 facilities revolving loan fund shall be used for the water
14 20 resource restoration sponsor program. The division provides
14 21 that an interest rate on a loan under the program for
14 22 communities participating in a sponsor project shall be set at
14 23 a level that requires the community to pay not more than the
14 24 amount the community would have paid if they did not
14 25 participate in a sponsor project. Not more than 90 percent of
14 26 the projected interest payment on bonds issued or the total
14 27 cost of the sponsor project shall be advanced to the
14 28 community, whichever is lower. The division provides
14 29 components that a sponsor project may include and is
14 30 prohibited from including. A sponsor project must be approved
14 31 by the department prior to participating in the water resource
14 32 restoration sponsor program. A resolution by the city council
14 33 must be approved and included as part of an application for
14 34 the water resource restoration sponsor program.

14 35 DIVISION III. Division III of the bill relates to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1234 continued

15 1 permitting, variances, and alternative wastewater treatment
15 2 technologies.

15 3 The division requires the department of natural resources
15 4 to allow schedules of compliance to be included in permits
15 5 whenever authorized by federal law. The division provides
15 6 requirements for the schedules. The division provides that if
15 7 a community demonstrates that the cost of compliance may be
15 8 significantly reduced by coordinating expenditures with other
15 9 federal or state grant and loan opportunities and with other
15 10 necessary capital projects, the department shall allow
15 11 additional time as needed to allow the coordination and
15 12 reduced expenditure to occur. The division's permitting
15 13 requirements shall not be imposed based on federal guidance,
15 14 unless the department determines that implementation of the
15 15 new federal policy or guidance will result in significant
15 16 environmental benefits to the Iowa communities subject to the
15 17 requirements. The division provides that, unless otherwise
15 18 restricted by federal law, the department is authorized to
15 19 allow compliance schedules of up to 40 years in national
15 20 pollutant discharge elimination system permits.

15 21 The division requires the department to provide for a
15 22 variance of water quality regulations when it determines that
15 23 water and wastewater regulations affect a disadvantaged
15 24 community. In considering an application for a variance, the
15 25 department shall consider the substantial and widespread
15 26 economic and social impact to the ratepayers and the affected
15 27 community that may occur as a result of a federal regulation,
15 28 a rule adopted by the department, or an order of the
15 29 department pursuant to this division. The division provides
15 30 circumstances under which the department must find that a
15 31 regulated entity and the affected community are a
15 32 disadvantaged community. The division requires the department
15 33 to develop disadvantaged community criteria for certain
15 34 revolving loan funds and incorporate the criteria into an
15 35 intended use plan.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

Senate Study Bill 1234 continued

16 1 The division requires the department to produce a guidance
16 2 document for wastewater facility design standards to allow for
16 3 alternative treatment technologies. The division provides
16 4 that systems which employ alternative treatment technologies
16 5 shall receive expedited technical reviews and streamlined
16 6 permitting processes and shall be eligible for wastewater
16 7 treatment assistance funding. The division allows cities with
16 8 a population of 3,000 or less to use certain alternative
16 9 wastewater facility design standards. The division requires
16 10 the department to waive setback requirements if a treatment
16 11 process does not result in exposed wastewater. The division
16 12 provides that communities that employ treatments that do not
16 13 affect surface water such as soil infiltration systems shall
16 14 be subject to reduced monitoring requirements. The division
16 15 requires the department to revise wastewater treatment
16 16 criteria to reflect treatment performance rather than
16 17 prescriptive criteria.

16 18 From Code section 455B.176A relating to water quality
16 19 standards, the division eliminates provisions relating to the
16 20 use of alternative technology systems to meet water quality
16 21 standards and provisions relating to consideration of
16 22 substantial and widespread economic and social impacts of
16 23 designating water quality standards.

16 24 LSB 1736SC 83

16 25 tm/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1235

SENATE FILE
BY (PROPOSED COMMITTEE ON
NATURAL RESOURCES BILL BY
CHAIRPERSON DEARDEN)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act establishing an upland game bird study advisory committee
- 2 and providing an immediate effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2363SC 83
- 5 av/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1235 continued

PAG LIN

1 1 Section 1. UPLAND GAME BIRD STUDY ADVISORY COMMITTEE. An
1 2 upland game bird study advisory committee is established for
1 3 the purpose of studying the best ways to restore sustainable
1 4 and socially acceptable populations of pheasants and quail in
1 5 the state to maximize the economic value of upland game bird
1 6 hunting to Iowa's economy while balancing the needs of the
1 7 agricultural industry.
1 8 1. The advisory committee shall be composed of the
1 9 following members:
1 10 a. One representative from each of the following
1 11 organizations or entities who, if possible, is involved with
1 12 policy decisions for that organization or entity, to be
1 13 appointed by the governor:
1 14 (1) Iowa association of county conservation boards.
1 15 (2) Iowa farm bureau federation.
1 16 (3) Iowa farmers union.
1 17 (4) Iowa conservation alliance.
1 18 (5) Pheasants forever.
1 19 (6) Quails forever.
1 20 (7) Iowa hospitality association.
1 21 (8) Iowa restaurant association.
1 22 (9) Iowa realtors association.
1 23 (10) The department of transportation.
1 24 (11) Iowa chapter of the sierra club.
1 25 (12) Ducks unlimited.
1 26 (13) Outdoor writer's association.
1 27 (14) A person who represents a farm land management
1 28 company.
1 29 (15) Two persons who are farmers, one who farms in
1 30 northern Iowa and one who farms in southern Iowa.
1 31 (16) Two persons who hunt upland game birds, one who
1 32 resides in northern Iowa and one who resides in southern Iowa.
1 33 b. Two legislative staff members, one from the staff of
1 34 United States Senator Tom Harkin and one from the staff of
1 35 United States Senator Charles Grassley, or their designees.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1235 continued

- 2 1 c. The director of the department of natural resources, or
2 2 a designee.
- 2 3 d. The secretary of agriculture, or a designee.
- 2 4 e. The director of the department of economic development,
2 5 or a designee.
- 2 6 f. A representative of the United States fish and wildlife
2 7 service.
- 2 8 g. The executive director of the farm service agency, or a
2 9 designee.
- 2 10 i. A member of the state soil conservation committee, or a
2 11 designee.
- 2 12 j. A representative of the Iowa state university fisheries
2 13 and wildlife cooperative unit.
- 2 14 k. Two members of the senate, one of whom is appointed by
2 15 the majority leader of the senate and one of whom is appointed
2 16 by the minority leader of the senate.
- 2 17 l. Two members of the house of representatives, one of
2 18 whom is appointed by the speaker of the house of
2 19 representatives and one of whom is appointed by the minority
2 20 leader of the house of representatives.
- 2 21 2. The director of the department of natural resources or
2 22 the director's designee shall serve as the chairperson of the
2 23 advisory committee.
- 2 24 3. Legislative members of the committee are eligible for
2 25 per diem and reimbursement of actual expenses as provided in
2 26 section 2.10.
- 2 27 4. The committee shall review, analyze, and make
2 28 recommendations on issues relating to the state's upland game
2 29 bird population, including but not limited to the following:
- 2 30 a. The current status of Iowa's upland game bird
2 31 populations and harvest and habitat management programs.
- 2 32 b. Current farm programs and their impact on upland game
2 33 bird populations.
- 2 34 c. The economic impact and value of Iowa's upland game
2 35 bird populations to Iowa.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1235 continued

3 1 d. Upland game bird population challenges and programs in
3 2 other midwestern states.

3 3 e. New and innovative ways to restore sustainable
3 4 populations of Iowa's upland game birds.

3 5 f. An assessment of public opinion concerning the impact
3 6 and value of Iowa's upland game bird populations.

3 7 5. The advisory committee shall complete its deliberations
3 8 in December 2009 and submit a final report to the governor and
3 9 the general assembly summarizing the committee's activities,
3 10 analyzing the issues studied, and including any other
3 11 information or recommendations that the committee deems
3 12 relevant and necessary by January 10, 2010. Copies of the
3 13 final report shall be sent to the national resource
3 14 conservation service, the United States fish and wildlife
3 15 service, and to members of Iowa's congressional delegation.

3 16 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
3 17 immediate importance, takes effect upon enactment.

3 18 EXPLANATION

3 19 This bill establishes an upland game bird study advisory
3 20 committee for the purpose of studying the best ways to restore
3 21 a sustainable and socially acceptable population of pheasants
3 22 and quail in the state to maximize the economic value of
3 23 upland game bird hunting to Iowa's economy while balancing the
3 24 needs of the agricultural industry.

3 25 The committee is composed of members representing specified
3 26 organizations, entities, and interests appointed by the
3 27 governor, as well as the director of the department of natural
3 28 resources, the secretary of agriculture, and the director of
3 29 the department of economic development, or their designees.
3 30 The committee membership also includes legislative staff
3 31 members of United States Senators Harkin and Grassley or their
3 32 designees, and four members of the general assembly.

3 33 The committee is directed to review, analyze, and make
3 34 recommendations on issues relating to the state's upland game
3 35 bird population, complete its deliberations in December 2009,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

Senate Study Bill 1235 continued

4 1 and submit a final report to the governor and the general
4 2 assembly by January 10, 2010. Copies of the final report are
4 3 to be sent to the national resource conservation service, the
4 4 United States fish and wildlife service, and to members of
4 5 Iowa's congressional delegation.
4 6 The bill takes effect upon enactment.
4 7 LSB 2363SC 83
4 8 av/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1236

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON APPEL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act establishing a special wine auction permit.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2294SC 83
- 4 ec/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1236 continued

PAG LIN

1 1 Section 1. NEW SECTION. 123.173A WINE AUCTION PERMIT.
1 2 1. A nonprofit entity domiciled in this state which is
1 3 exempt from federal income taxation pursuant to section
1 4 501(c)(3) of the Internal Revenue Code may, upon application
1 5 to the division and receipt of a special wine auction permit
1 6 from the division, conduct an auction which includes wine.
1 7 The application shall specify the date or dates and time or
1 8 times when, and the place where, the auction is to be
1 9 conducted and the applicant shall certify that the entire
1 10 proceeds of the auction are to be expended for any of the
1 11 purposes described in section 423.3, subsection 78.
1 12 2. A nonprofit entity shall be eligible to receive only
1 13 one wine auction permit as provided in this section during a
1 14 calendar year for a period not to exceed seventy-two
1 15 consecutive hours.
1 16 3. The nonprofit entity conducting the auction shall
1 17 purchase the wine to be auctioned from a class "B" wine
1 18 permittee or a class "B" or "C" native wine permittee or may
1 19 receive gifts of the wine to be auctioned. The wine sold at
1 20 the auction shall be in original containers for consumption
1 21 off of the premises where the auction is conducted and a
1 22 purchaser shall not consume the wine purchased on the premises
1 23 where the auction is conducted. A class "A" or "B" wine
1 24 permittee, a class "A", "B", or "C" native wine permittee, or
1 25 a liquor control licensee shall not purchase wine at the
1 26 auction. The auction may be conducted on a premise for which
1 27 a class "B" or "C" liquor control license has been issued
1 28 provided that the liquor control licensee does not participate
1 29 in the auction, supply wine to be sold at the auction, or
1 30 receive any of the proceeds of the auction.
1 31 Sec. 2. Section 123.179, Code 2009, is amended by adding
1 32 the following new subsection:
1 33 NEW SUBSECTION. 5. The fee for a special wine auction
1 34 permit is twenty-five dollars.

1 35 EXPLANATION



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1236 continued

2 1 This bill establishes a special wine auction permit.
2 2 The bill allows a nonprofit entity domiciled in this state
2 3 to apply for a special wine auction permit from the alcoholic
2 4 beverages division which allows the nonprofit entity to
2 5 conduct an auction which includes wine. The bill allows a
2 6 nonprofit entity to conduct only one wine auction each
2 7 calendar year for a period of no more than 72 consecutive
2 8 hours. The bill provides that proceeds from the auction shall
2 9 be used for educational, religious, or charitable purposes.
2 10 The bill provides that wine to be auctioned shall be
2 11 obtained by gift or purchased from a class "B" wine permittee
2 12 or a class "B" or "C" native wine permittee. Wine auctioned
2 13 shall be in the original container and shall not be consumed
2 14 on the premises of where the auction is conducted. The bill
2 15 provides that a class "A" or "B" wine permittee, a class "A",
2 16 "B", or "C" native wine permittee, or a liquor control
2 17 licensee shall not purchase wine at the auction.
2 18 The bill provides that the fee for a special wine auction
2 19 permit is \$25.
2 20 LSB 2294SC 83
2 21 ec/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1237

SENATE/HOUSE FILE
BY (PROPOSED GOVERNOR'S
BUDGET BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to public funding and regulatory matters and
- 2 making, reducing, and transferring appropriations and revising
- 3 fund amounts and including effective, retroactive, and other
- 4 applicability date provisions.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TL5B 1696XG 83
- 7 jp/mg:tm/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1237 continued

PAG LIN

1 1 DIVISION I
1 2 JUMPSTART AND SMALL BUSINESS ASSISTANCE PROGRAMS
1 3 Section 1. NEW SECTION. 15E.361 SMALL BUSINESS DISASTER
1 4 RECOVERY FINANCIAL ASSISTANCE PROGRAM.
1 5 1. The department shall establish and administer a small
1 6 business disaster recovery financial assistance program.
1 7 Under the program, the department shall provide grants to
1 8 administrative entities for purposes of providing financial
1 9 assistance to eligible businesses that sustained physical
1 10 damage or economic loss due to a natural disaster occurring
1 11 after May 24, 2008, and before August 14, 2008. Moneys shall
1 12 be allocated to administrative entities on the basis of the
1 13 percentage of disaster loans awarded by the United States
1 14 small business administration to businesses located within a
1 15 city's jurisdiction or a disaster recovery area as defined by
1 16 the department.
1 17 2. An eligible business is a business that sustained
1 18 physical damage or economic loss due to a natural disaster
1 19 occurring after May 24, 2008, and before August 14, 2008, and
1 20 has executed loan documents for a disaster loan from an
1 21 eligible lender as defined by the department. Financial
1 22 assistance shall be in the form of forgivable loans and
1 23 reimbursement for acquisition of energy-efficient equipment.
1 24 The maximum amount of a forgivable loan is twenty-five percent
1 25 of the loan amount from the eligible lender up to a maximum of
1 26 fifty thousand dollars. Up to an additional five thousand
1 27 dollars of assistance shall be available for the reimbursement
1 28 of energy-efficient purchases and installation.
1 29 3. As determined by the department, unused or unobligated
1 30 moneys may be reclaimed and reallocated by the department to
1 31 other administrative agencies.
1 32 4. For purposes of this section, "administrative entity"
1 33 means cities identified by the department that administer
1 34 local disaster recovery programs and councils of government.
1 35 Sec. 2. Section 15F.204, subsection 8, paragraph a,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1237 continued

2 1 subparagraph (5), Code 2009, is amended to read as follows:
2 2 (5) For the fiscal year beginning July 1, 2008, and ending
2 3 June 30, 2009, the sum of twelve million dollars.
2 4 Notwithstanding any provision to the contrary, of the amount
2 5 appropriated in this subparagraph, one million nine hundred
2 6 thousand dollars is transferred to the housing assistance fund
2 7 to be used for the jumpstart housing assistance program
2 8 established pursuant to section 16.191.
2 9 Sec. 3. Section 15G.111, Code 2009, is amended by adding
2 10 the following new subsection:
2 11 NEW SUBSECTION. 9A. Each appropriation made in
2 12 subsections 1 through 9 for the fiscal year beginning July 1,
2 13 2008, and ending June 30, 2009, is reduced by twenty percent.
2 14 There is appropriated from the grow Iowa values fund created
2 15 in section 15G.108 to the department of economic development
2 16 for the fiscal year beginning July 1, 2008, and ending June
2 17 30, 2009, ten million dollars to be used for the small
2 18 business disaster recovery financial assistance program
2 19 established pursuant to section 15E.361.
2 20 Sec. 4. NEW SECTION. 16.191 JUMPSTART HOUSING ASSISTANCE
2 21 PROGRAM.
2 22 1. The Iowa finance authority shall establish and
2 23 administer a jumpstart housing assistance program. Under the
2 24 program, the authority shall provide grants to local
2 25 government participants for purposes of distributing the
2 26 moneys to eligible residents for eligible purposes which
2 27 relate to disaster-affected homes.
2 28 2. An eligible resident is a person residing in a
2 29 disaster-affected home who is the owner of record of a right,
2 30 title, or interest in the disaster-affected home and who has
2 31 been approved by the federal emergency management agency for
2 32 housing assistance.
2 33 3. Eligible purposes include forgivable loans for down
2 34 payment assistance and housing repair or rehabilitation and
2 35 forgivable loans for interim mortgage assistance. An eligible



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1237 continued

3 1 resident who receives a forgivable loan may also receive
3 2 energy efficiency assistance which shall be added to the
3 3 principal of the forgivable loan.
3 4 4. A local government participant may retain a portion of
3 5 the grant moneys for administrative purposes as provided in a
3 6 grant agreement between the authority and the local government
3 7 participant.
3 8 5. Any money paid to a local government participant by an
3 9 eligible resident shall be remitted to the authority for
3 10 deposit in the housing assistance fund created in section
3 11 16.40.
3 12 6. As determined by the authority, unused or unobligated
3 13 moneys may be reclaimed and reallocated by the authority to
3 14 other local government participants.
3 15 7. As used in this section, unless the context otherwise
3 16 requires:
3 17 a. "Disaster=affected home" means a primary residence that
3 18 was destroyed or damaged due to a natural disaster occurring
3 19 after May 24, 2008, and before August 14, 2008.
3 20 b. "Local government participant" means the cities of
3 21 Ames, Cedar Falls, Cedar Rapids, Council Bluffs, Davenport,
3 22 Des Moines, Dubuque, Iowa City, Waterloo, and West Des Moines;
3 23 a council of governments whose territory includes at least one
3 24 county that was declared a disaster area by the president of
3 25 the United States after May 24, 2008, and before August 14,
3 26 2008; and any county that is not part of any council of
3 27 governments and was declared a disaster area by the president
3 28 of the United States after May 24, 2008, and before August 14,
3 29 2008.
3 30 Sec. 5. POWER FUND == HOUSING ASSISTANCE. Of the amount
3 31 appropriated from the general fund of the state to the power
3 32 fund pursuant to section 469.10, subsection 1, for the fiscal
3 33 year beginning July 1, 2008, and ending June 30, 2009, the
3 34 following amount, or so much thereof as is necessary, is
3 35 transferred to the Iowa finance authority to be used for the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

Senate Study Bill 1237 continued

4 1 purposes designated:

4 2 To be credited to the housing assistance fund to be used

4 3 for the jumpstart housing assistance program established

4 4 pursuant to section 16.191, as enacted by this Act,

4 5 notwithstanding contrary provisions of section 469.9 or any

4 6 other provision of law:

4 7 \$ 2,500,000

4 8 Sec. 6. 2004 Iowa Acts, First Extraordinary Session,

4 9 chapter 1002, section 2, subsection 1, paragraph d, is amended

4 10 to read as follows:

4 11 d. (1) For deposit in the loan and credit guarantee fund

4 12 created in section 15E.227:

4 13 \$ 5,728,402

4 14 (2) Of the amount appropriated in subparagraph (1), \$1,785

4 15 shall be expended pursuant to contracts or approved projects

4 16 or activities validated in this division of this Act.

4 17 (3) Notwithstanding any provision to the contrary,

4 18 \$1,900,000 of the amount appropriated in subparagraph (1) is

4 19 transferred to the community attraction and tourism fund

4 20 created in section 15F.204.

4 21 Sec. 7. 2008 Iowa Acts, chapter 1178, section 20, is

4 22 amended to read as follows:

4 23 SEC. 20. RIVER ENHANCEMENT COMMUNITY ATTRACTION AND

4 24 TOURISM FUND == APPROPRIATION. There is appropriated from any

4 25 interest or earnings on moneys in the federal economic

4 26 stimulus and jobs holding fund for deposit in the river

4 27 enhancement community attraction and tourism fund created in

4 28 section 15F.205 for the fiscal year beginning July 1, 2008,

4 29 and ending June 30, 2009, the following amount, or so much

4 30 thereof as is necessary, to be used for the purpose

4 31 designated:

4 32 For financial assistance to applicants under section

4 33 15F.205:

4 34 \$ 2,000,000

4 35 Notwithstanding any provision to the contrary, all of the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1237 continued

5 1 amount appropriated in this section is transferred to the
5 2 housing assistance fund to be used for the jumpstart housing
5 3 assistance program established pursuant to section 16.191, if
5 4 enacted by the Eighty-third General Assembly, 2009 Session.
5 5 Sec. 8. 2008 Iowa Acts, chapter 1179, section 1,
5 6 subsection 1, paragraphs a and c, are amended to read as
5 7 follows:
5 8 a. For routine maintenance of state buildings and
5 9 facilities, notwithstanding section 8.57, subsection 6,
5 10 paragraph "c":
5 11 \$ 3,000,000
5 12 Notwithstanding any provision to the contrary, \$1,600,000
5 13 of the amount appropriated in this lettered paragraph is
5 14 transferred to the Iowa finance authority to be credited to
5 15 the housing assistance fund to be used for the jumpstart
5 16 housing assistance program established pursuant to section
5 17 16.191, if enacted by the Eighty-third General Assembly, 2009
5 18 Session.
5 19 c. To provide funding and related services for capitol
5 20 complex property acquisition, notwithstanding section 8.57,
5 21 subsection 6, paragraph "c":
5 22 \$ 1,000,000
5 23 Notwithstanding any provision to the contrary, the amount
5 24 appropriated in this lettered paragraph is transferred to the
5 25 Iowa finance authority to be credited to the housing
5 26 assistance fund to be used for the jumpstart housing
5 27 assistance program established pursuant to section 16.191, if
5 28 enacted by the Eighty-third General Assembly, 2009 Session.
5 29 Sec. 9. 2008 Iowa Acts, chapter 1179, section 1,
5 30 subsection 5, paragraph e, is amended to read as follows:
5 31 e. For deposit into the river enhancement community
5 32 attraction and tourism fund created in ~~2008 Iowa Acts, Senate~~
5 33 ~~File 2430, if enacted~~ section 15F.205:
5 34 \$ 10,000,000
5 35 Notwithstanding any provision to the contrary, all of the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

Senate Study Bill 1237 continued

6 1 amount appropriated in this section is transferred to the
 6 2 housing assistance fund to be used for the jumpstart housing
 6 3 assistance program established pursuant to section 16.191, if
 6 4 enacted by the Eighty-third General Assembly, 2009 Session.
 6 5 Sec. 10. 2008 Iowa Acts, chapter 1179, section 1,
 6 6 subsection 9, paragraph a, is amended to read as follows:
 6 7 a. For purposes of supporting a lowhead dam public hazard
 6 8 improvement program, notwithstanding section 8.57, subsection
 6 9 6, paragraph "c":
 6 10 \$ 1,000,000
 6 11 The department shall award grants to dam owners including
 6 12 counties, cities, state agencies, cooperatives, and
 6 13 individuals, to support projects approved by the department.
 6 14 The department shall require each dam owner applying for a
 6 15 project grant to submit a project plan for the expenditure of
 6 16 the moneys, and file a report with the department regarding
 6 17 the project, as required by the department.
 6 18 The funds can be used for signs, posts, and related
 6 19 cabling, and the department shall only award money on a
 6 20 matching basis, pursuant to the dam owner contributing at
 6 21 least 20 cents for every 80 cents awarded by the department,
 6 22 in order to finance the project. For the remainder of the
 6 23 funds, including any balance of money not awarded for signs,
 6 24 posts, and related cabling, the department shall only award
 6 25 moneys to a dam owner on a matching basis. A dam owner shall
 6 26 contribute one dollar for each dollar awarded by the
 6 27 department in order to finance a project.
 6 28 Notwithstanding any provision to the contrary, the
 6 29 department of natural resources shall defer implementation of
 6 30 the lowhead dam public hazard improvement program unless other
 6 31 funding is made available for the program. The amount
 6 32 appropriated in this lettered paragraph is transferred to the
 6 33 Iowa finance authority to be credited to the housing trust
 6 34 fund to be used for the jumpstart housing assistance program
 6 35 established pursuant to section 16.191, if enacted by the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

Senate Study Bill 1237 continued

7 1 Eighty-third General Assembly, 2009 Session.

7 2 Sec. 11. EFFECTIVE DATE == APPLICABILITY.

7 3 1. This division of this Act, being deemed of immediate
7 4 importance, takes effect upon enactment, and is retroactively
7 5 applicable to July 1, 2008, for the fiscal year beginning on
7 6 that date.

7 7 2. The appropriations and transfers made in this division
7 8 of this Act apply in lieu of any transfers for the jumpstart
7 9 housing assistance and small business assistance programs or
7 10 from the loan and credit guarantee fund made by the executive
7 11 branch, as reported by the department of management in the
7 12 fiscal year beginning July 1, 2008.

7 13 3. Notwithstanding section 8.33, moneys appropriated or
7 14 allocated in this division of this Act to the department of
7 15 economic development for purposes of the small business
7 16 disaster recovery and financial assistance program that remain
7 17 unencumbered or unobligated at the close of the fiscal year
7 18 shall not revert but shall remain available for expenditure
7 19 for the purposes designated until the close of the succeeding
7 20 fiscal year.

7 21 DIVISION II

7 22 CAPITAL APPROPRIATION REVISIONS

7 23 REBUILD IOWA INFRASTRUCTURE FUND == APPROPRIATION REDUCTION

7 24 Sec. 12. 2004 Iowa Acts, chapter 1175, section 288,
7 25 subsection 4, paragraph b, as amended by 2006 Iowa Acts,
7 26 chapter 1179, section 29, is amended to read as follows:

7 27 b. For construction of a community-based correctional
7 28 facility, including district offices, in Davenport:

7 29 FY 2004=2005.....	\$	3,000,000
7 30 FY 2005=2006.....	\$	3,750,000
7 31		<u>291,783</u>
7 32 FY 2006=2007.....	\$	0

7 33 NEW STATE OFFICE BUILDING == APPROPRIATIONS

7 34 ELIMINATED AND REDUCED

7 35 Sec. 13. 2006 Iowa Acts, chapter 1179, section 5, as



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

Senate Study Bill 1237 continued

8 1 amended by 2007 Iowa Acts, chapter 219, section 22, 2008 Iowa
8 2 Acts, chapter 1176, section 6, and 2008 Iowa Acts, chapter
8 3 1179, section 29, is amended to read as follows:

8 4 SEC. 5. DEPARTMENT OF ADMINISTRATIVE SERVICES. There is
8 5 appropriated from the rebuild Iowa infrastructure fund to the
8 6 department of administrative services for the designated
8 7 fiscal years, the following amounts, or so much thereof as is
8 8 necessary, to be used for the purposes designated:

8 9	For planning, design, and construction of a new state		
8 10	office building, including costs associated with furnishing		
8 11	the building:		
8 12	FY 2007=2008.....	\$	0
8 13	FY 2008=2009.....	\$	0
8 14	FY 2009=2010.....	\$	12,657,100
8 15			<u>0</u>

~~8 16 The location, design, plans and specifications, and
8 17 occupants of the building shall be determined jointly by the
8 18 executive council and the department of administrative
8 19 services in consultation with the capitol planning commission
8 20 following an analysis of space needs to be completed no later
8 21 than January 1, 2009. Recommendations for the design, plans
8 22 and specifications, and occupants shall be presented to the
8 23 general assembly and the governor for approval by the start of
8 24 the 2009 legislative session.~~

~~8 25 Notwithstanding section 8.33, moneys appropriated in this
8 26 section shall not revert at the close of the fiscal year for
8 27 which they were appropriated but shall remain available for
8 28 the purposes designated until the close of the fiscal year
8 29 that begins July 1, 2011, or until the project for which the
8 30 appropriation was made is completed, whichever is earlier.~~

~~8 31 The design specifications of the new state office building
8 32 shall include, at a minimum, energy efficiency specifications
8 33 that exceed state building code requirements and have the
8 34 potential for leadership in energy and environmental design
8 35 silver certification from the United States green building~~



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

~~Senate Study Bill 1237 continued~~

~~9 1 council.~~

9 2 Effective December 9, 2008, the department shall cancel
 9 3 existing activities pertaining to the new state office
 9 4 building addressed by this section and shall defer further
 9 5 activities until specifically authorized by law.

9 6 Sec. 14. 2006 Iowa Acts, chapter 1179, section 16,
 9 7 subsection 1, paragraph b, as amended by 2007 Iowa Acts,
 9 8 chapter 219, section 23, is amended to read as follows:

9 9 b. For planning, design, and construction costs associated
 9 10 with the construction of a new approximately
 9 11 350,000=gross=square=foot state office building:
 9 12 \$ ~~37,585,000~~
 9 13 1,000,000

9 14 (1) Of the amount appropriated in this lettered paragraph,
 9 15 up to \$750,000 may be used by the department to provide an
 9 16 earnest deposit on the purchase of no more than ten acres of
 9 17 certain property adjacent to the capitol complex and generally
 9 18 located north of grand avenue and between east 12th and east
 9 19 14th street, if such purchase is made; to provide for parking
 9 20 lot improvements necessary to facilitate an exchange of
 9 21 property consistent with the planned construction of the new
 9 22 state office building; and to provide for the demolition of a
 9 23 structure located on the property to be used for the
 9 24 construction of the new state office building or to provide
 9 25 for the sale by auction and relocation of such structure in an
 9 26 effort to reduce or eliminate the costs associated with the
 9 27 removal of such structure from the property. Any amount
 9 28 received from the sale of a structure as permitted under this
 9 29 lettered paragraph shall be retained by the department for the
 9 30 use specified for the moneys appropriated pursuant to this
 9 31 lettered paragraph.

9 32 (2) Upon the department's decision to purchase property as
 9 33 described in subparagraph (1), the department shall determine
 9 34 the feasibility of including all or a portion of any amount
 9 35 expended pursuant to subparagraph (1) in the financing



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

Senate Study Bill 1237 continued

10 1 mechanism to be used by the department to complete such
 10 2 purchase. The department shall provide a report to the
 10 3 department of management and the legislative services agency
 10 4 that includes the results of the department's determination.
 10 5 Notwithstanding provisions of law to the contrary, the
 10 6 department is hereby authorized to honor and maintain existing
 10 7 leases located on property to be acquired by the department if
 10 8 such property is acquired, as long as such leased property is
 10 9 used for providing health care and pharmaceutical services to
 10 10 citizens in the community. Such leases may be maintained for
 10 11 a period deemed appropriate by the director of the department,
 10 12 but in no case shall such leases continue or be renewed for a
 10 13 period of more than ten years or if a lessee of the property
 10 14 ceases to occupy such property or provide such services.

10 15 REBUILD IOWA INFRASTRUCTURE FUND == APPROPRIATIONS
 10 16 ELIMINATED AND REDUCED

10 17 Sec. 15. 2007 Iowa Acts, chapter 219, section 1,
 10 18 subsection 1, paragraph j, is amended to read as follows:

10 19 j. For costs associated with the relocation of the vehicle
 10 20 dispatch fueling station:
 10 21 \$ 350,000
 10 22 839

10 23 Sec. 16. 2007 Iowa Acts, chapter 219, section 1,
 10 24 subsection 3, paragraph b, is amended to read as follows:

10 25 b. For capital improvement projects at correctional
 10 26 facilities:
 10 27 \$ 5,495,000
 10 28 2,697,624

10 29 Sec. 17. 2007 Iowa Acts, chapter 219, section 1,
 10 30 subsection 5, paragraph b, unnumbered paragraph 1, is amended
 10 31 to read as follows:

10 32 For accelerated career education program capital projects
 10 33 at community colleges that are authorized under chapter 260G
 10 34 and that meet the definition of "vertical infrastructure" in
 10 35 section 8.57, subsection 6, paragraph "c":



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

Senate Study Bill 1237 continued

11	1	.....	\$	5,500,000
11	2			<u>1,625,000</u>
11	3	Sec. 18. 2007 Iowa Acts, chapter 219, section 1,		
11	4	subsection 12, paragraph b, is amended to read as follows:		
11	5	b. For construction of a state emergency response training		
11	6	facility to be located in merged area XI:		
11	7	.....	\$	2,000,000
11	8			<u>0</u>
11	9	Sec. 19. 2007 Iowa Acts, chapter 219, section 7,		
11	10	subsection 1 and subsection 2, unnumbered paragraph 1, are		
11	11	amended to read as follows:		
11	12	1. For costs associated with the establishment of the Iowa		
11	13	institute for biomedical discovery at the state university of		
11	14	Iowa:		
11	15	FY 2008=2009.....	\$	10,000,000
11	16			<u>4,585,278</u>
11	17	FY 2009=2010.....	\$	10,000,000
11	18			<u>0</u>
11	19	For planning, design, and construction costs associated		
11	20	with the construction of a new renewable fuels building at		
11	21	Iowa state university of science and technology:		
11	22	FY 2008=2009.....	\$	14,756,000
11	23			<u>3,479,000</u>
11	24	FY 2009=2010.....	\$	11,597,000
11	25	Sec. 20. 2008 Iowa Acts, chapter 1179, section 1,		
11	26	subsection 5, paragraph a, is amended to read as follows:		
11	27	a. For accelerated career education program capital		
11	28	projects at community colleges that are authorized under		
11	29	chapter 260G and that meet the definition of "vertical		
11	30	infrastructure" in section 8.57, subsection 6, paragraph "c":		
11	31	.....	\$	900,000
11	32			<u>0</u>
11	33	The moneys appropriated in this lettered paragraph shall be		
11	34	allocated equally among the community colleges in the state.		
11	35	If any portion of the equal allocation to a community college		



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

~~Senate Study Bill 1237 continued~~

~~12 1 is not obligated or encumbered by April 1, 2009, the
12 2 unobligated and unencumbered portions shall be made available
12 3 by the department for use by other community colleges.~~

12 4 NEW STATE OFFICE BUILDING == APPROPRIATION ELIMINATED

12 5 Sec. 21. 2008 Iowa Acts, chapter 1179, section 18,
12 6 subsection 1, paragraph a, is amended to read as follows:

12 7 a. For the planning, design, and construction of a new
12 8 state office building, including costs associated with the
12 9 furnishing of the building:

12 10 \$ 20,000,000
12 11 0

~~12 12 The location, design, plans and specifications, and
12 13 occupants of the building shall be determined jointly by the
12 14 executive council and the department of administrative
12 15 services in consultation with the capitol planning commission
12 16 following an analysis of space needs to be completed no later
12 17 than January 1, 2009. Recommendations for design, plans and
12 18 specifications, and occupants shall be presented to the
12 19 general assembly and the governor for approval by the start of
12 20 the 2009 legislative session.~~

12 21 Effective December 9, 2008, the department shall cancel
12 22 existing activities pertaining to the new state office
12 23 building addressed by this paragraph and shall defer further
12 24 activities until specifically authorized by law.

12 25 REBUILD IOWA INFRASTRUCTURE FUND == TRANSFER
12 26 TO GENERAL FUND

12 27 Sec. 22. TRANSFER TO GENERAL FUND. There is transferred
12 28 from the rebuild Iowa infrastructure fund to the general fund
12 29 of the state for the fiscal year beginning July 1, 2008, and
12 30 ending June 30, 2009, the following amount:

12 31 \$ 37,000,000
12 32 REBUILD IOWA INFRASTRUCTURE FUND == NEW APPROPRIATION

12 33 Sec. 23. HONEY CREEK. There is appropriated from the
12 34 rebuild Iowa infrastructure fund to the department of natural
12 35 resources for the fiscal year beginning July 1, 2008, and



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

Senate Study Bill 1237 continued

14 1 with the construction of a new renewable fuels building at
 14 2 Iowa state university of science and technology:
 14 3 \$ 11,277,000
 14 4 Moneys appropriated in this lettered paragraph are
 14 5 contingent upon the state board of regents or Iowa state
 14 6 university of science and technology actively pursuing the
 14 7 hiring of new research teams to provide world=class expertise
 14 8 in the area of biorenewable fuels research.

14 9 EFFECTIVE DATE == APPLICABILITY

14 10 Sec. 25. EFFECTIVE DATE == APPLICABILITY.

14 11 1. This division of this Act, being deemed of immediate
 14 12 importance, takes effect upon enactment.

14 13 2. The sections of this division of this Act that address
 14 14 a new state office building are retroactively applicable to
 14 15 December 9, 2008.

14 16 DIVISION III

14 17 ADDITIONAL APPROPRIATION REDUCTIONS

14 18 Sec. 26. 2008 Iowa Acts, chapter 1182, section 1,
 14 19 subsection 1, is amended to read as follows:

14 20 1. There is appropriated from the general fund of the
 14 21 state to the judicial branch for the fiscal year beginning
 14 22 July 1, 2008, and ending June 30, 2009, the following amount,
 14 23 or so much thereof as is necessary, to be used for the
 14 24 purposes designated:

14 25 For salaries of supreme court justices, appellate court
 14 26 judges, district court judges, district associate judges,
 14 27 judicial magistrates and staff, state court administrator,
 14 28 clerk of the supreme court, district court administrators,
 14 29 clerks of the district court, juvenile court officers, board
 14 30 of law examiners and board of examiners of shorthand reporters
 14 31 and judicial qualifications commission; receipt and
 14 32 disbursement of child support payments; reimbursement of the
 14 33 auditor of state for expenses incurred in completing audits of
 14 34 the offices of the clerks of the district court during the
 14 35 fiscal year beginning July 1, 2008; and maintenance,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

Senate Study Bill 1237 continued

15 1 equipment, and miscellaneous purposes:
 15 2 \$~~144,745,322~~
 15 3 140,959,432
 15 4 Sec. 27. 2008 Iowa Acts, chapter 1191, section 3, is
 15 5 amended to read as follows:
 15 6 SEC. 3. GENERAL ASSEMBLY. The appropriations made
 15 7 pursuant to section 2.12 for the expenses of the general
 15 8 assembly and legislative agencies for the fiscal year
 15 9 beginning July 1, 2008, and ending June 30, 2009, are reduced
 15 10 by the following amount:
 15 11 \$ ~~1,400,261~~
 15 12 2,356,851
 15 13 Sec. 28. GENERAL REDUCTIONS.
 15 14 1. The amounts appropriated from the general fund of the
 15 15 state to executive branch agencies other than the state board
 15 16 of regents for operational purposes in enactments made for the
 15 17 fiscal year beginning July 1, 2008, and ending June 30, 2009,
 15 18 and standing limited and unlimited appropriations from the
 15 19 general fund of the state for the fiscal year beginning July
 15 20 1, 2008, and ending June 30, 2009, are reduced by \$26,100,000.
 15 21 For the purposes of this subsection, "operational purposes"
 15 22 means salary, support, administrative expenses, or other
 15 23 personnel-related costs.
 15 24 2. The reduction in appropriations made pursuant to
 15 25 subsection 1 shall be carried out by the governor in the
 15 26 manner specified in section 8.31. However, provided that the
 15 27 total amount of the reductions required by this section
 15 28 remains unchanged, the governor may approve the exercise of
 15 29 transfer authority under section 8.39 as necessary to
 15 30 prudently adjust the reductions made to individual
 15 31 appropriations and the report required under this section
 15 32 shall constitute the notice and report otherwise required
 15 33 under section 8.39, subsections 3 and 4.
 15 34 3. Upon implementation of the appropriations reductions
 15 35 specified in subsection 1, the department of management shall



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

Senate Study Bill 1237 continued

16 1 submit a report to the chairpersons and ranking members of the
16 2 appropriations committees of each chamber of the general
16 3 assembly specifying how the reductions were applied and if any
16 4 transfers were authorized.

16 5 4. Moneys which become available as a result of the
16 6 appropriations reductions made pursuant to this section shall
16 7 be considered to have reverted to the general fund of the
16 8 state on the effective date of this section.

16 9 Sec. 29. EFFECTIVE DATE == APPLICABILITY.

16 10 1. This division of this Act, being deemed of immediate
16 11 importance, takes effect upon enactment.

16 12 2. The appropriation reductions made pursuant to this
16 13 division of this Act shall be applied after applying the
16 14 reductions made pursuant to executive order number 10 issued
16 15 December 22, 2008.

DIVISION IV
TRANSFERS

16 16
16 17
16 18 Sec. 30. INNOVATIONS FUND. There is transferred from the
16 19 innovations fund created in section 8.63 for the fiscal year
16 20 beginning July 1, 2008, and ending June 30, 2009, the
16 21 following amount, or so much thereof as is necessary, to be
16 22 used for the purpose designated:

16 23 Notwithstanding section 8.63, subsection 1, to be credited
16 24 to the general fund of the state:

16 25 \$ 4,500,000

16 26 Sec. 31. LOCAL GOVERNMENT INNOVATION FUND. There is
16 27 transferred from the local government innovation fund created
16 28 in section 8.67 for the fiscal year beginning July 1, 2008,
16 29 and ending June 30, 2009, the following amount, or so much
16 30 thereof as is necessary, to be used for the purpose
16 31 designated:

16 32 Notwithstanding section 8.67, subsection 1, to be credited
16 33 to the general fund of the state:

16 34 \$ 844,182

16 35 Sec. 32. IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

Senate Study Bill 1237 continued

18	1	.....	\$	906,708
18	2	d. For the operation of the Newton correctional facility		
18	3	in 2008 Iowa Acts, chapter 1180, section 3, subsection 1,		
18	4	paragraph "d":		
18	5	.....	\$	434,340
18	6	e. For the operation of the Mt. Pleasant correctional		
18	7	facility in 2008 Iowa Acts, chapter 1180, section 3,		
18	8	subsection 1, paragraph "e":		
18	9	.....	\$	419,962
18	10	f. For the operation of the Rockwell City correctional		
18	11	facility in 2008 Iowa Acts, chapter 1180, section 3,		
18	12	subsection 1, paragraph "f":		
18	13	.....	\$	144,923
18	14	g. For the operation of the Clarinda correctional facility		
18	15	in 2008 Iowa Acts, chapter 1180, section 3, subsection 1,		
18	16	paragraph "g":		
18	17	.....	\$	390,790
18	18	h. For the operation of the Mitchellville correctional		
18	19	facility in 2008 Iowa Acts, chapter 1180, section 3,		
18	20	subsection 1, paragraph "h":		
18	21	.....	\$	246,868
18	22	i. For the operation of the Fort Dodge correctional		
18	23	facility in 2008 Iowa Acts, chapter 1180, section 3,		
18	24	subsection 1, paragraph "i":		
18	25	.....	\$	464,129
18	26	j. For reimbursement of counties for certain confinement		
18	27	costs in 2008 Iowa Acts, chapter 1180, section 3, subsection		
18	28	1, paragraph "j":		
18	29	.....	\$	14,520
18	30	k. For federal prison reimbursement, reimbursements for		
18	31	out-of-state placements, and miscellaneous contracts in 2008		
18	32	Iowa Acts, chapter 1180, section 3, subsection 1, paragraph		
18	33	"k":		
18	34	.....	\$	3,619
18	35	2. For department of corrections general administration in		



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

Senate Study Bill 1237 continued

19 1 2008 Iowa Acts, chapter 1180, section 4, to be allocated as
 19 2 follows:

19 3 a. For department of corrections general administration in
 19 4 2008 Iowa Acts, chapter 1180, section 4, subsection 1,
 19 5 paragraph "a":
 19 6 \$ 77,403

19 7 b. For educational programs for inmates at state penal
 19 8 institutions in 2008 Iowa Acts, chapter 1180, section 4,
 19 9 subsection 1, paragraph "b":
 19 10 \$ 29,172

19 11 c. For development of the Iowa corrections offender
 19 12 network (ICON) data system in 2008 Iowa Acts, chapter 1180,
 19 13 section 4, subsection 1, paragraph "c":
 19 14 \$ 6,416

19 15 d. For offender mental health and substance abuse
 19 16 treatment in 2008 Iowa Acts, chapter 1180, section 4,
 19 17 subsection 1, paragraph "d":
 19 18 \$ 375

19 19 e. For viral hepatitis prevention and treatment in 2008
 19 20 Iowa Acts, chapter 1180, section 4, subsection 1, paragraph
 19 21 "e":
 19 22 \$ 2,820

19 23 3. For the judicial district departments of correctional
 19 24 services in 2008 Iowa Acts, chapter 1180, section 5,
 19 25 subsection 1, to be allocated as follows:

19 26 a. For the first judicial district department of
 19 27 correctional services in 2008 Iowa Acts, chapter 1180, section
 19 28 5, subsection 1, paragraph "a":
 19 29 \$ 203,607

19 30 b. For the second judicial district department of
 19 31 correctional services in 2008 Iowa Acts, chapter 1180, section
 19 32 5, subsection 1, paragraph "b":
 19 33 \$ 169,214

19 34 c. For third judicial district department of correctional
 19 35 services in 2008 Iowa Acts, chapter 1180, section 5,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

Senate Study Bill 1237 continued

20 1 subsection 1, paragraph "c":
 20 2 \$ 93,453
 20 3 d. For the fourth judicial district department of
 20 4 correctional services in 2008 Iowa Acts, chapter 1180, section
 20 5 5, subsection 1, paragraph "d":
 20 6 \$ 85,788
 20 7 e. For the fifth judicial district department of
 20 8 correctional services in 2008 Iowa Acts, chapter 1180, section
 20 9 5, subsection 1, paragraph "e":
 20 10 \$ 294,421
 20 11 f. For the sixth judicial district department of
 20 12 correctional services in 2008 Iowa Acts, chapter 1180, section
 20 13 5, subsection 1, paragraph "f":
 20 14 \$ 218,496
 20 15 g. For the seventh judicial district department of
 20 16 correctional services in 2008 Iowa Acts, chapter 1180, section
 20 17 5, subsection 1, paragraph "g":
 20 18 \$ 111,216
 20 19 h. For the eighth judicial district department of
 20 20 correctional services in 2008 Iowa Acts, chapter 1180, section
 20 21 5, subsection 1, paragraph "h":
 20 22 \$ 108,830
 20 23 Sec. 35. DEPARTMENT OF PUBLIC SAFETY. After applying the
 20 24 reduction made pursuant to executive order number 10 issued
 20 25 December 22, 2008, to the appropriations made for the
 20 26 following designated purposes, there is appropriated from the
 20 27 general fund of the state to the department of public safety
 20 28 for the fiscal year beginning July 1, 2008, and ending June
 20 29 30, 2009, the following amounts, or so much thereof as is
 20 30 necessary, to supplement the appropriations made for the
 20 31 following designated purposes:
 20 32 1. For the department's administrative functions in 2008
 20 33 Iowa Acts, chapter 1180, section 14, subsection 1:
 20 34 \$ 68,484
 20 35 2. For the division of criminal investigation in 2008 Iowa



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

Senate Study Bill 1237 continued

21 1 Acts, chapter 1180, section 14, subsection 2:
 21 2 \$ 329,310
 21 3 3. For the criminalistics laboratory fund created in
 21 4 section 691.9 in 2008 Iowa Acts, chapter 1180, section 14,
 21 5 subsection 3:
 21 6 \$ 5,130
 21 7 4. For the division of narcotics enforcement in 2008 Iowa
 21 8 Acts, chapter 1180, section 14, subsection 4, paragraph "a":
 21 9 \$ 99,534
 21 10 5. For the state fire marshal's office for fire protection
 21 11 services in 2008 Iowa Acts, chapter 1180, section 14,
 21 12 subsection 5:
 21 13 \$ 62,186
 21 14 6. For the division of state patrol in 2008 Iowa Acts,
 21 15 chapter 1180, section 14, subsection 6:
 21 16 \$ 780,362
 21 17 7. For costs associated with the training and equipment
 21 18 needs of volunteer fire fighters in 2008 Iowa Acts, chapter
 21 19 1180, section 14, subsection 8:
 21 20 \$ 10,504
 21 21 Notwithstanding section 8.33, moneys appropriated in this
 21 22 subsection that remain unencumbered or unobligated at the
 21 23 close of the fiscal year shall not revert but shall remain
 21 24 available for expenditure for the purposes designated until
 21 25 the close of the succeeding fiscal year.
 21 26 Sec. 36. DEPARTMENT OF PUBLIC HEALTH == INFECTIOUS
 21 27 DISEASES. After applying the reduction made pursuant to
 21 28 executive order number 10 issued December 22, 2008, there is
 21 29 appropriated from the general fund of the state to the
 21 30 department of public health for the fiscal year beginning July
 21 31 1, 2008, and ending June 30, 2009, the following amount, or so
 21 32 much thereof as is necessary, to supplement the appropriation
 21 33 made for the following designated purpose:
 21 34 For reducing the incidence and prevalence of communicable
 21 35 diseases in 2008 Iowa Acts, chapter 1187, section 2,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

Senate Study Bill 1237 continued

22 1 subsection 7:
 22 2 \$ 992,915
 22 3 Sec. 37. DEPARTMENT OF HUMAN SERVICES MEDICAL ASSISTANCE
 22 4 PROGRAM. After applying the reduction made pursuant to
 22 5 executive order number 10 issued December 22, 2008, to the
 22 6 appropriation made for the following designated purpose, there
 22 7 is appropriated from the general fund of the state to the
 22 8 department of human services for the fiscal year beginning
 22 9 July 1, 2008, and ending June 30, 2009, the following amount,
 22 10 or so much thereof as is necessary, to supplement the
 22 11 appropriation made for the following designated purpose:
 22 12 For medical assistance reimbursement and related costs in
 22 13 2008 Iowa Acts, chapter 1187, section 9:
 22 14 \$ 47,000,000
 22 15 Sec. 38. DEPARTMENT OF NATURAL RESOURCES. After applying
 22 16 the reduction made pursuant to executive order number 10
 22 17 issued December 22, 2008, there is appropriated from the
 22 18 general fund of the state to the department of natural
 22 19 resources for the fiscal year beginning July 1, 2008, and
 22 20 ending June 30, 2009, the following amount, or so much thereof
 22 21 as is necessary, to supplement the appropriation made for the
 22 22 following designated purposes:
 22 23 For supporting the department, as provided in this section,
 22 24 for administration, regulation, and programs, including for
 22 25 salaries, support, maintenance, and miscellaneous purposes in
 22 26 2008 Iowa Acts, chapter 1189, section 17:
 22 27 \$ 1,958,000
 22 28 The appropriation made in this section is allocated to
 22 29 support the department's parks bureau for addressing flood
 22 30 damage to state parks and facilities and other extraordinary
 22 31 costs associated with the bureau's operations.
 22 32 Sec. 39. DEPARTMENT OF WORKFORCE DEVELOPMENT. After
 22 33 applying the reduction made pursuant to executive order number
 22 34 10 issued December 22, 2008, to the appropriations made for
 22 35 the following designated purposes, there is appropriated from



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

Senate Study Bill 1237 continued

23 1 the general fund of the state to the department of workforce
 23 2 development for the fiscal year beginning July 1, 2008, and
 23 3 ending June 30, 2009, the following amounts, or so much
 23 4 thereof as is necessary, to supplement the appropriations made
 23 5 for the following designated purposes:

23 6 1. For the division of labor services in 2008 Iowa Acts,
 23 7 chapter 1190, section 16, subsection 1:
 23 8 \$ 65,735
 23 9 2. For the division of workers' compensation in 2008 Iowa
 23 10 Acts, chapter 1190, section 16, subsection 2:
 23 11 \$ 44,152
 23 12 3. For the operation of field offices, the workforce
 23 13 development board, and new Iowans centers in 2008 Iowa Acts,
 23 14 chapter 1190, section 16, subsection 3:
 23 15 \$ 189,367
 23 16 4. For conducting integrated basic education and skills
 23 17 training demonstration projects in 2008 Iowa Acts, chapter
 23 18 1190, section 16, subsection 4:
 23 19 \$ 7,500
 23 20 5. For the development and administration of an offender
 23 21 reentry program in 2008 Iowa Acts, chapter 1190, section 16,
 23 22 subsection 5:
 23 23 \$ 5,625
 23 24 6. For purposes of administration of a security employee
 23 25 pilot project training program in 2008 Iowa Acts, chapter
 23 26 1190, section 16, subsection 6:
 23 27 \$ 225

23 28 Sec. 40. FISH AND GAME PROTECTION FUND. There is
 23 29 transferred from the general fund of the state to the
 23 30 department of natural resources for the fiscal year beginning
 23 31 July 1, 2008, and ending June 30, 2009, the following amount,
 23 32 or so much thereof as is necessary, to be used for the
 23 33 purposes designated:
 23 34 To be credited to the state fish and game protection fund
 23 35 and used for addressing flood damage to public lands and



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

Senate Study Bill 1237 continued

24 1 facilities administered by the department of natural
 24 2 resources:
 24 3 \$ 4,070,000
 24 4 Sec. 41. COMMUNITY DEVELOPMENT BLOCK GRANT.
 24 5 1. There is appropriated from the fund created by section
 24 6 8.41 to the department of economic development for the federal
 24 7 fiscal year beginning October 1, 2007, and ending September
 24 8 30, 2008, the following amount:
 24 9 \$156,690,815
 24 10 2. Funds appropriated in this section are community
 24 11 development block grant funds awarded to the state under Pub.
 24 12 L. No. 110-252, Supplemental Appropriations Act, 2008.
 24 13 3. The department of economic development shall expend the
 24 14 funds appropriated in this section for disaster relief,
 24 15 long-term recovery, and restoration of infrastructure as
 24 16 provided in the federal law making the funds available and in
 24 17 conformance with chapter 17A. An amount not to exceed 3
 24 18 percent of the funds appropriated in this section shall be
 24 19 used by the department for administrative expenses. From the
 24 20 funds set aside for administrative expenses, the department
 24 21 shall pay to the auditor of state an amount sufficient to pay
 24 22 the cost of auditing the use and administration of the state's
 24 23 portion of the funds appropriated in this section.
 24 24 Sec. 42. EFFECTIVE DATE.
 24 25 1. This division of this Act, being deemed of immediate
 24 26 importance, takes effect upon enactment.
 24 27 2. The section of this division of this Act appropriating
 24 28 federal community development block grant funds is
 24 29 retroactively applicable to June 30, 2008.
 24 30 DIVISION VI
 24 31 OTHER PROVISIONS
 24 32 Sec. 43. Section 257.31, subsection 15, Code 2009, is
 24 33 amended to read as follows:
 24 34 15. Annually the school budget review committee shall
 24 35 review the amount of property tax levied by each school



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

Senate Study Bill 1237 continued

25 1 district for the cash reserve authorized in section 298.10.
 25 2 If in the committee's judgment, the amount of a district's
 25 3 cash reserve levy is unreasonably high, the committee shall
 25 4 instruct the director of the department of management to
 25 5 reduce that district's tax levy computed under section 257.4
 25 6 for the following budget year by the amount the cash reserve
 25 7 levy is deemed excessive. Cash reserve levies for the budget
 25 8 year shall not exceed fifteen percent of the general fund
 25 9 expenditures for the year previous to the base year minus the
 25 10 general fund unexpended fund balance for the year previous to
 25 11 the base year. A reduction in a district's property tax levy
 25 12 for a budget year under this subsection does not affect the
 25 13 district's authorized budget.

25 14 Sec. 44. 2008 Iowa Acts, chapter 1181, section 2,
 25 15 subsection 6, is amended to read as follows:

25 16 6. ALL IOWA OPPORTUNITY ASSISTANCE PROGRAM

25 17 For purposes of the all Iowa opportunity assistance
 25 18 program, which includes the all Iowa opportunity foster care
 25 19 grant program established pursuant to section 261.6, and the
 25 20 all Iowa opportunity scholarship program established pursuant
 25 21 to section 261.87:

25 22 \$ 4,000,000

25 23 From the funds appropriated pursuant to this subsection, up
 25 24 to ~~\$500,000~~ \$750,000 shall be used for purposes of the all
 25 25 Iowa opportunity foster care grant program established
 25 26 pursuant to section 261.6, and at least \$500,000 shall be used
 25 27 for purposes of the all Iowa opportunity scholarship program
 25 28 as established in section 261.87.

25 29 If the funds appropriated by the general assembly to the
 25 30 college student aid commission for the 2008=2009 fiscal year
 25 31 for purposes of the all Iowa opportunity scholarship program
 25 32 exceed \$500,000, "eligible institution" as defined in section
 25 33 261.87, shall, during the 2008=2009 fiscal year, include
 25 34 accredited private institutions as defined in section 261.9,
 25 35 subsection 1.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

Senate Study Bill 1237 continued

26 1 Sec. 45. 2008 Iowa Acts, chapter 1187, section 4,
26 2 subsection 2, is amended to read as follows:

26 3 2. IOWA VETERANS HOME

26 4 For salaries, support, maintenance, and miscellaneous
26 5 purposes, ~~and for not more than the following full-time~~
~~26 6 equivalent positions:~~

26 7	.....	\$ 12,694,154
26 8	..... FTEs	951.95

26 9 a. The Iowa veterans home billings involving the
26 10 department of human services shall be submitted to the
26 11 department on at least a monthly basis.

26 12 b. If there is a change in the employer of employees
26 13 providing services at the Iowa veterans home under a
26 14 collective bargaining agreement, such employees and the
26 15 agreement shall be continued by the successor employer as
26 16 though there had not been a change in employer.

26 17 Sec. 46. USE OF REVERSIONS == FY 2009. Notwithstanding
26 18 section 8.62, at the close of the fiscal year beginning July
26 19 1, 2008, any balance of an operational appropriation that
26 20 remains unexpended or unencumbered shall not be encumbered or
26 21 deposited in the cash reserve fund as provided in section
26 22 8.62, but shall instead revert to the general fund of the
26 23 state at the close of the fiscal year as provided in section
26 24 8.33.

26 25 Sec. 47. USE OF REVERSIONS == FY 2010. Notwithstanding
26 26 section 8.62, at the close of the fiscal year beginning July
26 27 1, 2009, any balance of an operational appropriation that
26 28 remains unexpended or unencumbered shall not be encumbered or
26 29 deposited in the cash reserve fund as provided in section
26 30 8.62, but shall instead revert to the general fund of the
26 31 state at the close of the fiscal year as provided in section
26 32 8.33.

26 33 Sec. 48. EFFECTIVE DATE APPLICABILITY.

26 34 1. This division of this Act, being deemed of immediate
26 35 importance, takes effect upon enactment.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1237 continued

28 1 The division takes effect upon enactment and applies
28 2 retroactively to July 1, 2008.

28 3 The division specifies the appropriations and transfers
28 4 apply in lieu of any transfers for the jumpstart housing
28 5 assistance and small business assistance programs or from the
28 6 loan and credit guarantee fund, as reported by the department
28 7 of management in the fiscal year beginning July 1, 2008.

28 8 CAPITAL APPROPRIATION REVISIONS. This division reduces or
28 9 eliminates appropriations made for a new state office building
28 10 at the capitol complex and reduces or eliminates various
28 11 capital appropriations from the rebuild Iowa infrastructure
28 12 fund (RIIF). Replacement appropriations for the amounts
28 13 reduced or eliminated from RIIF are made from the endowment
28 14 for Iowa's health restricted capitals fund account for FY
28 15 2008=2009. An amount of \$37 million is transferred from the
28 16 rebuild Iowa infrastructure fund to the general fund of the
28 17 state for FY 2008=2009. The division takes effect upon
28 18 enactment. The provisions relating to the new state office
28 19 building are retroactively applicable to December 9, 2008.

28 20 ADDITIONAL APPROPRIATION REDUCTIONS. This division applies
28 21 reductions to appropriations made from the general fund of the
28 22 state for FY 2008=2009 in addition to those made pursuant to
28 23 the governor's uniform reduction under executive order number
28 24 10.

28 25 The judicial and legislative branch appropriations were
28 26 exempt from reduction under the executive order in accordance
28 27 with Code section 8.31.

28 28 2008 Iowa Acts, chapter 1182, is amended to reduce the
28 29 appropriation to the judicial branch by approximately
28 30 \$3,786,000.

28 31 2008 Iowa Acts, chapter 1191, section 3, is amended to
28 32 increase existing reductions to the general assembly
28 33 appropriations by approximately \$957,000.

28 34 The operational appropriations made to executive branch
28 35 agencies are reduced by \$26.1 million. The reductions are to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1237 continued

29 1 be applied uniformly, however, the reductions may be adjusted
29 2 through the exercise of the governor's transfer authority.

29 3 The division takes effect upon enactment.

29 4 TRANSFERS. This division transfers approximately \$11
29 5 million from various funds to the general fund of the state
29 6 for FY 2008=2009.

29 7 The transfers are made from the innovations fund, the local
29 8 government innovation fund, and the Iowa comprehensive
29 9 petroleum underground storage tank fund. Language is included
29 10 notwithstanding clauses that would otherwise restrict the use
29 11 of the amounts transferred.

29 12 The division takes effect upon enactment.

29 13 APPROPRIATION RESTORATIONS AND SUPPLEMENTS. This division
29 14 supplements various annual appropriations made from the
29 15 general fund of the state for FY 2008=2009. The supplemental
29 16 appropriations restore the following appropriations for the
29 17 1.5 percent uniform reduction made in appropriation allotments
29 18 pursuant to the governor's executive order number 10: to the
29 19 department of corrections for operation of the correctional
29 20 institutions, departmental administration, and community-based
29 21 corrections, to the department of public safety for various
29 22 divisions, and to the department of workforce development for
29 23 various programs. Additional supplemental appropriations are
29 24 made to the department of public health for reducing the
29 25 incidence and prevalence of communicable diseases, to the
29 26 department of human services for the medical assistance
29 27 (Medicaid) program, and to the department of natural resources
29 28 for the parks bureau. The division also provides a transfer
29 29 to the state fish and game protection fund to be used for
29 30 addressing flood damage to public lands and facilities
29 31 administered by the department of natural resources. The
29 32 division appropriates approximately \$156.7 million of the
29 33 federal community development block grant funds to the
29 34 department of economic development for disaster relief. This
29 35 appropriation is retroactively applicable to June 30, 2008.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009**

Senate Study Bill 1237 continued

30 1 The division takes effect upon enactment.
30 2 OTHER PROVISIONS. This division addresses other
30 3 provisions.
30 4 Code section 257.31, relating to the school budget review
30 5 committee authority to review the amount of property tax
30 6 levied by a school district, is amended to limit the amount
30 7 that can be levied for the cash reserve. This amendment first
30 8 applies to school budgets for FY 2009=2010.
30 9 A requirement in the appropriation made for the all Iowa
30 10 opportunity assistance program that at least \$500,000 be used
30 11 for the all Iowa opportunity foster care grant program, is
30 12 increased to \$750,000.
30 13 A 2008 Iowa Acts, chapter 1187, provision in the
30 14 appropriation for the Iowa veterans home relating to employee
30 15 positions authorized for the Iowa veterans home is amended by
30 16 removing the limitation on the number of full-time equivalent
30 17 positions.
30 18 The bill suspends for fiscal years 2008=2009 and 2009=2010
30 19 existing law in Code section 8.62 that authorizes agencies to
30 20 encumber 50 percent of operational appropriations from the
30 21 general fund of the state that remain unexpended at the close
30 22 of the fiscal year and would otherwise revert to the general
30 23 fund of the state. The provision being suspended would
30 24 otherwise allow the agencies to use the encumbered funds
30 25 during the succeeding fiscal year for employee training,
30 26 technology enhancement, or purchases of goods and services
30 27 from Iowa prison industries. Instead, the division directs
30 28 that the moneys revert to the general fund of the state at the
30 29 close of the fiscal year.
30 30 The division takes effect upon enactment.
30 31 LSB 1696XG 83
30 32 jp/mg:tm/5.3



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1238

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON APPEL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning the acquisition of certain goods and services
- 2 provided through the department of administrative services.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1961XC 83
- 5 ec/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1238 continued

PAG LIN

1 1 Section 1. Section 8A.122, subsection 3, Code 2009, is
1 2 amended by striking the subsection.
1 3 Sec. 2. Section 8A.201, Code 2009, is amended by adding
1 4 the following new subsection:
1 5 NEW SUBSECTION. 3A. "Infrastructure services" means
1 6 server systems, including mainframe and other server
1 7 operations, desktop support, printing, and printing
1 8 procurement services.
1 9 Sec. 3. Section 8A.201, subsection 4, Code 2009, is
1 10 amended by striking the subsection and inserting in lieu
1 11 thereof the following:
1 12 4. "Participating agency" means any state agency.
1 13 Sec. 4. Section 8A.204, subsection 3, Code 2009, is
1 14 amended by adding the following new paragraph:
1 15 NEW PARAGRAPH. h. Oversee the providing of infrastructure
1 16 services to participating agencies by the department pursuant
1 17 to section 8A.208. In addition, the board shall establish a
1 18 waiver process as provided in section 8A.208.
1 19 Sec. 5. NEW SECTION. 8A.208 INFRASTRUCTURE SERVICES.
1 20 1. The department shall be the sole provider of
1 21 infrastructure services for participating agencies. The
1 22 department may procure infrastructure services in the manner
1 23 provided in section 8A.207.
1 24 2. The technology governance board shall oversee the
1 25 services provided pursuant to this section. In addition, the
1 26 technology governance board shall adopt rules allowing for a
1 27 participating agency to seek a waiver from the requirements of
1 28 this section. The rules shall provide that a waiver shall be
1 29 granted only if the participating agency can show that it can
1 30 obtain the particular infrastructure service more economically
1 31 or that a waiver would be in the best interest of the state.
1 32 Sec. 6. Section 8A.311, subsection 10, paragraph a, Code
1 33 2009, is amended to read as follows:
1 34 a. The director shall adopt rules providing that any state
1 35 agency may, upon request and approval by the department,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1238 continued

2 1 purchase directly from a vendor if the direct purchasing is ~~as~~
~~2 2 economical or~~ more economical than purchasing through the
2 3 department, ~~or~~ upon a showing that direct purchasing by the
2 4 state agency would be in the best interests of the state due
2 5 to an immediate or emergency need. ~~The rules shall include a~~
~~2 6 provision permitting a state agency to purchase directly from~~
~~2 7 a vendor, on the agency's own authority, or~~ if the purchase
2 8 will not exceed ten thousand dollars and the purchase ~~will~~
2 9 would contribute to the agency complying with ~~or exceeding~~ the
2 10 targeted small business procurement goals under sections 73.15
2 11 through 73.21.

2 12 Sec. 7. NEW SECTION. 8A.311A CENTRALIZED PURCHASING.

2 13 1. The department may designate goods and services of
2 14 general use that agencies shall, and governmental subdivisions
2 15 may, purchase pursuant to a master purchasing or service
2 16 contract negotiated by the department for that good or
2 17 service. The department shall negotiate a master contract
2 18 subject to the requirements of this section if the department
2 19 determines that a high-quality good or service can be acquired
2 20 by agencies and governmental subdivisions at lower cost
2 21 through negotiation of a master contract.

2 22 2. The department shall negotiate a master contract
2 23 pursuant to this section on a competitive basis, and the
2 24 purchase of a good or service pursuant to the contract shall
2 25 be deemed to satisfy any otherwise applicable competitive
2 26 bidding requirements.

2 27 3. Upon negotiation of a master contract for a good or
2 28 service pursuant to this section, an agency shall purchase the
2 29 good or service pursuant to the service contract, and shall
2 30 not expend money to purchase the good or service directly from
2 31 a vendor and not through the contract, unless any of the
2 32 following applies:

2 33 a. The department determines, upon a request by the
2 34 agency, that the agency can satisfy the requirements for
2 35 purchase of the good or service directly from a vendor as



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 19, 2009

Senate Study Bill 1238 continued

4 1 technology governance board shall oversee the department's
4 2 provision of infrastructure services and requires the board to
4 3 establish a waiver process for agencies.
4 4 Code section 8A.311(10), concerning the authority of
4 5 agencies to obtain services directly from a vendor, is amended
4 6 to require the agency to obtain approval from the department
4 7 to purchase directly from a vendor. In addition, the bill
4 8 requires that a waiver may be granted if purchasing from a
4 9 vendor is more economical, and not just as economical.
4 10 New Code section 8A.311A provides authority to the
4 11 department of administrative services to require agencies to
4 12 purchase goods or services of general use as designated by the
4 13 department pursuant to a master contract negotiated by the
4 14 department. The new Code section also gives governmental
4 15 subdivisions the option to purchase goods and services
4 16 pursuant to the contract. The new Code section provides that
4 17 the department shall negotiate master contracts for a
4 18 particular service if the department determines that a
4 19 high-quality good or service can be acquired by agencies and
4 20 governmental subdivisions at lower cost through negotiation of
4 21 a master contract. The bill provides that an agency can
4 22 directly purchase the item from a vendor if the department
4 23 determines that the agency satisfies the requirements for a
4 24 direct purchase otherwise provided in Code section 8A.311(10)
4 25 or is acquired pursuant to an existing service contract.
4 26 LSB 1961XC 83
4 27 ec/nh/14.1