



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House Amendment 1079

PAG LIN

1 1 Amend House File 416 as follows:
1 2 #1. Page 1, line 5, by striking the word <zero>
1 3 and inserting the following: <two>.
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1 7 WENDT of Woodbury
1 8 HF 416.201 83
1 9 ak/rj/21678
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**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009**

House Amendment 1080

PAG LIN

1 1 Amend House File 332 as follows:
 1 2 #1. By striking page 1, line 28, through page 2,
 1 3 line 4, and inserting the following:
 1 4 <Sec. _____. Section 124.506, subsection 1, Code
 1 5 2009, is amended to read as follows:
 1 6 1. Except as otherwise provided in this section,
 1 7 the court having jurisdiction shall order such
 1 8 controlled substances forfeited and destroyed. A
 1 9 record of the place where the controlled substances
 1 10 were seized, of the kinds and quantities of controlled
 1 11 substances so destroyed, and of the time, place, and
 1 12 manner of destruction, shall be kept for not less than
 1 13 ten years after destruction, and a return under oath,
 1 14 reporting said destruction, shall be made to the court
 1 15 ~~and to the bureau by the officer who destroys them.~~
 1 16 Sec. _____. Section 124.506, Code 2009, is amended
 1 17 by adding the following new subsection:
 1 18 NEW SUBSECTION. 2A. Upon a request of any law
 1 19 enforcement agency, the court may order that a portion
 1 20 of a controlled substance subject to forfeiture and
 1 21 destruction pursuant to this section becomes the
 1 22 possession of the requesting law enforcement agency
 1 23 for the sole purpose of canine controlled substance
 1 24 detection training. A law enforcement agency
 1 25 receiving a controlled substance pursuant to this
 1 26 subsection shall do the following:
 1 27 a. Establish a policy that includes reasonable
 1 28 controls regarding the possession, storage, use, and
 1 29 destruction of the controlled substance.
 1 30 b. Retain a record of the following for at least
 1 31 ten years from the date the controlled substance is
 1 32 destroyed:
 1 33 (1) The court order granting the law enforcement
 1 34 agency possession of the controlled substance.
 1 35 (2) The name of each peace officer who takes
 1 36 possession of the controlled substance.
 1 37 (3) The time, place, and manner of the destruction
 1 38 of the controlled substance.>
 1 39 #2. By renumbering as necessary.
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 1 43 HEDDENS of Story
 1 44 HF 332.701 83
 1 45 jm/rj/21677

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Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House Amendment 1081

PAG LIN

1 1 Amend House File 415 as follows:
1 2 #1. Page 1, by striking lines 6 and 7 and
1 3 inserting the following: <1, 2009, is four percent.
1 4 The state>.
1 5 #2. Page 1, by inserting after line 14 the
1 6 following:
1 7 <Sec. ____ . STATE PERCENT OF GROWTH ==
1 8 POSTPONEMENT.
1 9 Notwithstanding section 257.8, subsection 1, the
1 10 state percent of growth for the budget year beginning
1 11 July 1, 2010, shall be established in January 2010.>
1 12 #3. Title page, line 1, by striking the words
1 13 <establishment of> and inserting the following:
1 14 <postponement of establishing>.
1 15 #4. By renumbering as necessary.
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1 19 SANDS of Louisa
1 20 HF 415.701 83
1 21 ak/sc/21941
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House Amendment 1082

PAG LIN

1 1 Amend House File 415 as follows:
1 2 #1. Page 1, line 7, by striking the word
1 3 <percent.> and inserting the following: <percent,
1 4 and, in addition, any property tax increase caused as
1 5 a result of this state percent of growth shall be paid
1 6 for by the state.>
1 7 #2. Title page, line 2, by inserting after the
1 8 word <program,> the following: <requiring state
1 9 payment of any related property tax increases,>.
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1 13 SCHULTE of Linn
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1 16 WAGNER of Linn
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1 19 MAY of Dickinson
1 20 HF 415.201 83
1 21 ak/sc/21940
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House Amendment 1083

PAG LIN

1 1 Amend House File 416 as follows:
1 2 #1. Page 1, by inserting after line 15 the
1 3 following:
1 4 <Sec. _____. BUDGET ADJUSTMENTS == SUSPENSION.
1 5 Notwithstanding section 257.10, subsections 9, 10, and
1 6 11, and section 257.37A, for the budget year beginning
1 7 July 1, 2010, there will be no budget adjustments for
1 8 the categorical allowable growth pursuant to section
1 9 257.10, subsections 9, 10, and 11, and section
1 10 257.37A.>
1 11 #2. Title page, line 3, by inserting after the
1 12 word <program,> the following: <and suspending budget
1 13 adjustments for categorical allowable growth
1 14 programs,>.
1 15 #3. By renumbering as necessary.
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1 19 RAECKER of Polk
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1 23 DOLECHECK of Ringgold
1 24 HF 416.702 83
1 25 ak/sc/21682
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 417 - Introduced

HOUSE FILE
BY REICHERT

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

A BILL FOR

- 1 An Act concerning procurement of products manufactured by Iowa
- 2 state prison industries.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1818YH 83
- 5 ec/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 417 - Introduced continued

PAG LIN

1 1 Section 1. Section 8A.122, subsection 3, Code 2009, is
1 2 amended to read as follows:
1 3 3. ~~The Except for purchasing products pursuant to a master~~
1 4 ~~purchasing contract negotiated pursuant to section 8A.313,~~
1 5 ~~subsection 2, the state board of regents shall not be required~~
1 6 to obtain any service for the state board of regents or any
1 7 institution under the control of the state board of regents
1 8 that is provided by the department pursuant to this chapter
1 9 without the consent of the state board of regents.

1 10 Sec. 2. Section 8A.313, Code 2009, is amended to read as
1 11 follows:

1 12 8A.313 ~~DISPUTES INVOLVING PURCHASING FROM IOWA STATE~~
1 13 ~~INDUSTRIES == DISPUTES == EXCEPTIONS.~~

1 14 1. Disputes arising between the department of corrections
1 15 and a purchasing department or agency over the procurement of
1 16 products from Iowa state industries as described in section
1 17 904.808 shall be referred to the director. The decision of
1 18 the director is final unless a written appeal is filed with
1 19 the executive council within five days of receipt of the
1 20 decision of the director, excluding Saturdays, Sundays, and
1 21 legal holidays. If an appeal is filed, the executive council
1 22 shall hear and determine the appeal within thirty days. The
1 23 decision of the executive council is final.

1 24 2. The department shall have the authority to negotiate,
1 25 on a competitive basis, master purchasing contracts concerning
1 26 products subject to the requirements of section 904.808.
1 27 State agencies shall, and governmental subdivisions may,
1 28 purchase products pursuant to a master purchasing contract
1 29 negotiated pursuant to this subsection and such a purchase
1 30 shall be deemed to satisfy any otherwise applicable
1 31 competitive bidding requirements.

1 32 Sec. 3. Section 904.808, subsection 1, Code 2009, is
1 33 amended by adding the following new paragraph:

1 34 NEW PARAGRAPH. c. When the purchase is made through a
1 35 master purchasing contract negotiated by the department of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 417 - Introduced continued

2 1 administrative services pursuant to section 8A.313, subsection
2 2 2.

2 3 Sec. 4. DEPARTMENT OF ADMINISTRATIVE SERVICES == MASTER
2 4 FURNITURE CONTRACT.

2 5 1. The department of administrative services shall, as
2 6 soon as practicable, utilize a request for proposals process
2 7 to negotiate a master purchasing contract pursuant to section
2 8 8A.313 to allow governmental entities to purchase furniture.

2 9 2. Iowa state prison industries shall be permitted to bid
2 10 on the request for proposals and the request for proposals
2 11 shall express a preference for awarding a contract to an
2 12 Iowa-based furniture manufacturer consistent with the
2 13 preference requirements of section 8A.311, subsection 1. In
2 14 addition, the master contract shall, if practicable, allow a
2 15 governmental entity the authority to request additional bid
2 16 pricing from the manufacturer if the expected cost of the
2 17 purchase exceeds a threshold amount as provided in the
2 18 contract. The master contract shall provide that governmental
2 19 entities, as defined in section 8A.101, shall be allowed to
2 20 purchase products included in the contract.

2 21 EXPLANATION

2 22 This bill concerns the purchase of products currently
2 23 manufactured by Iowa state prison industries.

2 24 Code section 8A.313 is amended to authorize the department
2 25 of administrative services to negotiate master purchasing
2 26 contracts for products currently manufactured by Iowa state
2 27 prison industries. The bill also provides that if a master
2 28 purchasing contract is negotiated, state agencies shall, and
2 29 governmental subdivisions may, purchase the product based on
2 30 the contract. Code section 8A.122 is amended to provide that
2 31 the state board of regents and any institution under the
2 32 control of the regents shall be required to purchase from the
2 33 master contract regardless of whether the regents have given
2 34 their consent.

2 35 The bill also requires the department of administrative



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009**

House File 417 - Introduced continued

3 1 services, as soon as practicable, to utilize a request for
3 2 proposals process to negotiate a master purchasing contract
3 3 for furniture. The bill provides that Iowa-based
3 4 manufacturers shall be preferred if otherwise comparable in
3 5 price and that Iowa state prison industries shall be allowed
3 6 to bid on the contract.
3 7 LSB 1818YH 83
3 8 ec/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 418 - Introduced

HOUSE FILE
BY TYMESON

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

A BILL FOR

1 An Act relating to a prohibition on the use of school district
2 resources or employees to influence elections and providing a
3 penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2350HH 83
6 kh/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 418 - Introduced continued

PAG LIN

1 1 Section 1. Section 256F.4, subsection 2, Code 2009, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. k. Be subject to and comply with the
1 4 provisions of section 279.68 relating to the use of school
1 5 resources or employees to influence elections.
1 6 Sec. 2. NEW SECTION. 279.68 USE OF SCHOOL RESOURCES OR
1 7 EMPLOYEES TO INFLUENCE ELECTIONS PROHIBITED == CIVIL PENALTY.
1 8 1. A person acting on behalf of a school district or a
1 9 person who aids another person acting on behalf of a school
1 10 district shall not use school district personnel, equipment,
1 11 materials, buildings, or other resources for the purpose of
1 12 influencing the outcome of an election. Notwithstanding this
1 13 section, a school district may distribute informational
1 14 reports on a proposed bond election as provided in chapter
1 15 298. Nothing in this section precludes a school district from
1 16 reporting on official actions of the board of directors of the
1 17 school district.
1 18 2. An employee of a school district who is acting as an
1 19 agent of or working in an official capacity for the school
1 20 district shall not give students written materials to
1 21 influence the outcome of an election or to advocate support
1 22 for or opposition to pending or proposed legislation.
1 23 3. An employee of a school district shall not use the
1 24 authority of the employee's position to influence the vote or
1 25 political activities of any subordinate employee.
1 26 4. A teacher who is acting as an agent of or who is
1 27 working in an official capacity for a school district shall
1 28 not do any of the following:
1 29 a. Endorse, support, or oppose any candidate or nominee
1 30 for local, state, or federal public office or any elected or
1 31 appointed local, state, or federal official.
1 32 b. Endorse, support, or oppose any pending, proposed, or
1 33 enacted local, state, or federal legislation, regulation, or
1 34 rule.
1 35 c. Endorse, support, or oppose any pending or proposed



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 418 - Introduced continued

2 1 litigation in a local, state, or federal court or endorse,
2 2 support, or oppose any judicial action taken by a local,
2 3 state, or federal court.

2 4 d. Advocate one side of a social, political, or cultural
2 5 issue that is a matter of partisan controversy.

2 6 e. Endorse, support, or engage in any activities that
2 7 hamper or impede the lawful access of military recruiters to
2 8 the school attendance center grounds.

2 9 f. Endorse, support, or engage in any activities that
2 10 hamper or impede the actions of local, state, or federal law
2 11 enforcement.

2 12 5. Nothing in this section shall be construed as denying
2 13 the civil or political liberties of any person as guaranteed
2 14 by the United States or Iowa Constitution.

2 15 6. By January 1, 2010, the attorney general shall publish
2 16 and distribute to school districts detailed guidelines
2 17 regarding activities prohibited under this section. The
2 18 attorney general may distribute these guidelines through a web
2 19 site or electronically.

2 20 7. By January 1, 2010, the state board of education shall
2 21 publish and distribute to school districts and school district
2 22 teachers, employees, parents, and students detailed guidelines
2 23 regarding the rights and responsibilities of school districts
2 24 and school district teachers, employees, parents, and students
2 25 under this section.

2 26 8. In addition to the civil penalty prescribed in
2 27 subsection 11, a violation of subsection 4 by a licensed
2 28 teacher is misconduct subject to disciplinary action,
2 29 including suspension or revocation of the individual's
2 30 teaching license, as the board of educational examiners deems
2 31 appropriate.

2 32 9. The state board of education shall require teachers to
2 33 obtain at least three hours of annual training concerning the
2 34 responsibilities of teachers under subsection 4.

2 35 10. The attorney general or the county attorney for the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 418 - Introduced continued

3 1 county in which an alleged violation of this section occurred
3 2 may initiate a suit in the district court of the county in
3 3 which the school district is located for the purpose of
3 4 complying with this section.

3 5 11. For each violation of this section, the court may
3 6 impose a civil penalty not to exceed five hundred dollars plus
3 7 any amount of misused funds subtracted from the school
3 8 district budget against a person who knowingly violates or a
3 9 person who knowingly aids another person in violating this
3 10 section. The person determined to be in violation of this
3 11 section shall be responsible for the payment of all penalties
3 12 and misused funds. School district funds or insurance
3 13 payments shall not be used to pay these penalties or misused
3 14 funds. All misused funds collected pursuant to this section
3 15 shall be returned to the school district whose funds were
3 16 misused.

3 17 12. An attorney acting on behalf of a school district may
3 18 request a legal opinion of the county attorney or attorney
3 19 general as to whether a proposed use of school district
3 20 resources would violate this section.

3 21 13. All penalties collected by the court for a suit
3 22 initiated in the district court of a county by the attorney
3 23 general pursuant to this section shall be paid to the office
3 24 of the attorney general for the use and reimbursement of costs
3 25 of prosecution pursuant to this section. All penalties
3 26 collected by the court for a suit initiated in the district
3 27 court of a county by a county attorney pursuant to this
3 28 section shall be paid to the county treasurer of the county in
3 29 which the court is held for the use and reimbursement of costs
3 30 of prosecution pursuant to this section.

3 31 14. For purposes of this section, unless the context
3 32 otherwise requires:

3 33 a. "Election" means any election referenced or defined in
3 34 section 39.3.

3 35 b. "Misused funds" means school district moneys or



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 418 - Introduced continued

4 1 resources used pursuant to subsection 1.

4 2 EXPLANATION

4 3 This bill prohibits the use of school district or charter
4 4 school resources or employees to influence elections. For
4 5 each violation of the prohibitions, the district court of a
4 6 county may impose up to a \$500 penalty plus any amount of
4 7 misused funds. A violation by a teacher is misconduct subject
4 8 to disciplinary action by the board of educational examiners.

4 9 In addition, a person cannot aid another person acting on
4 10 behalf of a school district in using school district
4 11 personnel, equipment, materials, buildings or other resources
4 12 for the purpose of influencing the outcome of an election.

4 13 A school district may distribute informational reports on a
4 14 proposed bond election. Nothing in the bill precludes a
4 15 school district from reporting on official actions of the
4 16 board of directors of the school district.

4 17 School district employees shall not give students written
4 18 materials to influence the outcome of an election or to
4 19 advocate support for or opposition to pending or proposed
4 20 legislation, and shall not use the authority of their
4 21 positions to influence the vote or political activities of any
4 22 subordinate employee.

4 23 Teachers cannot advocate one side of a social, political,
4 24 or cultural issue that is a matter of partisan controversy,
4 25 nor can they endorse, support, or oppose any local, state, or
4 26 federal public office candidate, nominee, or official; any
4 27 pending, proposed, or enacted legislation, regulation, or
4 28 rule; any pending or proposed litigation; or any judicial
4 29 action taken; nor can they endorse, support, or engage in any
4 30 activities that hamper or impede the lawful access of military
4 31 recruiters to school attendance center grounds or the actions
4 32 of law enforcement.

4 33 However, nothing in the bill shall be construed as denying
4 34 the civil and political liberties of any person as guaranteed
4 35 by the United States or Iowa Constitution.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 418 - Introduced continued

5 1 The bill requires the attorney general to publish and
5 2 distribute to school districts detailed guidelines regarding
5 3 activities prohibited. The bill also requires the state board
5 4 of education to publish and distribute to school districts and
5 5 school district teachers, employees, parents, and students
5 6 detailed guidelines regarding the rights and responsibilities
5 7 of school districts and school district teachers, employees,
5 8 parents, and students. In addition, the board must require
5 9 teachers to obtain at least three hours of annual training
5 10 concerning the responsibilities of teachers.

5 11 The attorney general or the county attorney for the county
5 12 in which an alleged violation occurred may initiate a suit in
5 13 county district court. All penalties collected must be paid
5 14 to the office of the attorney general or to the county
5 15 treasurer as appropriate for the use and reimbursement of
5 16 costs of prosecution.

5 17 LSB 2350HH 83

5 18 kh/nh/8



Iowa General Assembly
 Daily Bills, Amendments & Study Bills
 February 24, 2009

House File 419 - Introduced

HOUSE FILE

BY MASCHER, WHITEAD, T. TAYLOR,
 D. TAYLOR, FORD, ZIRKELBACH,
 BUKTA, WHITAKER, D. OLSON,
 HUNTER, WINCKLER, LENSING,
 PETERSEN, and WESSEL=KROESCHELL

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

Passed Senate, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to regulation of child care by the department of
 2 human services by providing for licensing of child development
 3 homes, establishing a regulatory fee and appropriating the fee
 4 proceeds, making penalties applicable, and providing effective
 5 dates.

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

7 TLSB 2041YH 83

8 jp/nh/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 419 - Introduced continued

PAG LIN

1 1 DIVISION I
1 2 REGULATORY FEE
1 3 Section 1. NEW SECTION. 237A.4A CHILD CARE REGULATORY
1 4 FEE == CHILD DEVELOPMENT HOME FUND.
1 5 1. The department shall implement a regulatory fee for
1 6 registration or licensure of child care facilities. The fee
1 7 requirements shall provide for tiered amounts based upon a
1 8 child care facility's capacity and a child development home's
1 9 registration category. However, the regulatory fee for child
1 10 development homes shall not exceed one hundred dollars. The
1 11 department shall adopt rules for implementation of the fee.
1 12 2. Regulatory fees collected shall augment existing
1 13 funding for regulation of child care facilities in order to
1 14 phase in annual inspections of child development homes and
1 15 improve inspections of child care centers. The department
1 16 shall not supplant existing funding for regulation of child
1 17 care with funding derived from the regulatory fee. The
1 18 department shall seek to meet the following target percentages
1 19 of the total number of child development homes in the state
1 20 inspected annually in phasing in the annual inspection of all
1 21 child development homes:
1 22 a. For the fiscal year beginning July 1, 2009, twenty
1 23 percent.
1 24 b. For the fiscal year beginning July 1, 2010, forty
1 25 percent.
1 26 c. For the fiscal year beginning July 1, 2011, sixty
1 27 percent.
1 28 d. For the fiscal year beginning July 1, 2012, eighty
1 29 percent.
1 30 e. For the fiscal year beginning July 1, 2013, and
1 31 succeeding fiscal years, one hundred percent.
1 32 3. The target time frame for the department's issuance of
1 33 the report concerning an inspection or other regulatory visit
1 34 to a child care facility is sixty calendar days.
1 35 4. A child care facility fund is created in the state



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 419 - Introduced continued

2 1 treasury under the authority of the department. Regulatory
2 2 fees collected under subsection 1 shall be credited to the
2 3 fund. Moneys credited to the fund shall not revert to any
2 4 other fund and are not subject to transfer except as
2 5 specifically provided by law. Notwithstanding section 12C.7,
2 6 subsection 2, interest or earnings on moneys deposited in the
2 7 fund shall be credited to the fund. Moneys in the fund are
2 8 annually appropriated to the department to be used for
2 9 staffing dedicated to monitoring and regulation of child care
2 10 facilities, contracting, and other expenses for inspection and
2 11 regulation of child care facilities.

2 12 Sec. 2. IMPLEMENTATION. The department of human services
2 13 shall adopt administrative rules to begin implementation of
2 14 the regulatory fee authorized to be imposed by this division
2 15 on or after January 1, 2010.

2 16 DIVISION II

2 17 CHILD DEVELOPMENT HOME LICENSING

2 18 Sec. 3. Section 237A.1, subsections 4 and 5, Code 2009,
2 19 are amended to read as follows:

2 20 4. "Child care center" or "center" means a facility
2 21 providing child care or preschool services for seven or more
2 22 children, except when the facility is ~~registered~~ licensed as a
2 23 child development home.

2 24 5. "Child care facility" or "facility" means a child care
2 25 center, preschool, or a ~~registered~~ child development home.

2 26 Sec. 4. Section 237A.1, subsection 6, Code 2009, is
2 27 amended by striking the subsection.

2 28 Sec. 5. Section 237A.1, subsections 7 and 11, Code 2009
2 29 are amended to read as follows:

2 30 7. "Child development home" means a person or program
2 31 ~~registered~~ licensed under section 237A.3A that may provide
2 32 child care to ~~six~~ one or more children at any one time.

2 33 11. "Involvement with child care" means licensed ~~or~~
2 34 ~~registered~~ under this chapter, employed in a child care
2 35 facility, residing in a child care facility, receiving public



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 419 - Introduced continued

3 1 funding for providing child care, or ~~providing child care as a~~
~~3 2 child care home provider, or residing in a with a person~~
3 3 receiving public funding for providing child care home.

3 4 Sec. 6. Section 237A.1, Code 2009, is amended by adding
3 5 the following new subsection:

3 6 NEW SUBSECTION. 14A. "Relative" means an adult person who
3 7 is, or was at any time, one of the following relatives of a
3 8 child, by means of blood relationship, marriage, or adoption,
3 9 or is a spouse of one of the following relatives:

- 3 10 a. Grandparent.
- 3 11 b. Great-grandparent.
- 3 12 c. Great-great-grandparent.
- 3 13 d. Stepparent, but not the parent of the stepparent.
- 3 14 e. Sibling.
- 3 15 f. Stepsibling.
- 3 16 g. Sibling by at least the half blood.
- 3 17 h. Uncle or aunt by at least the half blood.
- 3 18 i. Great-uncle or great-aunt.
- 3 19 j. Great-great-uncle or great-great-aunt.
- 3 20 k. First cousin.
- 3 21 l. Nephew or niece.
- 3 22 m. Second cousin.

3 23 Sec. 7. Section 237A.3A, subsections 1, 2, and 3, Code
3 24 2009, are amended to read as follows:

3 25 1. REGISTRATION LICENSURE.

3 26 a. A person shall not establish or operate a child
3 27 development home unless the person obtains a ~~certificate of~~
~~3 28 registration~~ license. However, a relative who provides child
3 29 care to only related children or a person providing child care
3 30 to only children from a single unrelated family is not
3 31 required to obtain a license under this section.

3 32 b. The department shall issue a ~~certificate of~~
~~3 33 registration~~ license upon ~~receipt of a statement from the~~
~~3 34 person or upon~~ completion of an inspection conducted by the
3 35 department or a designee of the department verifying that the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 419 - Introduced continued

4 1 person complies with applicable rules adopted by the
4 2 department pursuant to this section and section 237A.12.
4 3 ~~b. c.~~ The ~~certificate of registration~~ license shall be
4 4 posted in a conspicuous place in the child development home
4 5 and shall state the name of the ~~registrant~~ licensee, the
4 6 ~~registration~~ licensure category of the child development home,
4 7 the maximum number of children who may be present for child
4 8 care at any one time, and the address of the child development
4 9 home. In addition, the ~~certificate~~ license shall include a
4 10 checklist of ~~registration~~ licensure compliances.
4 11 ~~e. d.~~ The ~~registration~~ licensure process for a child
4 12 development home shall be repeated every twenty-four months as
4 13 provided by rule.
4 14 ~~d. e.~~ A person who holds a child foster care license under
4 15 chapter 237 shall ~~register~~ be licensed as a child development
4 16 home provider in order to provide child care.
4 17 2. REVOCATION OR DENIAL OF ~~REGISTRATION LICENSE~~. If the
4 18 department has denied or revoked a ~~certificate of registration~~
4 19 license because a person has continually or repeatedly failed
4 20 to operate a ~~registered~~ or licensed child care facility in
4 21 compliance with this chapter and rules adopted pursuant to
4 22 this chapter, the person shall not operate or establish a
4 23 ~~registered~~ child development home for a period of twelve
4 24 months from the date the ~~registration~~ or license was denied or
4 25 revoked. The department shall not act on an application for
4 26 ~~registration~~ licensure submitted by the person during the
4 27 twelve-month period. The applicant or person shall be
4 28 prohibited from involvement with child care unless the
4 29 involvement is specifically permitted by the department.
4 30 3. RULES.
4 31 a. Three categories of standards shall be applicable to
4 32 child development homes. The initial designations of the
4 33 categories, which may be revised by the department, shall be
4 34 "A", "B", and "C", as ranked from less stringent standards and
4 35 capacity to more stringent standards and capacity. The "C"



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 419 - Introduced continued

5 1 ~~registration~~ licensure category standards shall require the
5 2 highest level of provider qualifications and allow the
5 3 greatest capacity of the three categories. The department of
5 4 human services, in consultation with the Iowa department of
5 5 public health, shall adopt rules applying standards to each
5 6 category specifying provider qualifications and training,
5 7 health and safety requirements, capacity, amount of space
5 8 available per child, and other minimum requirements. The
5 9 capacity requirements shall take into consideration the
5 10 provider's own children, children who have a mild illness,
5 11 children receiving part-time child care, and children served
5 12 as a sibling group in overnight care.

5 13 b. The rules shall allow a child development home to be
5 14 ~~registered~~ licensed in a particular category for which the
5 15 provider is qualified even though the amount of space required
5 16 to be available for the maximum number of children authorized
5 17 for that category exceeds the actual amount of space available
5 18 in that home. However, the total number of children
5 19 authorized for the child development home at that category of
5 20 ~~registration~~ licensure shall be limited by the amount of space
5 21 available per child.

5 22 c. In consultation with the state fire marshal, the
5 23 department shall adopt rules relating to the provision of fire
5 24 extinguishers, smoke detectors, and two exits accessible to
5 25 children in a child development home.

5 26 d. The rules shall require a child development home to be
5 27 located in a single-family residence that is owned, rented, or
5 28 leased by the person or, for dual ~~registrations~~ licensees, at
5 29 least one of the persons who is named on the child development
5 30 home's ~~certificate of registration~~ license. For purposes of
5 31 this paragraph, a "single-family residence" includes an
5 32 apartment, condominium, townhouse, or other individual unit
5 33 within a multiple unit residential dwelling, but does not
5 34 include a commercial or industrial building that is primarily
5 35 used for purposes other than a residence.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 419 - Introduced continued

6 1 Sec. 8. Section 237A.4, Code 2009, is amended to read as
6 2 follows:
6 3 237A.4 INSPECTION AND EVALUATION.
6 4 1. The department shall make periodic inspections of
6 5 licensed centers to ensure compliance with licensing
6 6 requirements provided in this chapter, and the local boards of
6 7 health may make periodic inspections of licensed centers to
6 8 ensure compliance with health-related licensing requirements
6 9 provided in this chapter. The department may inspect records
6 10 maintained by a licensed center and may inquire into matters
6 11 concerning these centers and the persons in charge. The
6 12 department shall require that the center be inspected by the
6 13 state fire marshal or a designee for compliance with rules
6 14 relating to fire safety before a license is granted or
6 15 renewed.
6 16 2. The department or a designee may periodically visit
6 17 ~~registered~~ licensed child development homes for the purpose of
6 18 evaluation of an inquiry into matters concerning compliance
6 19 with rules adopted under section 237A.12. Evaluation of child
6 20 development homes under this section may include ~~consultative~~
6 21 consulting services provided pursuant to section 237A.6.
6 22 Sec. 9. Section 237A.5, subsection 1, Code 2009, is
6 23 amended to read as follows:
6 24 1. All personnel in licensed ~~or registered~~ child care
6 25 facilities shall have good health as evidenced by a report
6 26 following a preemployment physical examination taken within
6 27 six months prior to beginning employment or providing child
6 28 care as a child development home licensee. The examination
6 29 shall include communicable disease tests by a licensed
6 30 physician as defined in section 135C.1 and shall be repeated
6 31 every three years after initial employment or licensure, as
6 32 applicable. Controlled medical conditions which would not
6 33 affect the performance of the employee or licensee in the
6 34 capacity employed shall not prohibit employment or licensure.
6 35 Sec. 10. Section 237A.5, subsection 2, paragraph a,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 419 - Introduced continued

7 1 subparagraph (1), subparagraph divisions (a) and (e), Code
7 2 2009, are amended to read as follows:

7 3 (a) The person is being considered for licensure ~~or~~
7 4 ~~registration~~ or is ~~registered~~ or licensed under this chapter.

7 5 (e) The person will reside or resides ~~in~~ with a child care
7 6 ~~home that~~ provider who is not ~~registered~~ subject to licensure
7 7 under this chapter but that receives public funding for
7 8 providing child care.

7 9 Sec. 11. Section 237A.5, subsection 2, paragraph a,
7 10 subparagraph (3), subparagraph division (e), Code 2009, is
7 11 amended to read as follows:

7 12 (e) The department has revoked a person's child care
7 13 facility ~~registration~~ or license due to the person's continued
7 14 or repeated failure to operate the child care facility in
7 15 compliance with this chapter and rules adopted pursuant to
7 16 this chapter.

7 17 Sec. 12. Section 237A.5, subsection 2, paragraph b, Code
7 18 2009, is amended to read as follows:

7 19 b. If an individual person subject to a record check is
7 20 being considered for employment by a child care facility ~~or~~
7 21 ~~child care home~~, in lieu of requesting a record check to be
7 22 conducted by the department under paragraph "c", the child
7 23 care facility ~~or child care home~~ may access the single contact
7 24 repository established pursuant to section 135C.33 as
7 25 necessary to conduct a criminal and child abuse record check
7 26 of the individual. A copy of the results of the record check
7 27 conducted through the single contact repository shall also be
7 28 provided to the department. If the record check indicates the
7 29 individual is a person subject to an evaluation, the child
7 30 care facility ~~or child care home~~ may request that the
7 31 department perform an evaluation as provided in this
7 32 subsection. Otherwise, the individual shall not be employed
7 33 by the child care facility ~~or child care home~~.

7 34 Sec. 13. Section 237A.5, subsection 2, paragraph c,
7 35 unnumbered paragraph 2, Code 2009, is amended to read as



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 419 - Introduced continued

8 1 follows:

8 2 Prior to performing an evaluation, the department shall
8 3 notify the affected person, licensee, ~~registrant~~, or ~~child~~
~~8 4 care home~~ person applying for or receiving public funding for
8 5 providing child care, that an evaluation will be conducted to
8 6 determine whether prohibition of the person's involvement with
8 7 child care is warranted.

8 8 Sec. 14. Section 237A.5, subsection 2, paragraph f,
8 9 subparagraph (2), Code 2009, is amended to read as follows:

8 10 (2) If, within five years prior to the date of application
8 11 for ~~registration or~~ licensure under this chapter, for
8 12 employment or residence in a child care facility ~~or child care~~
~~8 13 home~~, or for receipt of public funding for providing child
8 14 care, a person subject to an evaluation has been convicted of
8 15 a controlled substance offense under chapter 124 or has been
8 16 found to have committed physical abuse, the person shall be
8 17 prohibited from involvement with child care for a period of
8 18 five years from the date of conviction or founded abuse.

8 19 After the five-year prohibition period, the person may submit
8 20 an application for ~~registration or~~ licensure under this
8 21 chapter, or to receive public funding for providing child care
8 22 or may request an evaluation, and the department shall perform
8 23 an evaluation and, based upon the criteria in paragraph "e",
8 24 shall determine whether prohibition of the person's
8 25 involvement with child care continues to be warranted.

8 26 Sec. 15. Section 237A.5, subsection 2, paragraph h, Code
8 27 2009, is amended to read as follows:

8 28 h. If it has been determined that a child receiving child
8 29 care from a child care facility or from a ~~child care home~~
8 30 person who receives public funding for providing child care is
8 31 the victim of founded child abuse committed by an employee,
8 32 license or registration holder, child care home provider
8 33 person who receives public funding for providing child care or
~~8 34 an individual residing with that person, or resident of the~~
8 35 ~~child care facility or child care home~~ for which a report is



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 419 - Introduced continued

9 1 placed in the central registry pursuant to section 232.71D,
9 2 the administrator shall provide notification at the time of
9 3 the determination to the parents, guardians, and custodians of
9 4 children receiving care from the child care facility or ~~child~~
~~9 5 care home person who receives public funding for providing~~
9 6 child care. A notification made under this paragraph shall
9 7 identify the type of abuse but shall not identify the victim
9 8 or perpetrator or circumstances of the founded abuse.

9 9 Sec. 16. Section 237A.5, subsections 3 and 4, Code 2009,
9 10 are amended to read as follows:

9 11 3. ~~On or after July 1, 1994, a~~ A licensee ~~or registrant~~
9 12 shall inform all new applicants for employment of the
9 13 possibility of the performance of a record check and shall
9 14 obtain, from the applicant, a signed acknowledgment of the
9 15 receipt of the information.

9 16 4. ~~On or after July 1, 1994, a~~ A licensee or registrant
9 17 shall include the following inquiry in an application for
9 18 employment: "Do you have a record of founded child or
9 19 dependent adult abuse or have you ever been convicted of a
9 20 crime, in this state or any other state?"

9 21 Sec. 17. Section 237A.6, Code 2009, is amended to read as
9 22 follows:

9 23 237A.6 ~~CONSULTATIVE~~ CONSULTING SERVICES.

9 24 The department shall, and the director of public health
9 25 may, provide ~~consultative~~ consulting services to a person who
9 26 is applying for a license or registration, or who is licensed
9 27 ~~or registered~~ by the administrator under this chapter.

9 28 Sec. 18. Section 237A.8, Code 2009, is amended to read as
9 29 follows:

9 30 237A.8 VIOLATIONS == ACTIONS AGAINST LICENSE ~~OR~~
~~9 31 REGISTRATION~~.

9 32 The administrator, after notice and opportunity for an
9 33 evidentiary hearing before the department of inspections and
9 34 appeals, may suspend or revoke a license ~~or certificate of~~
~~9 35 registration~~ issued under this chapter or may reduce a license



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 419 - Introduced continued

10 1 to a provisional license if the person to whom a license or
10 2 certificate is issued violates a provision of this chapter or
10 3 if the person makes false reports regarding the operation of
10 4 the child care facility to the administrator or a designee of
10 5 the administrator. The administrator shall notify the parent,
10 6 guardian, or legal custodian of each child for whom the person
10 7 provides child care at the time of action to suspend or revoke
10 8 a license ~~or certificate of registration~~.

10 9 Sec. 19. Section 237A.12, subsection 1, unnumbered
10 10 paragraph 1, Code 2009, is amended to read as follows:

10 11 Subject to the provisions of chapter 17A, the department
10 12 shall adopt rules setting minimum standards to provide quality
10 13 child care in the operation and maintenance of child care
10 14 centers and ~~registered~~ child development homes, relating to
10 15 all of the following:

10 16 Sec. 20. Section 237A.12, subsection 1, paragraph c, Code
10 17 2009, amended to read as follows:

10 18 c. The adequacy of activity programs and food services
10 19 available to the children. The department shall not restrict
10 20 the use of or apply nutritional standards to a lunch or other
10 21 meal which is brought to the ~~center, child development home,~~
10 22 ~~or child care home~~ facility by a school-age child for the
10 23 child's consumption.

10 24 Sec. 21. Section 237A.13, subsections 2 and 3, Code 2009,
10 25 are amended to read as follows:

10 26 2. Services under the program may be provided ~~in~~ by a
10 27 licensed child care center, a child development home, the home
10 28 of a relative, the child's own home by a relative or by a
10 29 provider who is licensed under this chapter, a child care
10 30 home, or in a facility exempt from licensing or registration
10 31 under the definition of child care in section 237A.1.

10 32 3. The department shall set reimbursement rates as
10 33 authorized by appropriations enacted for payment of the
10 34 reimbursements. The department shall conduct a statewide
10 35 reimbursement rate survey to compile information on each



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 419 - Introduced continued

11 1 county and the survey shall be conducted at least every two
11 2 years. The department shall set rates in a manner so as to
11 3 provide incentives for an ~~unregistered~~ unlicensed provider to
11 4 become ~~registered~~ licensed.

11 5 Sec. 22. Section 237A.19, subsection 2, Code 2009, is
11 6 amended to read as follows:

11 7 2. ~~If registration is required under section 237A.3A, a A~~
11 8 ~~person who establishes, conducts, manages, or operates a child~~
11 9 ~~development home without registering or a license, a person~~
11 10 ~~who operates a child development home contrary to section~~
11 11 ~~237A.5, or a person who has been prohibited by the department~~
11 12 ~~from involvement with child care but continues that~~

11 13 involvement, commits a simple misdemeanor. Each day of
11 14 continuing violation after conviction, or notice from the
11 15 department by certified mail of the violation, is a separate
11 16 offense. A single charge alleging continuing violation may be
11 17 made in lieu of filing charges for each day of violation.

11 18 Sec. 23. Section 237A.19, subsection 3, Code 2009, is
11 19 amended by striking the subsection.

11 20 Sec. 24. Section 237A.20, Code 2009, is amended to read as
11 21 follows:

11 22 237A.20 INJUNCTION.

11 23 A person who establishes, conducts, manages, or operates a
11 24 child care center or a child development home without a
11 25 ~~license or a child development home without a certificate of~~
11 26 ~~registration, if registration is required under section~~
11 27 ~~237A.3A, may be restrained by temporary or permanent~~
11 28 injunction. A person who has been convicted of a crime
11 29 against a person, a person with a record of founded child
11 30 abuse, or a person who has been prohibited by the department
11 31 from involvement with child care may be restrained by
11 32 temporary or permanent injunction from providing ~~unregistered,~~
11 33 ~~registered, or~~ licensed child care or from other involvement
11 34 with child care. The action may be instituted by the state,
11 35 the county attorney, a political subdivision of the state, or



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 419 - Introduced continued

12 1 an interested person.

12 2 Sec. 25. Section 237A.21, subsection 1, Code 2009, is
12 3 amended to read as follows:

12 4 1. A state child care advisory council is established
12 5 consisting of not more than thirty-five members from urban and
12 6 rural areas across the state. The membership shall include,
12 7 but is not limited to, all of the following persons or
12 8 representatives with an interest in child care: a licensed
12 9 center provider, a ~~registered~~ child development home provider
12 10 from a county with a population of less than twenty-two
12 11 thousand, ~~an unregistered child care home provider~~, a parent
12 12 of a child in child care, staff members of appropriate
12 13 governmental agencies, and other members as deemed necessary
12 14 by the director. The members are eligible for reimbursement
12 15 of their actual and necessary expenses while engaged in
12 16 performance of their official duties.

12 17 Sec. 26. Section 237A.21, subsection 3, paragraph a, Code
12 18 2009, is amended to read as follows:

12 19 a. Two parents of a child served by a ~~registered~~ child
12 20 development home.

12 21 Sec. 27. Section 237A.21, subsection 3, paragraph e, Code
12 22 2009, is amended by striking the paragraph.

12 23 Sec. 28. Section 237A.25, subsection 2, paragraphs b and
12 24 e, Code 2009, are amended to read as follows:

12 25 b. Information explaining important considerations a
12 26 consumer should take into account in selecting a licensed ~~or~~
~~12 27 registered~~ child care provider.

12 28 e. An explanation of what it means for a provider to be
12 29 licensed, ~~registered, or unregistered~~ or unlicensed.

12 30 Sec. 29. Section 237A.26, subsection 3, paragraph a, Code
12 31 2009, is amended to read as follows:

12 32 a. Organize assistance to ~~child care homes and child~~
12 33 development homes utilizing training levels based upon ~~the~~
~~12 34 homes'~~ a home's degrees of experience and interest.

12 35 Sec. 30. Section 237A.26, subsection 6, paragraphs a, e,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 419 - Introduced continued

13 1 and h, Code 2009, are amended to read as follows:

13 2 a. Assist families in selecting quality child care. The
13 3 agency must provide referrals to ~~registered and~~ licensed child
13 4 care facilities, and to persons providing care, supervision,
13 5 and guidance of a child which is not defined as child care
13 6 under section 237A.1 ~~and may provide referrals to unregistered~~
~~13 7 providers.~~

13 8 e. Provide specialized services to employers, including
13 9 the provision of resource and referral services to employe
13 10 groups identified by the employer and the provision of
13 11 technical assistance to develop employer-supported child care
13 12 programs. The specialized services may include but are not
13 13 limited to working with employers to identify networks of
13 14 recommended ~~registered and~~ licensed child care providers for
13 15 employee groups and to implement employer-supported quality
13 16 improvement initiatives among the network providers.

13 17 h. Administer funding designated within the grant to
13 18 provide a substitute caregiver program for ~~registered~~ child
13 19 development homes to provide substitute child care in a home
13 20 when the home provider is ill, on vacation, receiving
13 21 training, or is otherwise unable to provide the care.

13 22 Sec. 31. Section 237A.26, subsection 8, Code 2009, is
13 23 amended to read as follows:

13 24 8. For purposes of improving the quality and consistency
13 25 of data collection, consultation, and other support to ~~child~~
~~13 26 care home and~~ child development home providers, a resource and
13 27 referral services agency grantee shall coordinate and assist
13 28 with publicly and privately funded efforts administered at the
13 29 community level to provide the support. The support and
13 30 efforts addressed by a grantee may include but are not limited
13 31 to community-funded ~~child care home and~~ child development home
13 32 consultants. Community members involved with the assistance
13 33 may include but are not limited to the efforts of a community
13 34 empowerment area board under chapter 28, and of community
13 35 representatives of education, health, human services,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 419 - Introduced continued

15 1 health care provider location.

15 2 Sec. 37. Section 142D.2, subsection 16, paragraphs t and
15 3 u, Code 2009, is amended to read as follows:

15 4 t. Private residences only when used as a child care
15 5 facility, ~~a child care home~~, or health care provider location.

15 6 u. Child care facilities ~~and child care homes~~.

15 7 Sec. 38. Section 142D.4, subsection 1, Code 2009, is
15 8 amended to read as follows:

15 9 1. Private residences, unless used as a child care
15 10 facility, ~~child care home~~, or a health care provider location.

15 11 Sec. 39. Section 232.69, subsection 1, paragraph b,
15 12 subparagraph (5), Code 2009, is amended to read as follows:

15 13 (5) An employee or operator of a licensed child care
15 14 center, ~~registered or~~ child development home, head start
15 15 program, family development and self-sufficiency grant program
15 16 under section 216A.107, or healthy opportunities for parents
15 17 to experience success==healthy families Iowa program under
15 18 section 135.106.

15 19 Sec. 40. Section 235A.15, subsection 2, paragraph c,
15 20 subparagraph (3), Code 2009, is amended to read as follows:

15 21 (3) To an administrator of a child care facility
15 22 ~~registered or~~ licensed under chapter 237A if the data concerns
15 23 a person employed or being considered for employment by or
15 24 living in the facility.

15 25 Sec. 41. Section 237.1, subsection 4, paragraph d, Code
15 26 2009, is amended to read as follows:

15 27 d. Child care furnished by a child care center, ~~or~~ or a child
15 28 development home, ~~or a child care home~~ as defined in section
15 29 237A.1.

15 30 Sec. 42. Section 237A.3B, Code 2009, is amended to read as
15 31 follows:

15 32 237A.3B SMOKING PROHIBITED.

15 33 Smoking, as defined in section 142D.2, shall not be
15 34 permitted in a child care facility ~~or child care home~~.

15 35 Sec. 43. Section 256C.3, subsection 3, paragraph e, Code



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 419 - Introduced continued

16 1 2009, is amended to read as follows:

16 2 e. Collaboration with participating families, early care
16 3 providers, and community partners including but not limited to
16 4 community empowerment area boards, head start programs, shared
16 5 visions and other programs provided under the auspices of the
16 6 child development coordinating council, licensed child care
16 7 centers, ~~registered~~ and child development homes, area
16 8 education agencies, child care resource and referral services
16 9 provided under section 237A.26, early childhood special
16 10 education programs, services funded by Title I of the federal
16 11 Elementary and Secondary Education Act of 1965, and family
16 12 support programs.

16 13 Sec. 44. Section 256C.3, subsection 4, paragraph b, Code
16 14 2009, is amended to read as follows:

16 15 b. Subject to implementation of chapter 28E agreements
16 16 between a school district and community-based providers of
16 17 services to four-year-old children, a four-year-old child who
16 18 is enrolled in a child care center or child development home
16 19 licensed ~~or registered~~ under chapter 237A, or in an existing
16 20 public or private preschool program, shall be eligible for
16 21 services provided by the school district's local preschool
16 22 program.

16 23 Sec. 45. EFFECTIVE DATE. This division of this Act takes
16 24 effect July 1, 2013.

16 25 EXPLANATION

16 26 This bill relates to regulation of child care by the
16 27 department of human services by providing for licensing of
16 28 child development homes, establishing a regulatory fee, and
16 29 appropriating the fee proceeds. The bill is organized into
16 30 divisions.

16 31 REGULATORY FEE. This division authorizes the department to
16 32 impose a regulatory fee on licensed child care centers and
16 33 registered child care homes, applying tiered amounts based
16 34 upon a child care facility's capacity and a child development
16 35 home category. The maximum regulatory fee for a child



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 419 - Introduced continued

17 1 development home is \$100. The purpose of the regulatory fee
17 2 is to augment existing funding for regulation of child care
17 3 facilities in order to phase in annual inspections of child
17 4 development homes and improve inspections of child care
17 5 centers. The fee proceeds are credited into a new fund which
17 6 is appropriated to the department for the regulatory costs.
17 7 The division includes implementation targets to phase in an
17 8 annual inspection of each child development home by the fiscal
17 9 year beginning July 1, 2013.
17 10 CHILD DEVELOPMENT HOME LICENSING. This division requires
17 11 licensing of child care providers.
17 12 Code section 237A.1, providing definitions, is amended to
17 13 define the term "relative" to mean an adult person who is, or
17 14 was at any time, one of a child's relatives that is listed in
17 15 the bill, by means of blood relationship, marriage, or
17 16 adoption, or is a spouse of one of the relatives listed in the
17 17 bill. The list of relatives includes siblings, grandparents,
17 18 cousins, aunts, and uncles.
17 19 Under current law in Code section 237A.3, a person or
17 20 program providing child care to five children or fewer at any
17 21 one time is a child care home provider and is not required to
17 22 register under Code section 237A.3A as a child development
17 23 home. The bill repeals Code section 237A.3 and revises the
17 24 definition of child development home to mean care provided to
17 25 one or more children. The bill provides an exemption to the
17 26 licensure requirement for a relative who provides child care
17 27 to only related children or a person providing child care to
17 28 only children from a single unrelated family.
17 29 Registration-related terminology is replaced with
17 30 licensure-related terminology throughout Code chapter 237A.
17 31 Code section 237A.5 provisions relating to criminal and
17 32 abuse record checks of child care providers are amended to
17 33 eliminate references to the term "child care home" while
17 34 maintaining requirements for persons who are not required to
17 35 register or license under Code chapter 237A but receive public



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 419 - Introduced continued

18 1 funding for providing child care or individuals who live with
18 2 such persons. Conforming amendments are included to eliminate
18 3 the term "child care home".

18 4 Code section 237A.13, relating to the state child care
18 5 assistance program, is amended to provide that care under the
18 6 program must be provided by a licensed provider unless
18 7 specifically exempt under the child care definition.

18 8 Code section 237A.19 provides for a simple misdemeanor
18 9 penalty for each day of violation of operating a child
18 10 development home without being licensed. With the bill's
18 11 change in the number of children receiving child care from a
18 12 child development home, this penalty would apply to a person
18 13 providing care to one or more children without being licensed
18 14 as a child development home provider. The penalty in Code
18 15 section 237A.19 for a person operating a child care home or
18 16 having involvement with child care when prohibited is stricken
18 17 and the involvement penalty in the stricken subsection is
18 18 moved by the bill to a different subsection.

18 19 Code section 237A.21, relating to the state child care
18 20 advisory council, is amended to remove child care home
18 21 providers from the required membership.

18 22 Existing law in Code section 237A.3A authorizes the
18 23 department to revoke or deny a child care registration for a
18 24 provider's continual failure to comply with requirements. The
18 25 bill contains an uncodified provision providing that the
18 26 provider's failure to comply with registration requirements
18 27 prior to July 1, 2013, can be used for denial of child
18 28 development home licensing.

18 29 The division takes effect July 1, 2013.

18 30 CONFORMING AMENDMENTS. This division eliminates references
18 31 to the term "child care home" and to registered child care in
18 32 various Code provisions, primarily other than Code chapter
18 33 237A.

18 34 The division takes effect July 1, 2013.

18 35 LSB 2041YH 83



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009**

House File 419 - Introduced continued

19 1 jp/nh/24.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 420 - Introduced

HOUSE FILE
BY COMMITTEE ON LABOR

(SUCCESSOR TO HF 80)

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act concerning civil service commissions, disciplinary
- 2 procedures, and residency requirements for civil service
- 3 employees.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1634HV 83
- 6 md/rj/5



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009**

House File 420 - Introduced continued

PAG LIN

1 1 Section 1. Section 400.1, subsection 1, Code 2009, is
 1 2 amended to read as follows:
 1 3 1. In cities having a population of eight thousand or over
 1 4 and having a paid fire department or a paid police department,
 1 5 the mayor, one year after a regular city election, with the
 1 6 approval of the council, shall appoint three civil service
 1 7 commissioners ~~who~~. The mayor shall publish notice of the
 1 8 names of persons selected for appointment no less than thirty
 1 9 days prior to a vote by the city council. Commissioners shall
 1 10 hold office, one until the first Monday in April of the second
 1 11 year, one until the first Monday in April of the third year,
 1 12 and one until the first Monday in April of the fourth year
 1 13 after such appointment, whose successors shall be appointed
 1 14 for a term of four years. In cities having a population of
 1 15 more than seventy thousand, the city council may establish, by
 1 16 ordinance, the number of civil service commissioners at not
 1 17 less than three.

1 18 Sec. 2. Section 400.2, Code 2009, is amended to read as
 1 19 follows:

1 20 400.2 QUALIFICATIONS == ~~CONFLICT OF INTEREST~~ PROHIBITED
 1 21 CONTRACTS.

1 22 1. The commissioners must be citizens of Iowa, eligible
 1 23 electors as defined in chapter 39, and residents of the city
 1 24 preceding their appointment, and shall serve without
 1 25 compensation. A person, while on the commission, shall not
 1 26 hold or be a candidate for any office of public trust.
 1 27 However, when a human rights commission has been established
 1 28 by a city, the director of the commission shall ex officio be
 1 29 a member, without vote, of the civil service commission.

1 30 2. Civil service commissioners, with respect to the city
 1 31 in which they are commissioners, shall not do any of the
 1 32 following:

1 33 a. ~~sell~~ Sell to, or in any manner become parties, directly
 1 34 or indirectly, to any contract to furnish supplies, material,
 1 35 or labor to the city ~~in which they are commissioners except as~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

~~House File 420 — Introduced continued~~

~~2 1 provided in section 362.5.~~

2 2 b. Have an interest, direct or indirect, in any contract
2 3 or job of work or material or the profits thereof or services
2 4 to be furnished or performed for the city.

2 5 3. A contract entered into in violation of subsection 2 is
2 6 void.

2 7 4. A violation of ~~this conflict of interest provision the~~
2 8 provisions contained in subsection 2 is a simple misdemeanor.

2 9 Sec. 3. Section 400.9, subsection 2, Code 2009, is amended
2 10 to read as follows:

2 11 2. The commission shall establish guidelines for
2 12 conducting the examinations under subsection 1. It may prepare
2 13 and administer the examinations or may hire persons with
2 14 expertise to do so if the commission approves the examinations
2 15 and if the examinations apply to the position in the city for
2 16 which the applicant is taking the examination. It may also
2 17 hire persons with expertise to consult in the preparation of
2 18 such examinations if the persons so hired are employed to aid
2 19 personnel of the commission in assuring that a fair
2 20 examination is conducted. A fair examination shall explore the
2 21 competence of the applicant in the particular field of
2 22 examination. The names of persons approved to administer any
2 23 examination under this section shall be posted in the city
2 24 hall at least twenty-four hours prior to the examination.

2 25 Sec. 4. Section 400.11, unnumbered paragraph 5, Code 2009,
2 26 is amended to read as follows:

2 27 When there is no such preferred list or certified eligible
2 28 list, or when the eligible list shall be exhausted, the person
2 29 or body having the appointing power may temporarily fill a
2 30 newly created office or other vacancy only until an
2 31 examination can be held and the names of qualified persons be
2 32 certified by the commission, and such temporary appointments
2 33 are hereby limited to ninety days for any one person in the
2 34 same vacancy, but such limitation shall not apply to persons
2 35 temporarily acting in positions regularly held by another. A



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009**

House File 420 - Introduced continued

3 1 temporary appointment to a position regularly held by another
 3 2 shall, whenever possible, be made according to the certified
 3 3 eligible list. Any person temporarily filling a vacancy in a
 3 4 position of higher grade for twenty days or more, shall
 3 5 receive the salary paid in such higher grade.

3 6 Sec. 5. Section 400.17, unnumbered paragraphs 3 and 4,
 3 7 Code 2009, are amended to read as follows:

3 8 Employees shall not be required to be a resident of the
 3 9 city in which ~~they~~ the employees are employed, but they shall
~~3 10 become a resident of the state at the time such appointment or~~
~~3 11 employment begins and shall remain a resident of the state~~
~~3 12 during employment. Cities~~ However, cities may set a
 3 13 reasonable maximum ~~distances~~ distance outside of the corporate
 3 14 limits of the city, or a reasonable maximum travel time, that
 3 15 police officers, fire fighters, and other critical municipal
 3 16 employees may live from their place of employment.

3 17 A person shall not be appointed, promoted, discharged, or
 3 18 demoted to or from a civil service position or in any other
 3 19 way favored or discriminated against in that position because
 3 20 of political or religious opinions or affiliations, race,
 3 21 national origin, sex, or age, or in retaliation for the
 3 22 exercise of any right enumerated in this chapter. However,
 3 23 the maximum age for a police officer or fire fighter covered
 3 24 by this chapter and employed for police duty or the duty of
 3 25 fighting fires is sixty-five years of age.

3 26 Sec. 6. Section 400.18, Code 2009, is amended to read as
 3 27 follows:

3 28 400.18 REMOVAL, DEMOTION, OR SUSPENSION.

3 29 1. ~~No~~ A person holding civil service rights as provided in
 3 30 this chapter shall not be removed, demoted, or suspended
 3 31 arbitrarily, except as otherwise provided in this chapter, but
 3 32 may be removed, demoted, or suspended after a hearing by a
 3 33 majority vote of the civil service commission, for neglect of
 3 34 duty, disobedience, misconduct, or failure to properly perform
 3 35 the person's duties.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 420 - Introduced continued

4 1 2. The party alleging neglect of duty, disobedience,
4 2 misconduct, or failure to properly perform a duty shall have
4 3 the burden of proof.

4 4 3. A person subject to a hearing has the right to be
4 5 represented by counsel at the person's expense or by the
4 6 person's authorized collective bargaining representative.

4 7 Sec. 7. Section 400.26, Code 2009, is amended to read as
4 8 follows:

4 9 400.26 PUBLIC TRIAL.

4 10 The trial of all appeals shall be public, and the parties
4 11 may be represented by counsel or by the parties' authorized
4 12 collective bargaining representative.

4 13 EXPLANATION

4 14 This bill makes several changes to the civil service law.
4 15 The bill specifies what contracting activities of
4 16 commissioners are prohibited.

4 17 The bill requires the names of persons administering any
4 18 appointment or promotion examination to be posted in the city
4 19 hall prior to the examination. The bill also requires an
4 20 appointing authority to use the list of qualified candidates
4 21 for temporary appointments whenever possible.

4 22 Under current law, an employee under civil service is
4 23 required to be a resident of the state. The bill eliminates
4 24 the state residency requirement for civil service employees.
4 25 The bill authorizes cities to set reasonable maximum travel
4 26 times that police officers, fire fighters, and other critical
4 27 employees may live from their place of employment, in addition
4 28 to the cities' current authority to set reasonable maximum
4 29 distances that such employees may live outside of the
4 30 corporate limits of the city.

4 31 The bill prohibits retaliation against any individual based
4 32 upon the exercise of any right enumerated in Code chapter 400.
4 33 The bill specifies that the burden of proof is on the employer
4 34 to prove neglect of duty, disobedience, misconduct, or failure
4 35 to perform a duty.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 420 - Introduced continued

5 1 The bill specifies who may represent an employee during a
5 2 hearing or trial.
5 3 LSB 1634HV 83
5 4 md/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 421 - Introduced

HOUSE FILE
BY UPMEYER

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

A BILL FOR

- 1 An Act relating to the impoundment of a motor vehicle by a law
- 2 enforcement agency.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1518YH 83
- 5 jm/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 421 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 321.89A REMOVAL OF PERSONAL
1 2 PROPERTY FROM AN IMPOUNDED VEHICLE.
1 3 A law enforcement agency that impounds a motor vehicle
1 4 pursuant to section 321.20B, 321.89, or 321J.4B, or for any
1 5 other purpose, shall remove all personal property from the
1 6 motor vehicle upon impoundment, inventory the items of
1 7 personal property, and store the items until such time the
1 8 motor vehicle is reclaimed. If the impounded motor vehicle is
1 9 not reclaimed and the vehicle is considered abandoned under
1 10 section 321.89, the personal property from the vehicle shall
1 11 be considered abandoned and disposed of as provided by law.

1 12 EXPLANATION

1 13 This bill relates to the impoundment of a motor vehicle by
1 14 a law enforcement agency. The bill requires a law enforcement
1 15 agency that impounds a motor vehicle pursuant to Code section
1 16 321.20B, 321.89, or 321J.4B, or for any other purpose, shall
1 17 remove all personal property from the vehicle upon
1 18 impoundment, inventory the items, and store the items until
1 19 such time the vehicle is reclaimed. If the impounded motor
1 20 vehicle is not reclaimed and the vehicle is considered
1 21 abandoned under Code section 321.89, the personal property
1 22 from the vehicle shall be considered abandoned and disposed of
1 23 as provided by law.

1 24 LSB 1518YH 83

1 25 jm/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 422 - Introduced

HOUSE FILE
BY REICHERT

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

A BILL FOR

- 1 An Act relating to motor vehicle emission standards.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2044HH 83
- 4 tm/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 422 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 455B.135A MOTOR VEHICLE EMISSION
1 2 STANDARDS.

1 3 1. Except as provided in subsection 2, the commission
1 4 shall establish by rule motor vehicle emissions standards for
1 5 passenger cars, light duty trucks, and medium duty passenger
1 6 vehicles, for model years beginning with the model year 2011,
1 7 or as soon as allowable under federal law, which are based on
1 8 and similar to the California motor vehicle emissions
1 9 standards in title 13 of the California code of regulations
1 10 and consistent with 42 U.S.C. } 7507.

1 11 2. The commission may decline to adopt all or part of the
1 12 California motor vehicle emissions standards if it determines
1 13 in writing, based on substantial evidence and after a public
1 14 hearing, that the emissions standards and a compliance program
1 15 similar to that of the state of California will not achieve,
1 16 in the aggregate, greater motor vehicle pollution reductions
1 17 than the federal standards and compliance program for any such
1 18 model year.

1 19 3. The commission may exempt from the requirements of this
1 20 section any of the following:

1 21 a. Out-of-state registered vehicles transferred by
1 22 inheritance, or by decree of divorce, dissolution, or legal
1 23 separation entered by a court of competent jurisdiction.

1 24 b. Vehicles purchased by nonresidents prior to
1 25 establishing residency in Iowa.

1 26 c. Previously owned vehicles which were originally
1 27 purchased in states with emissions standards different from
1 28 the standards established pursuant to this section.

1 29 EXPLANATION

1 30 This bill would require the environmental protection
1 31 commission to establish motor vehicle emissions standards, for
1 32 model years beginning with the model year 2011, based on and
1 33 similar to the California motor vehicle emissions standards
1 34 and consistent with federal law. The commission would have
1 35 discretion not to adopt these standards if it found that the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009**

House File 422 - Introduced continued

2 1 California emissions standards will not achieve greater motor
2 2 vehicle pollution reductions than the federal standards.
2 3 The bill would also allow the commission to exempt the
2 4 following vehicles from this requirement: out-of-state
2 5 registered vehicles transferred by inheritance, or by decree
2 6 of divorce, dissolution, or legal separation entered by a
2 7 court of competent jurisdiction; vehicles purchased by
2 8 nonresidents prior to establishing residency in Iowa; and
2 9 previously owned vehicles which were originally purchased in
2 10 states with emissions standards different from the standards
2 11 established by the commission.
2 12 LSB 2044HH 83
2 13 tm/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 423 - Introduced

HOUSE FILE
BY BELL

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

A BILL FOR

- 1 An Act relating to landlord and tenant law by modifying
- 2 requirements related to rental deposits, providing for the
- 3 establishment of a landlord=tenant relations review board, and
- 4 requiring certain premises to have an on=site manager.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TLSB 2386HH 83
- 7 md/sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 423 - Introduced continued

PAG LIN

1 1 Section 1. Section 543B.8, Code 2009, is amended by adding
1 2 the following new unnumbered paragraph:

1 3 NEW UNNUMBERED PARAGRAPH. A landlord=tenant relations
1 4 review board is established in the department of commerce
1 5 within the real estate commission. The landlord=tenant
1 6 relations review board shall carry out duties specified in
1 7 sections 562A.12A and 562A.35A. The commission shall provide
1 8 staff assistance and administrative support to the
1 9 landlord=tenant relations review board.

1 10 Sec. 2. Section 562A.12, subsection 3, unnumbered
1 11 paragraph 1, Code 2009, is amended to read as follows:

1 12 A landlord shall, within thirty days from the date of
1 13 termination of the tenancy and receipt of the tenant's mailing
1 14 address or delivery instructions, return the rental deposit to
1 15 the tenant or furnish to the tenant a written statement
1 16 showing the specific reason for withholding of the rental
1 17 deposit or any portion thereof. If the rental deposit or any
1 18 portion of the rental deposit is withheld for the restoration
1 19 of the dwelling unit, the statement shall specify the nature
1 20 of the damages. In addition to a written statement of the
1 21 reasons for withholding a rental deposit, the landlord shall
1 22 provide photographic documentation of any damage described in
1 23 the written statement and provide copies of all documentation
1 24 related to any inspection conducted following termination of
1 25 the tenancy. The landlord may withhold from the rental
1 26 deposit only such amounts as are reasonably necessary for the
1 27 following reasons:

1 28 Sec. 3. Section 562A.12, subsection 3, unnumbered
1 29 paragraph 2, Code 2009, is amended to read as follows:

1 30 In ~~an~~ a court action, or in a proceeding pursuant to
1 31 section 562A.35A, subsection 5, concerning the rental deposit,
1 32 the burden of proving, by a preponderance of the evidence, the
1 33 reason for withholding all or any portion of the rental
1 34 deposit shall be on the landlord.

1 35 Sec. 4. NEW SECTION. 562A.12A LANDLORD RENTAL DEPOSIT



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 423 - Introduced continued

2 1 REPORTS.

2 2 The landlord of a premises having twenty=five or more
2 3 rental dwelling units shall file an annual landlord rental
2 4 deposit report for the previous calendar year with the
2 5 landlord=tenant relations review board on or before February
2 6 1. Each report shall provide the reasons for each rental
2 7 deposit, or portion thereof, withheld by the landlord, the
2 8 original rental deposit amount, and the amount withheld. The
2 9 real estate commission, in consultation with the
2 10 landlord=tenant relations review board, shall prescribe a
2 11 standardized form for reports required under this section.

2 12 Sec. 5. Section 562A.13, Code 2009, is amended by adding
2 13 the following new subsection:

2 14 NEW SUBSECTION. 7. The landlord or a person authorized to
2 15 enter into a rental agreement on behalf of the landlord shall
2 16 provide to the tenant at or before the commencement of the
2 17 tenancy all of the following:

2 18 a. A written statement of all damage to the dwelling unit
2 19 caused by the previous tenant.

2 20 b. Photographs of the dwelling unit taken during the
2 21 inspection conducted at the expiration of the previous
2 22 tenancy.

2 23 c. A written statement of all restoration or repairs made
2 24 following the expiration of the previous tenancy.

2 25 Sec. 6. Section 562A.15, Code 2009, is amended by adding
2 26 the following new subsection:

2 27 NEW SUBSECTION. 5. The landlord of a premises having
2 28 twenty=five or more rental dwelling units is required to
2 29 employ an on=site manager. The on=site manager may either
2 30 reside on the premises or operate an office on the premises
2 31 during normal business hours. A landlord may serve as an
2 32 on=site manager.

2 33 Sec. 7. NEW SECTION. 562A.35A LANDLORD=TENANT RELATIONS
2 34 REVIEW BOARD.

2 35 1. The landlord=tenant relations review board is



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 423 - Introduced continued

3 1 established in the department of commerce within the real
3 2 estate commission. The landlord=tenant relations review board
3 3 shall consist of three members. Members of the board shall be
3 4 appointed to four=year staggered terms by the governor.
3 5 2. a. A vacancy on the board shall be filled in the same
3 6 manner as the original appointment. A member appointed to
3 7 fill a vacancy created other than by expiration of a term
3 8 shall be appointed for the remainder of the unexpired term.
3 9 b. A majority of the members of the board constitutes a
3 10 quorum. Any action taken by the board must be adopted by the
3 11 affirmative vote of a majority of its membership.
3 12 c. The board shall elect a chairperson from the membership
3 13 of the board. The chairperson shall serve a two=year term.
3 14 d. Board members shall be reimbursed for actual and
3 15 necessary expenses incurred while engaged in their official
3 16 duties.
3 17 3. The real estate commission shall provide staff
3 18 assistance and administrative support to the board.
3 19 4. The duties of the board shall include all of the
3 20 following:
3 21 a. Adopt and publish guidelines that estimate common
3 22 restoration and replacement costs to landlords following
3 23 termination of a tenancy.
3 24 b. Propose rules, for approval by the real estate
3 25 commission and adoption by the commission pursuant to chapter
3 26 17A, describing the reporting requirements for landlords
3 27 pursuant to section 562A.12A.
3 28 c. Hear and decide voluntary informal dispute resolution
3 29 proceedings pursuant to subsection 5.
3 30 d. Receive and index rental deposit complaints against
3 31 landlords from current and former tenants.
3 32 e. Compile and make available an annual report consisting
3 33 of all landlord rental deposit reports received pursuant to
3 34 section 562A.12A, a summary of the board's informal dispute
3 35 resolution proceedings, and an index of all landlord rental



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 423 - Introduced continued

4 1 deposit complaints received from tenants.
4 2 5. a. The board shall preside over voluntary informal
4 3 dispute resolution proceedings between tenants and landlords
4 4 relating to the withholding of rental deposits under section
4 5 562A.12, subsection 3, paragraph "b".
4 6 b. An application for voluntary informal dispute
4 7 resolution must be voluntarily signed and submitted by both
4 8 parties. The board shall determine a time and place for the
4 9 proceeding and provide written notice of the proceeding to the
4 10 parties.
4 11 c. The board shall adopt procedures to govern proceedings
4 12 under this subsection. The procedures shall be provided to
4 13 the parties in writing and shall accompany the notice of the
4 14 proceeding.
4 15 d. The rules of evidence shall not apply to a proceeding
4 16 under this subsection. The board shall review any relevant
4 17 evidence provided by the parties and the rental agreement
4 18 governing the tenancy.
4 19 e. The burden of proving, by a preponderance of the
4 20 evidence, the reason for withholding all or any portion of the
4 21 rental deposit shall be on the landlord.
4 22 f. The board shall issue a decision in the dispute no
4 23 later than ten days after completion of the proceeding. The
4 24 board's decision is binding on the landlord and tenant if both
4 25 parties have voluntarily participated in the proceeding. A
4 26 decision of the board shall preclude other remedies available
4 27 to the parties relating to the withholding of the rental
4 28 deposit under section 562A.12, subsection 3, paragraph "b".
4 29 However, a board decision may be enforced by a civil action in
4 30 district court, and damages and attorney fees specified in
4 31 section 562A.12, subsections 7 and 8, may be awarded by the
4 32 court.
4 33 g. Section 562A.12, subsections 7 and 8, relating to
4 34 punitive damages and attorney fees, shall not apply to
4 35 voluntary informal dispute resolution proceedings under this



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 423 - Introduced continued

5 1 subsection.

5 2 6. No member of the board may be held liable for civil
5 3 damages for any statement or decision made pertaining to a
5 4 dispute resolution proceeding under this section.

5 5 7. The real estate commission, in consultation with the
5 6 board, shall adopt rules pursuant to chapter 17A for carrying
5 7 out the duties of the board pursuant to this section.

5 8 8. The board shall, except for actions taken in relation
5 9 to proceedings under subsection 5, comply with the
5 10 requirements of chapters 21 and 22. The real estate
5 11 commission shall be the official repository of board records.

5 12 EXPLANATION

5 13 This bill makes changes to Iowa's uniform residential
5 14 landlord and tenant law. The bill requires that in addition
5 15 to a written statement of the reasons for withholding a rental
5 16 deposit, a landlord must provide photographic documentation of
5 17 any damage described in the written statement and provide
5 18 copies of all documentation related to any inspection
5 19 conducted following termination of the tenancy. The bill also
5 20 requires a landlord to provide a new tenant with information
5 21 about, and photographs of, the damage caused by the previous
5 22 tenant, including any repairs made by the landlord.

5 23 The bill also creates a landlord-tenant relations review
5 24 board. The board consists of three members appointed by the
5 25 governor. The bill directs the real estate commission, within
5 26 the department of commerce, to provide staff assistance and
5 27 administrative support to the board.

5 28 Under the bill, the board is responsible for adopting
5 29 guidelines that estimate common restoration and repair costs
5 30 to landlords, adopting requirements for the landlord rental
5 31 deposit reports required under the bill, deciding informal
5 32 dispute resolution proceedings relating to rental deposits,
5 33 indexing rental deposit complaints against landlords, and
5 34 preparing an annual report of the board's actions.

5 35 The bill provides that the board shall preside over



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 423 - Introduced continued

6 1 voluntary informal dispute resolution proceedings between
6 2 tenants and landlords relating to the withholding of a rental
6 3 deposit for the restoration or repair of a dwelling unit. The
6 4 bill also provides that a decision of the board precludes
6 5 other available remedies relating to the withholding of a
6 6 rental deposit for the restoration or repair of the dwelling
6 7 unit. However, the bill allows a party to enforce a board
6 8 decision by a civil action in district court.
6 9 The bill requires each landlord of a premises having 25 or
6 10 more rental dwelling units to file an annual landlord rental
6 11 deposit report describing each rental deposit withheld by the
6 12 landlord and the reasons for the withholding.
6 13 The bill also requires a landlord of a premises having 25
6 14 or more dwelling units to employ an on-site manager. If a
6 15 landlord fails to comply with the bill's on-site manager
6 16 requirement, the landlord may be subject to tenant remedies
6 17 provided in Code section 562A.21.
6 18 LSB 2386HH 83
6 19 md/sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 424 - Introduced

HOUSE FILE
BY WHITAKER

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

A BILL FOR

1 An Act relating to hours-of-service requirements for certain
2 commercial motor vehicle operators hauling agricultural
3 commodities or farm supplies.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2468YH 83
6 dea/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 424 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.449, Code 2009, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 8. a. Rules adopted under this section
1 4 pertaining to compliance with requirements under 49 C.F.R.
1 5 part 395 shall not apply to agricultural operations that are
1 6 engaged in intrastate commerce at any time of the year within
1 7 a one hundred air mile radius from the source of the
1 8 agricultural commodity or the distribution point for the farm
1 9 supplies for agricultural purposes.
1 10 b. For purposes of this subsection, the following
1 11 definitions apply:
1 12 (1) "Agricultural commodity" means any agricultural
1 13 commodity, nonprocessed food, feed, fiber, or livestock,
1 14 including insects.
1 15 (2) "Agricultural operations" means the operation of a
1 16 motor vehicle or combination of vehicles transporting
1 17 agricultural commodities or farm supplies for agricultural
1 18 purposes.
1 19 (3) "Farm supplies for agricultural purposes" means
1 20 products directly related to the growing or harvesting of
1 21 agricultural commodities and livestock feed at any time of the
1 22 year.
1 23 (4) "Livestock" means cattle, sheep, goats, swine,
1 24 poultry, including egg-producing poultry, fish used for food,
1 25 and other animals designated by the secretary of the United
1 26 States department of transportation, at the sole discretion of
1 27 the secretary, that are part of a foundation herd, including
1 28 producing dairy cattle, or offspring.
1 29 EXPLANATION
1 30 This bill exempts drivers of certain commercial motor
1 31 vehicles from hours-of-service and recordkeeping requirements
1 32 provided in federal law and adopted by Iowa under
1 33 administrative rules. Under the bill, the rules shall not
1 34 apply to drivers of vehicles operating intrastate transporting
1 35 agricultural commodities or farm supplies within a 100-mile



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009**

House File 424 - Introduced continued

- 2 1 radius from the source of the commodities or supplies. The
- 2 2 exemption applies year-round.
- 2 3 LSB 2468YH 83
- 2 4 dea/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 425 - Introduced

HOUSE FILE
BY UPMEYER

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

A BILL FOR

- 1 An Act relating to grandparent and great-grandparent visitation.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2148YH 83
- 4 pf/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 425 - Introduced continued

PAG LIN

1 1 Section 1. Section 600.11, subsection 2, paragraph e, Code
1 2 2009, is amended to read as follows:

1 3 e. A person who has been granted or who has previously
1 4 petitioned for visitation rights with the child to be adopted
1 5 pursuant to section 600C.1.

1 6 Sec. 2. Section 600A.5, subsection 3, paragraph b, Code
1 7 2009, is amended by adding the following new subparagraph:

1 8 NEW SUBPARAGRAPH. (7) Living grandparents or
1 9 great-grandparents of the child under the following
1 10 circumstances:

1 11 (a) The parents of the child are married.

1 12 (b) The parents of the child are unmarried and the
1 13 grandparent or great-grandparent is the parent or
1 14 great-grandparent of the mother, or the grandparent or
1 15 great-grandparent is the parent or great-grandparent of the
1 16 father and the father's paternity of the child has been
1 17 legally established.

1 18 Sec. 3. Section 600C.1, Code 2009, is amended by striking
1 19 the section and inserting in lieu thereof the following:

1 20 600C.1 GRANDPARENT AND GREAT=GRANDPARENT VISITATION.

1 21 1. The grandparent or great-grandparent of a minor child
1 22 may petition the court for grandchild or great-grandchild
1 23 visitation under any of the following circumstances:

1 24 a. During the pendency of or after a decree or final order
1 25 is issued in a dissolution, legal separation, child support,
1 26 or annulment proceeding of the parent of the child if the
1 27 proceeding involves the child. The remarriage of a parent
1 28 does not affect the authority of a court to grant visitation
1 29 to any grandparent or great-grandparent under this section.

1 30 b. If either parent of the child is deceased,
1 31 notwithstanding the remarriage of the surviving parent of the
1 32 child or the adoption of the child by the spouse of the
1 33 surviving parent of the child.

1 34 c. If the parents of the child are unmarried and the
1 35 grandparent or great-grandparent is the parent or grandparent



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 425 - Introduced continued

2 1 of the mother, or if the grandparent or great-grandparent is
2 2 the parent or grandparent of the father and the father's
2 3 paternity of the child has been legally established.
2 4 d. During the pendency of a termination of parental rights
2 5 proceeding involving the child and prior to the issuance of an
2 6 order granting the petition for termination of parental
2 7 rights.
2 8 e. During the pendency of an adoption proceeding involving
2 9 the child and prior to the issuance of a final adoption
2 10 decree.
2 11 2. The court may grant visitation to the grandparent or
2 12 great-grandparent if the court finds that the grandparent or
2 13 great-grandparent has an interest in the welfare of the child
2 14 and that granting of visitation is in the best interest of the
2 15 child based upon all of the following considerations as
2 16 applicable to the circumstances specified in subsection 1:
2 17 a. The prior interaction and interrelationship of the
2 18 child with the child's parents, siblings, and other persons
2 19 related by consanguinity or affinity, and with the grandparent
2 20 or great-grandparent.
2 21 b. The geographical location of the residence of each
2 22 parent or prospective adoption petitioner and the distance
2 23 between those residences, and the geographical location of the
2 24 grandparent's or great-grandparent's residence and the
2 25 distance between the grandparent's or great-grandparent's
2 26 residence and the child's residence.
2 27 c. The child's and parents' or prospective adoption
2 28 petitioner's available time, including but not limited to each
2 29 parent's or prospective adoption petitioner's employment
2 30 schedule, the child's school schedule, and the child's and the
2 31 parents' or prospective adoption petitioner's holiday and
2 32 vacation schedule.
2 33 d. The age of the child.
2 34 e. The child's adjustment to home, school, and community.
2 35 f. If the court has interviewed the child regarding the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 425 - Introduced continued

3 1 wishes and concerns of the child as to visitation by the
3 2 grandparent or great-grandparent, the wishes and concerns of
3 3 the child, as expressed to the court.
3 4 g. The health and safety of the child.
3 5 h. The amount of time that will be available for the child
3 6 to spend with siblings.
3 7 i. The mental and physical health of all parties.
3 8 j. Each parent's or prospective adoption petitioner's
3 9 willingness to miss or reschedule parenting time or visitation
3 10 to provide visitation with the grandparent or
3 11 great-grandparent.
3 12 k. Whether the grandparent or great-grandparent previously
3 13 has been convicted of or pleaded guilty to any criminal
3 14 offense involving any act that resulted in a child being an
3 15 abused child or a neglected child; whether the grandparent or
3 16 great-grandparent, in a case in which a child has been
3 17 adjudicated an abused child or a neglected child, previously
3 18 has been determined to be the perpetrator of the abusive or
3 19 neglectful act that is the basis of the adjudication; whether
3 20 either parent or a prospective adoption petitioner previously
3 21 has been convicted of or pleaded guilty to a crime involving
3 22 domestic abuse involving a victim who at the time of the
3 23 commission of the offense was a member of the family or
3 24 household that is the subject of the current proceeding;
3 25 whether either parent or a prospective adoption petitioner
3 26 previously has been convicted of an offense involving a victim
3 27 who at the time of the commission of the offense was a member
3 28 of the family or household that is the subject of the current
3 29 proceeding and caused physical harm to the victim in the
3 30 commission of the offense; and whether there is reason to
3 31 believe that the grandparent or great-grandparent has acted in
3 32 a manner resulting in a child being an abused child or a
3 33 neglected child.
3 34 l. Whether the custodial parent or a parent subject to a
3 35 shared parenting decree or order has continuously and



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 425 - Introduced continued

4 1 willfully denied the other parent's right to parenting time in
4 2 accordance with an order of the court.

4 3 m. Whether either parent or the adoption petitioner has
4 4 established a residence or is planning to establish a
4 5 residence outside the state.

4 6 n. The wishes and concerns of the child's parents or the
4 7 adoption petitioner, as expressed by them to the court.

4 8 o. Any other factor in the best interest of the child.

4 9 3. For the purposes of this section, "court" means the
4 10 district court or the juvenile court if that court currently
4 11 has jurisdiction over the child in a pending action. If an
4 12 action is not pending, the district court has jurisdiction.

4 13 4. Notwithstanding any provision of this chapter to the
4 14 contrary, venue for any action to establish, enforce, or
4 15 modify visitation under this section shall be in the county
4 16 where either parent resides if no final custody order
4 17 determination relating to the grandchild or great-grandchild
4 18 has been entered by any other court. If a final custody order
4 19 has been entered by any other court, venue shall be located
4 20 exclusively in the county where the most recent final custody
4 21 order was entered. If any other custodial proceeding is
4 22 pending when an action to establish, enforce, or modify
4 23 visitation under this section is filed, venue shall be located
4 24 exclusively in the county where the pending custodial
4 25 proceeding was filed. If the action is brought during the
4 26 pendency of a termination of parental rights proceeding, venue
4 27 shall be as provided in section 600A.5. If the action is
4 28 brought during the pendency of an adoption proceeding, venue
4 29 shall be as provided in section 600.3.

4 30 5. Notice of any proceeding to establish, enforce, or
4 31 modify visitation under this section shall be personally
4 32 served upon all parents of a child or a prospective adoption
4 33 petitioner whose interests are affected by a proceeding
4 34 brought pursuant to this section and all grandparents or
4 35 great-grandparents who have previously obtained a final order



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 425 - Introduced continued

5 1 or commenced a proceeding under this section.
5 2 6. The court shall not enter any temporary order to
5 3 establish, enforce, or modify visitation under this section.
5 4 7. An action brought under this section is subject to
5 5 chapter 598B, and in an action brought to establish, enforce,
5 6 or modify visitation under this section, each party shall
5 7 submit in its first pleading or in an attached affidavit all
5 8 information required by section 598B.209.
5 9 8. In any action brought to establish, enforce, or modify
5 10 visitation under this section, the court may award attorney
5 11 fees to the prevailing party in an amount deemed reasonable by
5 12 the court.
5 13 9. If a proceeding to establish or enforce visitation
5 14 under this section is commenced when a dissolution of marriage
5 15 proceeding is pending concerning the parents of the affected
5 16 minor child, the record and evidence of the dissolution action
5 17 shall remain impounded pursuant to section 598.26. The
5 18 impounded information shall not be released or otherwise made
5 19 available to any person who is not the petitioner or
5 20 respondent or an attorney of record in the dissolution of
5 21 marriage proceeding. Access to the impounded information by
5 22 the attorney of record for the grandparent or
5 23 great-grandparent shall be limited to only that information
5 24 relevant to the grandparent's or great-grandparent's request
5 25 for visitation.

5 26 EXPLANATION

5 27 This bill amends the grandparent visitation law (Code
5 28 chapter 600C). Current law allows a grandparent or
5 29 great-grandparent to petition for visitation of a minor child.
5 30 The court must consider a fit parent's objections to granting
5 31 visitation, and a rebuttable presumption arises that a fit
5 32 parent's decision to deny visitation to a grandparent or
5 33 great-grandparent is in the best interest of a minor child.
5 34 The court may grant visitation to the grandparent or
5 35 great-grandparent if the court finds all of the following by



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House File 425 - Introduced continued

6 1 clear and convincing evidence: the grandparent or
6 2 great=grandparent has established a substantial relationship
6 3 with the child prior to the filing of the petition; the parent
6 4 who is being asked to temporarily relinquish care, custody,
6 5 and control of the child to provide visitation is unfit to
6 6 make the decision regarding visitation; and it is in the best
6 7 interest of the child to grant such visitation.

6 8 The bill strikes the current provisions and instead
6 9 provides that the grandparent or great=grandparent of a minor
6 10 child may petition the court for visitation of a minor child
6 11 only under specified circumstances: during the pendency of or
6 12 after a decree or final order is issued in a dissolution,
6 13 legal separation, child support, or annulment proceeding of
6 14 the parent of a child if the proceeding involves the child; if
6 15 either parent of the child is deceased; if the parents of the
6 16 child are unmarried and, in the case of the grandparent or
6 17 great=grandparent who is the parent or grandparent of the
6 18 father, the father's paternity of the child has been legally
6 19 established; during the pendency of a termination of parental
6 20 rights proceeding; or during the pendency of an adoption
6 21 proceeding.

6 22 The bill provides that the court may grant visitation to
6 23 the grandparent or great=grandparent if the court finds that
6 24 the grandparent or great=grandparent has an interest in the
6 25 welfare of the child and that granting of visitation is in the
6 26 best interest of the child. The court is to make this
6 27 determination based upon a listing of considerations
6 28 including, as applicable to the circumstances: the prior
6 29 interaction and interrelationship of the child with the
6 30 child's parents, siblings, and other persons related by
6 31 consanguinity or affinity, and with the grandparent or
6 32 great=grandparent; the geographical location of the residences
6 33 of each of the parties and the distance between the
6 34 residences; the child's and parents' or prospective adoptive
6 35 parent's available time; the age of the child; the child's



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009**

House File 425 - Introduced continued

7 1 adjustment to home, school, and community; if the court has
7 2 interviewed the child, the wishes and concerns of the child;
7 3 the health and safety of the child; the amount of time that
7 4 will be available for the child to spend with siblings; the
7 5 mental and physical health of all parties; each parent's or
7 6 prospective adoptive parent's willingness to miss or
7 7 reschedule parenting time or visitation to provide visitation
7 8 with the grandparent or great-grandparent; any of the party's
7 9 previous convictions of certain crimes or involvement in the
7 10 abuse or neglect of a child; whether the custodial parent or a
7 11 parent subject to a shared parenting decree or order has
7 12 continuously and willfully denied the other parent's right to
7 13 parenting time in accordance with an order of the court;
7 14 whether either parent or a prospective adoptive parent has
7 15 established a residence or is planning to establish a
7 16 residence outside the state; the wishes and concerns of the
7 17 child's parents or prospective adoptive parent, as expressed
7 18 by them to the court; and any other factor in the best
7 19 interest of the child.
7 20 The bill also provides procedural and jurisdictional
7 21 provisions that exist under the current law.
7 22 LSB 2148YH 83
7 23 pf/nh/14.1



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009**

House Resolution 20 - Introduced

PAG LIN

H.R. _____ S.R. _____

1 1 HOUSE RESOLUTION NO.
 1 2 BY REICHERT, BERRY, THEDE, H. MILLER,
 1 3 FORD, BURT, ABDUL=SAMAD, and KAUFMANN
 1 4 A Resolution to honor the life and work of Alexander G.
 1 5 Clark.
 1 6 WHEREAS, as a young man, Alexander G. Clark settled
 1 7 in Bloomington, Iowa, now Muscatine, and made it his
 1 8 home for a half century; and
 1 9 WHEREAS, in his lifetime, Mr. Clark was a barber,
 1 10 an investor, an entrepreneur, an educator, a soldier,
 1 11 a politician, an attorney, a newspaper publisher, a
 1 12 statesman, and the United States ambassador to
 1 13 Liberia; and
 1 14 WHEREAS, Mr. Clark was the second African-American
 1 15 to graduate from the University of Iowa Law School ==
 1 16 the first being his own son; and
 1 17 WHEREAS, Mr. Clark was a founder of the African
 1 18 Methodist Episcopal Church of Muscatine and a founder
 1 19 of Prince Hall Masonry throughout the Midwest; and
 1 20 WHEREAS, Mr. Clark was a pioneer in humanitarian
 1 21 and social justice issues in Muscatine, Iowa; and
 1 22 WHEREAS, Mr. Clark led the legal fight to
 1 23 desegregate Iowa's schools in 1867=1868; and
 1 24 WHEREAS, Mr. Clark and his associates, white and
 1 25 black, advanced the interests of all people in
 1 26 establishing legal recognition for equal rights in the
 1 27 State of Iowa; and
 1 28 WHEREAS, Mr. Clark traveled the country speaking
 1 29 for a diverse and egalitarian future for the United
 1 30 States of America; and



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009**

House Resolution 20 - Introduced continued

2 1 WHEREAS, Mr. Clark accepted an appointment and
2 2 served his country as Minister and Consul-General to
2 3 the Black Free State of Liberia; and
2 4 WHEREAS, Mr. Clark became known as the "Colored
2 5 Orator of the West," and the oration at his funeral
2 6 declared him "one of the underground railroad
2 7 engineers and conductors, whose field was the South,
2 8 whose depot was the North, and whose freight was human
2 9 souls"; and
2 10 WHEREAS, Mr. Clark was buried in 1891 at Greenwood
2 11 Cemetery in Muscatine; and
2 12 WHEREAS, February 25, 2009, is the 183rd
2 13 anniversary of the birth of this equal rights pioneer;
2 14 NOW THEREFORE,
2 15 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
2 16 That the House of Representatives recognizes the week
2 17 of February 22 to February 28, 2009, as Alexander G.
2 18 Clark Week to honor his work for justice and fairness
2 19 and his memory as a truly great Iowan.
2 20 LSB 2127HH 83
2 21 jr/rj/14.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House Study Bill 223

HOUSE FILE
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON PETERSEN)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act requiring certain health insurance contracts, policies, or
2 plans to provide coverage for audiological services and
3 hearing aids for children.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2095HC 83
6 av/rj/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House Study Bill 223 continued

PAG LIN

1 1 Section 1. NEW SECTION. 514C.24 AUDIOLOGICAL SERVICES
1 2 AND HEARING AIDS FOR CHILDREN == COVERAGE.
1 3 1. Notwithstanding the uniformity of treatment
1 4 requirements of section 514C.6, a contract, policy, or plan
1 5 providing for third-party payment or prepayment of health or
1 6 medical expenses shall provide minimum coverage benefits for
1 7 audiological services and hearing aids for children, including
1 8 but not limited to the following classes of third-party
1 9 payment provider contracts, policies, or plans delivered,
1 10 issued for delivery, continued, or renewed in this state on or
1 11 after January 1, 2010:
1 12 a. Individual or group accident and sickness insurance
1 13 providing coverage on an expense-incurred basis.
1 14 b. An individual or group hospital or medical service
1 15 contract issued pursuant to chapter 509, 514, or 514A.
1 16 c. An individual or group health maintenance organization
1 17 contract regulated under chapter 514B.
1 18 d. An individual or group Medicare supplemental policy,
1 19 unless coverage pursuant to such policy is preempted by
1 20 federal law.
1 21 e. A plan established pursuant to chapter 509A for public
1 22 employees.
1 23 2. This section shall not apply to accident-only,
1 24 specified disease, short-term hospital or medical, hospital
1 25 confinement indemnity, credit, dental, vision, long-term care,
1 26 basic hospital and medical=surgical expense coverage as
1 27 defined by the commissioner, disability income insurance
1 28 coverage, coverage issued as a supplement to liability
1 29 insurance, workers' compensation or similar insurance, or
1 30 automobile medical payment insurance.
1 31 3. As used in this section, "minimum coverage for
1 32 audiological services and hearing aids for children" means
1 33 coverage that includes at a minimum all of the following:
1 34 a. Coverage for audiological evaluations performed by a
1 35 licensed audiologist.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House Study Bill 223 continued

2 1 b. Coverage for hearing aids that are recommended by a
2 2 licensed audiologist and dispensed by a licensed hearing aid
2 3 dispenser for children up to eighteen years of age.

2 4 c. Coverage for an ear mold and a hearing aid for each
2 5 hearing-impaired ear payable every twenty-four months for
2 6 children up to eighteen years of age and coverage for up to
2 7 four additional ear molds per year for children up to three
2 8 years of age.

2 9 4. The commissioner of insurance shall adopt rules
2 10 pursuant to chapter 17A as necessary to administer this
2 11 section.

2 12 EXPLANATION

2 13 This bill requires insurers offering certain individual or
2 14 group health insurance contracts, policies, or plans in the
2 15 state to provide coverage for certain audiological services
2 16 and hearing aids for children.

2 17 The provisions of the bill are applicable to third-party
2 18 payment provider contracts, policies, or plans delivered,
2 19 issued for delivery, continued, or renewed in this state on or
2 20 after January 1, 2010.

2 21 The commissioner of insurance is required to adopt rules
2 22 under Code chapter 17A to administer the provisions of the
2 23 bill.

2 24 The bill requires such insurers to provide minimum coverage
2 25 for audiological services and hearing aids for children which
2 26 must include, at a minimum, coverage for audiological
2 27 evaluations performed by a licensed audiologist, coverage for
2 28 hearing aids that are recommended by a licensed audiologist
2 29 and dispensed by a licensed hearing aid dispenser for children
2 30 up to 18 years of age, coverage for an ear mold and a hearing
2 31 aid for each hearing-impaired ear payable every 24 months for
2 32 children up to 18 years of age, and coverage for up to four
2 33 additional ear molds per year for children up to three years
2 34 of age.

2 35 LSB 2095HC 83



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009**

House Study Bill 223 continued

3 1 av/rj/24.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House Study Bill 224

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

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the recognition and enforcement of
- 2 foreign=country money judgments and providing for the Act's
- 3 applicability.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1959HC 83
- 6 da/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House Study Bill 224 continued

PAG LIN

1 1 DIVISION I
1 2 UNIFORM FOREIGN=COUNTRY MONEY JUDGMENTS RECOGNITION ACT
1 3 Section 1. NEW SECTION. 626B.101 SHORT TITLE.
1 4 This chapter may be cited as the "Uniform Foreign=Country
1 5 Money Judgments Recognition Act".
1 6 Sec. 2. NEW SECTION. 626B.102 DEFINITIONS.
1 7 As used in this chapter:
1 8 1. "Foreign country" means a government other than any of
1 9 the following:
1 10 a. The United States.
1 11 b. A state, district, commonwealth, territory, or insular
1 12 possession of the United States.
1 13 c. Any other government with regard to which the decision
1 14 in this state as to whether to recognize a judgment of that
1 15 government's courts is initially subject to determination
1 16 under the full faith and credit clause of Article IV, section
1 17 1, of the Constitution of the United States.
1 18 d. Any Indian or Alaska native tribe, band, nation,
1 19 pueblo, village, or community that the United States secretary
1 20 of the interior recognizes as an Indian tribe.
1 21 2. "Foreign=country judgment" means a judgment of a court
1 22 of a foreign country.
1 23 Sec. 3. NEW SECTION. 626B.103 APPLICABILITY.
1 24 1. Except as otherwise provided in subsection 2, this
1 25 chapter applies to a foreign=country judgment to the extent
1 26 that all of the following apply to the judgment:
1 27 a. It grants or denies recovery of a sum of money.
1 28 b. Under the law of the foreign country where rendered, it
1 29 is final, conclusive, and enforceable.
1 30 2. This chapter does not apply to a foreign=country
1 31 judgment, even if the judgment grants or denies recovery of a
1 32 sum of money, to the extent that the judgment is any of the
1 33 following:
1 34 a. A judgment for taxes.
1 35 b. A fine or other penalty.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House Study Bill 224 continued

2 1 c. A judgment for divorce, support, or maintenance, or
2 2 other judgment rendered in connection with domestic relations.

2 3 3. A party seeking recognition of a foreign=country
2 4 judgment has the burden of establishing that this chapter
2 5 applies to the foreign=country judgment.

2 6 Sec. 4. NEW SECTION. 626B.104 STANDARDS FOR RECOGNITION
2 7 OF FOREIGN=COUNTRY JUDGMENT.

2 8 1. Except as otherwise provided in subsections 2 and 3, a
2 9 court of this state shall recognize a foreign=country judgment
2 10 to which this chapter applies.

2 11 2. A court of this state shall not recognize a
2 12 foreign=country judgment if any of the following applies:

2 13 a. The judgment was rendered under a judicial system that
2 14 does not provide impartial tribunals or procedures compatible
2 15 with the requirements of due process of law.

2 16 b. The foreign court did not have personal jurisdiction
2 17 over the defendant.

2 18 c. The foreign court did not have jurisdiction over the
2 19 subject matter.

2 20 3. A court of this state need not recognize a
2 21 foreign=country judgment if any of the following apply:

2 22 a. The defendant in the proceeding in the foreign court
2 23 did not receive notice of the proceeding in sufficient time to
2 24 enable the defendant to defend.

2 25 b. The judgment was obtained by fraud that deprived the
2 26 losing party of an adequate opportunity to present its case.

2 27 c. The judgment or the cause of action on which the
2 28 judgment is based is repugnant to the public policy of this
2 29 state or of the United States.

2 30 d. The judgment conflicts with another final and
2 31 conclusive judgment.

2 32 e. The proceeding in the foreign court was contrary to an
2 33 agreement between the parties under which the dispute in
2 34 question was to be determined otherwise than by proceedings in
2 35 that foreign court.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House Study Bill 224 continued

3 1 f. In the case of jurisdiction based only on personal
3 2 service, the foreign court was a seriously inconvenient forum
3 3 for the trial of the action.

3 4 g. The judgment was rendered in circumstances that raise
3 5 substantial doubt about the integrity of the rendering court
3 6 with respect to the judgment.

3 7 h. The specific proceeding in the foreign court leading to
3 8 the judgment was not compatible with the requirements of due
3 9 process of law.

3 10 4. A party resisting recognition of a foreign-country
3 11 judgment has the burden of establishing that a ground for
3 12 nonrecognition stated in subsection 2 or 3 exists.

3 13 Sec. 5. NEW SECTION. 626B.105 PERSONAL JURISDICTION.

3 14 1. A foreign-country judgment shall not be refused
3 15 recognition for lack of personal jurisdiction if any of the
3 16 following apply:

3 17 a. The defendant was served with process personally in the
3 18 foreign country.

3 19 b. The defendant voluntarily appeared in the proceeding,
3 20 other than for the purpose of protecting property seized or
3 21 threatened with seizure in the proceeding or of contesting the
3 22 jurisdiction of the court over the defendant.

3 23 c. The defendant, before the commencement of the
3 24 proceeding, had agreed to submit to the jurisdiction of the
3 25 foreign court with respect to the subject matter involved.

3 26 d. The defendant was domiciled in the foreign country when
3 27 the proceeding was instituted or was a corporation or other
3 28 form of business organization that had its principal place of
3 29 business in, or was organized under the laws of, the foreign
3 30 country.

3 31 e. The defendant had a business office in the foreign
3 32 country and the proceeding in the foreign court involved a
3 33 cause of action arising out of business done by the defendant
3 34 through that office in the foreign country.

3 35 f. The defendant operated a motor vehicle or airplane in



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House Study Bill 224 continued

4 1 the foreign country and the proceeding involved a cause of
4 2 action arising out of that operation.
4 3 2. The list of bases for personal jurisdiction in
4 4 subsection 1 is not exclusive. The courts of this state may
4 5 recognize bases of personal jurisdiction other than those
4 6 listed in subsection 1 as sufficient to support a
4 7 foreign=country judgment.
4 8 Sec. 6. NEW SECTION. 626B.106 PROCEDURE FOR RECOGNITION
4 9 OF FOREIGN=COUNTRY JUDGMENT.
4 10 1. If recognition of a foreign=country judgment is sought
4 11 as an original matter, the issue of recognition shall be
4 12 raised by filing an action seeking recognition of the
4 13 foreign=country judgment.
4 14 2. If recognition of a foreign=country judgment is sought
4 15 in a pending action, the issue of recognition may be raised by
4 16 counterclaim, cross=claim, or affirmative defense.
4 17 Sec. 7. NEW SECTION. 626B.107 EFFECT OF RECOGNITION OF
4 18 FOREIGN=COUNTRY JUDGMENT.
4 19 If the court in a proceeding under section 626B.106 finds
4 20 that the foreign=country judgment is entitled to recognition
4 21 under this chapter then, to the extent that the
4 22 foreign=country judgment grants or denies recovery of a sum of
4 23 money, the foreign=country judgment is all of the following:
4 24 1. Conclusive between the parties to the same extent as
4 25 the judgment of a sister state entitled to full faith and
4 26 credit in this state would be conclusive.
4 27 2. Enforceable in the same manner and to the same extent
4 28 as a judgment rendered in this state.
4 29 Sec. 8. NEW SECTION. 626B.108 STAY OF PROCEEDINGS
4 30 PENDING APPEAL OF FOREIGN=COUNTRY JUDGMENT.
4 31 If a party establishes that an appeal from a
4 32 foreign=country judgment is pending or will be taken, the
4 33 court may stay any proceedings with regard to the
4 34 foreign=country judgment until the appeal is concluded, the
4 35 time for appeal expires, or the appellant has had sufficient



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House Study Bill 224 continued

5 1 time to prosecute the appeal and has failed to do so.

5 2 Sec. 9. NEW SECTION. 626B.109 STATUTE OF LIMITATIONS.

5 3 An action to recognize a foreign=country judgment must be
5 4 commenced within the earlier of the time during which the
5 5 foreign=country judgment is effective in the foreign country
5 6 or fifteen years from the date that the foreign=country
5 7 judgment became effective in the foreign country.

5 8 Sec. 10. NEW SECTION. 626B.110 UNIFORMITY OF
5 9 INTERPRETATION.

5 10 In applying and construing this chapter, consideration must
5 11 be given to the need to promote uniformity of the law with
5 12 respect to its subject matter among states that enact the
5 13 "Uniform Foreign=Country Money Judgments Recognition Act".

5 14 Sec. 11. NEW SECTION. 626B.111 SAVING CLAUSE.

5 15 This chapter does not prevent the recognition under
5 16 principles of comity or otherwise of a foreign=country
5 17 judgment not within the scope of this chapter.

5 18 Sec. 12. APPLICABILITY TO ACTIONS COMMENCED ON OR AFTER
5 19 THE EFFECTIVE DATE OF THIS ACT. This Act applies to all
5 20 actions commenced on or after the effective date of this Act
5 21 in which the issue of recognition of a foreign=country
5 22 judgment is raised.

5 23 DIVISION II
5 24 CONFORMING PROVISIONS

5 25 Sec. 13. Section 624.24, Code 2009, is amended to read as
5 26 follows:

5 27 624.24 WHEN JUDGMENT LIEN ATTACHES.

5 28 When the real estate lies in the county wherein the
5 29 judgment of the district court of this state or of the circuit
5 30 or district courts of the United States was entered in the
5 31 judgment docket and lien index kept by the clerk of the court
5 32 having jurisdiction, the lien shall attach from the date of
5 33 such entry of judgment, but if in another it will not attach
5 34 until an attested copy of the judgment is filed in the office
5 35 of the clerk of the district court of the county in which the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009**

House Study Bill 224 continued

6 1 real estate lies except for ~~a foreign judgments~~ judgment
 6 2 pursuant to ~~chapters~~ chapter 626A, and foreign=country money
 6 3 judgment pursuant to chapter 626B, and or tribal judgments as
 6 4 ~~defined in section 626D.2~~ court judgment pursuant to chapter
 6 5 626D, which shall not attach until an appeal is proceedings to
 6 6 challenge such judgment as authorized by its chapter have been
 6 7 concluded, and the time for the appeal has expired, or the
 6 8 stay of execution has expired or was vacated pursuant to
 6 9 section 626A.4, 626B.3, 626B.5, or 626D.7 district court finds
 6 10 that any such judgment is entitled to recognition. In such
 6 11 cases, the lien shall attach on the date the clerk of court
 6 12 files an attested copy of the judgment in the office of the
 6 13 clerk of the district court of the county in which the real
 6 14 estate lies in any of the following circumstances:
 6 15 1. ~~The foreign or tribal judgment has not been appealed~~
 6 16 ~~and the time for filing an appeal has expired.~~
 6 17 2. ~~The foreign or tribal judgment has been appealed and~~
 6 18 ~~the judgment has been affirmed on appeal and is not subject to~~
 6 19 ~~further appeal.~~
 6 20 3. ~~An appeal from a foreign or tribal judgment has been~~
 6 21 ~~filed and a stay from such judgment has not been granted by~~
 6 22 ~~the district court to the appealing party.~~

DIVISION III

REPEALS

6 25 Sec. 14. Sections 626B.1, 626B.2, 626B.3, 626B.4, 626B.5,
 6 26 626B.6, 626B.7, and 626B.8, Code 2009, are repealed.

EXPLANATION

6 28 BACKGROUND. This bill provides for the enactment of the
 6 29 "Uniform Foreign=Country Money Judgments Recognition Act"
 6 30 promulgated in 2005 by the National Conference of
 6 31 Commissioners on Uniform State Laws (NCCUSL). Its purpose is
 6 32 to provide for the uniform enforcement of foreign=country
 6 33 judgments in all state courts. The bill is a revision of a
 6 34 model act adopted by NCCUSL in 1962, and enacted by the
 6 35 general assembly in 1989 (1989 Iowa Acts, chapter 173). The



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House Study Bill 224 continued

7 1 bill replaces the provisions of the old model Act and enacts
7 2 new provisions in the same Code chapter 626B.
7 3 OPERATION. The bill provides for how a state court may
7 4 recognize a foreign=country judgment for purposes of
7 5 enforcement. Once recognized, the judgment creditor may
7 6 proceed against a judgment debtor's property to satisfy the
7 7 judgment amount. In addition, once the foreign=country
7 8 judgment is recognized, it is conclusive between the parties
7 9 (Code section 626B.107(1)) and may be enforced as if it were a
7 10 judgment of a sister state, subject to full faith and credit
7 11 (Code section 626B.107(2)).
7 12 In order for district court to recognize a foreign=country
7 13 judgment district, two conditions must be satisfied. First,
7 14 the judgment must grant or deny the recovery of money (Code
7 15 section 626.103(1)(a)) and second, the judgment must be final,
7 16 conclusive, and enforceable in that foreign=country country
7 17 (Code section 626B.103(1)(b)).
7 18 EXCEPTIONS. Two classes of exceptions apply to deny
7 19 recognition. First, certain money judgments are excluded
7 20 including judgments on taxes, fines or other penalties, and
7 21 judgments relating to divorce or domestic relations (Code
7 22 section 626B.103(1)(b)). Second, the foreign=country
7 23 proceedings or the foreign=country judgment are excluded if
7 24 they are objectionable. In some cases, denial is mandatory
7 25 and in other cases it is left to the discretion of the
7 26 district court. The district court must deny recognition if
7 27 the foreign=country court was biased or provided inadequate
7 28 standards for due process or there was a lack of jurisdiction,
7 29 either personal jurisdiction over the defendant or subject
7 30 matter jurisdiction (Code section 626B.104(2)). There are
7 31 detailed standards set forth for when personal jurisdiction
7 32 standards are satisfied (Code section 626B.105). In addition,
7 33 the district court may deny recognition based on any one of a
7 34 number of grounds generally based on serious defects in the
7 35 foreign=country court's proceedings, conflicts with another



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

House Study Bill 224 continued

8 1 final and conclusive judgment, or because of public policy
8 2 (Code section 626B.104(3)).

8 3 PROCEDURE. The party seeking to enforce a foreign=country
8 4 judgment may bring an original cause of action in district
8 5 court (Code section 626B.106(1)) or may file a counterclaim,
8 6 cross=claim, or affirmative defense in a pending action (Code
8 7 section 626B.106(2)). The party seeking recognition of the
8 8 foreign=country judgment has the burden to prove that it is
8 9 subject to the bill's provisions (Code section 626B.103(3)).
8 10 Once it is determined that recognition may be granted, the
8 11 burden shifts to the resisting party to prove a specific
8 12 ground exists for denying recognition (Code section
8 13 626B.104(4)). The district court may stay a proceeding if a
8 14 party establishes that an appeal of a foreign=country judgment
8 15 is pending, until the issue is resolved (Code section
8 16 626B.108).

8 17 STATUTE OF LIMITATIONS. A special statute of limitations
8 18 applies to enforcement of a foreign=country judgment. The
8 19 limitation either applies at the end of the period in the
8 20 foreign country when the judgment can no longer be enforced
8 21 under its law, or if there is no statute of limitations in the
8 22 foreign country, after 15 years from the time the judgment is
8 23 effective in the foreign country, whichever is earlier (Code
8 24 section 626B.109).

8 25 APPLICABILITY. The new provisions in the bill apply to all
8 26 actions commenced on or after the effective date of the bill
8 27 in which the issue of recognition of a foreign=country
8 28 judgment is raised.

8 29 DEVIATION FROM THE MODEL ACT. The bill provides that a
8 30 foreign country does not include an Indian or Alaska native
8 31 community that the United States secretary of the interior
8 32 recognizes as an Indian tribe (these judgments are recognized
8 33 in Code chapter 626D).

8 34 CONFORMING PROVISIONS. The bill amends Code section 626.24
8 35 which provides for the attachment of a lien in cases of



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009**

House Study Bill 224 continued

9 1 foreign=country money judgments (Code chapter 626B) as well as
9 2 a foreign judgment (Code chapter 626A) or tribal judgment
9 3 (Code chapter 626D). In all these cases, a lien cannot attach
9 4 until proceedings to challenge the judgment have been
9 5 concluded and the judgment is recognized by the district
9 6 court.
9 7 LSB 1959HC 83
9 8 da/rj/5.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Amendment 3026

PAG LIN

1 1 Amend Senate File 49 as follows:
1 2 #1. Page 2, by striking lines 19 through 26.
1 3 #2. By renumbering as necessary.
1 4
1 5
1 6
1 7 JOHN P. KIBBIE
1 8 SF 49.501 83
1 9 jr/rj/21929
1 10
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**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009**

Senate Amendment 3027

PAG LIN

1 1 Amend Senate File 151 as follows:
 1 2 #1. Page 4, line 29, by inserting after the word
 1 3 <section.> the following: <Notwithstanding section
 1 4 12C.7, subsection 2, interest or earnings on moneys
 1 5 deposited in the fund shall be credited to the fund.>
 1 6 #2. Page 5, by striking lines 23 and 24 and
 1 7 inserting the following:
 1 8 <Sec. ____ . Section 327J.2, Code 2009, is amended
 1 9 to read as follows:
 1 10 327J.2 PASSENGER RAIL SERVICE REVOLVING FUND.
 1 11 1. FUND CREATED. The passenger rail service
 1 12 revolving fund is established as a separate fund in
 1 13 the state treasury under the control of the
 1 14 department. Moneys deposited in the fund shall be
 1 15 administered by the director and shall be used to pay
 1 16 the costs associated with the initiation, operation,
 1 17 and maintenance of ~~rail~~ passenger rail service.>
 1 18 #3. Page 5, by inserting after line 33 the
 1 19 following:
 1 20 <3. NO REVERSION. Notwithstanding section 8.33,
 1 21 any balance in the fund on June 30 of any fiscal year
 1 22 shall not revert to the general fund of the state.
 1 23 Notwithstanding section 12C.7, subsection 2, interest
 1 24 or earnings on moneys deposited in the fund shall be
 1 25 credited to the fund.>
 1 26 #4. By renumbering as necessary.
 1 27
 1 28
 1 29
 1 30 THOMAS RIELLY
 1 31
 1 32
 1 33
 1 34 DARYL BEALL
 1 35
 1 36
 1 37
 1 38 SWATI DANDEKAR
 1 39
 1 40
 1 41
 1 42 JEFF DANIELSON
 1 43 SF 151.501 83
 1 44 dea/nh/21731
 1 45
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Amendment 3028

PAG LIN

1 1 Amend Senate File 117 as follows:
1 2 #1. Page 2, line 2, by inserting after the word
1 3 <bicycle.> the following: <This subsection does not
1 4 apply to a farm tractor or fence=line feeder.>

1 5
1 6
1 7
1 8 EUGENE S. FRAISE
1 9 SF 117.702 83
1 10 dea/nh/21945
1 11
1 12
1 13
1 14
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Amendment 3029

PAG LIN

1 1 Amend Senate File 117 as follows:
1 2 #1. Page 1, line 11, by striking the word
1 3 <vehicle> and inserting the following: <vehicle,
1 4 except an implement of husbandry,>.
1 5 #2. Page 2, line 2, by inserting after the word
1 6 <bicycle.> the following: <This subsection does not
1 7 apply to implements of husbandry.>
1 8
1 9
1 10
1 11 MERLIN BARTZ
1 12 SF 117.503 83
1 13 dea/nh/21939
1 14
1 15
1 16
1 17
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Amendment 3030

PAG LIN

1 1 Amend Senate File 117 as follows:
1 2 #1. Page 1, by striking lines 1 through 8.
1 3 #2. By renumbering as necessary.
1 4
1 5
1 6
1 7 MATT McCOY
1 8 SF 117.701 83
1 9 dea/nh/21761
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Amendment 3031

PAG LIN

1 1 Amend Senate File 218 as follows:
1 2 #1. Page 1, line 14, by striking the word <year.>
1 3 and inserting the following: <year, except that in
1 4 the budget year beginning July 1, 2010, the state
1 5 percent of growth shall be paid for completely by the
1 6 state.>
1 7
1 8
1 9
1 10 MERLIN BARTZ
1 11 SF 218.202 83
1 12 ak/sc/21684
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Amendment 3032

PAG LIN

1 1 Amend Senate File 81 as follows:
1 2 #1. Page 1, line 31, by striking the words <due
1 3 to> and inserting the following: <within two years
1 4 after>.
1 5
1 6
1 7
1 8 DAVID JOHNSON
1 9 SF 81.302 83
1 10 ak/sc/21561
1 11
1 12
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1 14
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Amendment 3033

PAG LIN

1 1 Amend Senate File 81 as follows:
1 2 #1. Page 2, line 15, by inserting after the word
1 3 and figure <subsection 1.> the following: <However, a
1 4 school district may only request funds for this
1 5 purpose if all funds provided under section 298.2 have
1 6 been previously obligated.>
1 7
1 8
1 9
1 10 DAVID JOHNSON
1 11 SF 81.502 83
1 12 ak/sc/21564
1 13
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Amendment 3034

PAG LIN

1 1 Amend Senate File 81 as follows:
1 2 #1. Page 2, by striking lines 16 through 31.
1 3 #2. Page 2, line 34, by striking the word <,
1 4 purchase,>.
1 5 #3. Page 3, line 7, by striking the word <,
1 6 purchase,>.
1 7 #4. Title page, line 3, by striking the word
1 8 <moneys,> and inserting the following: <moneys and>.
1 9 #5. Title page, by striking lines 4 through 6 and
1 10 inserting the following: <disaster recovery.>
1 11 #6. By renumbering as necessary.
1 12
1 13
1 14
1 15 DAVID JOHNSON
1 16 SF 81.702 83
1 17 ak/sc/21569
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Amendment 3035

PAG LIN

1 1 Amend the amendment, S=3024, to Senate File 81 as
1 2 follows:
1 3 #1. Page 1, by inserting after line 7 the
1 4 following:
1 5 <#____. Page 1, by striking lines 26 through 31.>
1 6 #2. Page 1, by striking lines 8 through 22.
1 7 #3. Page 2, by inserting after line 33 the
1 8 following:
1 9 <#____. Page 3, by inserting after line 16 the
1 10 following:
1 11 <Sec. _____. LEGALIZING ACT. The action taken by
1 12 the director of the department of education on behalf
1 13 of a school district affected by a natural disaster
1 14 that was a tornado during the 2007=2008 school year to
1 15 end the school calendar year before the statutorily
1 16 required number of days is hereby legalized and
1 17 validated, and, to that extent, the school district is
1 18 deemed to have complied with section 279.10,
1 19 subsection 1.>>
1 20 #4. Title page, line 6, by striking the word
1 21 <property.> and inserting the following: <property,
1 22 and by legalizing a certain action of the director of
1 23 the department of education during the 2007=2008
1 24 school year.>
1 25 #5. By renumbering as necessary.
1 26
1 27
1 28
1 29 DAVID JOHNSON
1 30 SF 81.507 83
1 31 ak/sc/21681
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Amendment 3036

PAG LIN

1 1 Amend Senate File 117 as follows:
1 2 #1. Page 1, by striking lines 1 through 8.
1 3 #2. By renumbering as necessary.
1 4
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1 6
1 7 KIM REYNOLDS
1 8 SF 117.505 83
1 9 dea/nh/12481
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Amendment 3037

PAG LIN

1 1 Amend Senate File 118 as follows:
1 2 #1. Page 1, line 23, by inserting after the word
1 3 <shall> the following: <not>.
1 4
1 5
1 6
1 7 KEITH A. KREIMAN
1 8 SF 118.201 83
1 9 jm/rj/21579
1 10
1 11
1 12
1 13
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 219 - Introduced

SENATE FILE
BY JOHNSON

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act abolishing county compensation boards.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2201XS 83
- 4 md/sc/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 219 - Introduced continued

PAG LIN

1 1 Section 1. Section 331.212, subsection 2, Code 2009, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. i. Setting the compensation schedule of
1 4 the elected county officers.
1 5 Sec. 2. Section 331.321, subsection 1, paragraph 1, Code
1 6 2009, is amended by striking the paragraph.
1 7 Sec. 3. Section 331.322, subsection 6, Code 2009, is
1 8 amended to read as follows:
1 9 6. ~~Review~~ Annually review and prepare the final
1 10 compensation schedule of the county compensation board and
~~1 11 determine the final compensation schedule in accordance with~~
1 12 section 331.907.
1 13 Sec. 4. Section 331.322, subsection 7, Code 2009, is
1 14 amended by striking the subsection.
1 15 Sec. 5. Section 331.323, subsection 1, unnumbered
1 16 paragraph 5, Code 2009, is amended to read as follows:
1 17 ~~When~~ If the duties of an officer or employee are assigned
1 18 to one or more elected officers, the board shall set ~~the an~~
1 19 initial salary for each elected officer. ~~Thereafter, the~~
~~1 20 salary and, thereafter, shall be determined~~ determine the
~~1 21 salary as provided in section 331.907.~~
1 22 Sec. 6. Section 331.907, subsections 1 through 3, Code
1 23 2009, are amended to read as follows:
1 24 1. The annual compensation of the auditor, treasurer,
1 25 recorder, sheriff, county attorney, and supervisors shall be
1 26 determined as provided in this section. The ~~county~~
~~1 27 compensation~~ board annually shall review the compensation paid
1 28 to comparable officers in other counties of this state, other
1 29 states, private enterprise, and the federal government. In
1 30 setting the salary of the county sheriff, the ~~county~~
~~1 31 compensation~~ board shall consider setting the sheriff's salary
1 32 so that it is comparable to salaries paid to professional law
1 33 enforcement administrators and command officers of the state
1 34 patrol, the division of criminal investigation of the
1 35 department of public safety, and city police agencies in this



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 219 - Introduced continued

2 1 state. The ~~county compensation~~ board shall prepare a
2 2 compensation schedule for the elective county officers for the
2 3 succeeding fiscal year. ~~A recommended compensation schedule~~
~~2 4 requires a majority vote of the membership of the county~~
~~2 5 compensation board.~~

2 6 2. At the public hearing held on the county budget as
2 7 provided in section 331.434, the ~~county compensation~~ board
2 8 shall submit its ~~recommended~~ compensation schedule for the
2 9 next fiscal year ~~to the board of supervisors~~ for inclusion in
2 10 the county budget. ~~The board of supervisors shall review the~~
~~2 11 recommended compensation schedule for the elected county~~
~~2 12 officers and determine the final compensation schedule which~~
~~2 13 shall not exceed the compensation schedule recommended by the~~
~~2 14 county compensation board. In determining the final~~
~~2 15 compensation schedule if the board of supervisors wishes to~~
~~2 16 reduce the amount of the recommended compensation schedule,~~
~~2 17 the amount of salary increase proposed for each elected county~~
~~2 18 officer shall be reduced an equal percentage. A copy of the~~
2 19 ~~final~~ compensation schedule shall be filed with the county
2 20 budget at the office of the director of the department of
2 21 management. The ~~final~~ compensation schedule takes effect on
2 22 July 1 following its adoption by the board ~~of supervisors~~.

2 23 3. The elected county officers are also entitled to
2 24 receive their actual and necessary expenses incurred in
2 25 performance of official duties of their respective offices.
2 26 The board ~~of supervisors~~ may authorize the reimbursement of
2 27 expenses related to an educational course, seminar, or school
2 28 which is attended by a county officer after the county officer
2 29 is elected, but prior to the county officer taking office.

2 30 Sec. 7. Section 331.905, Code 2009, is repealed.

2 31 EXPLANATION

2 32 This bill provides for the abolition of county compensation
2 33 boards and transfers to the board of supervisors the duty of
2 34 setting the compensation schedule for elective county
2 35 officers.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009**

Senate File 219 - Introduced continued

3 1 LSB 2201XS 83
3 2 md/sc/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 220 - Introduced

SENATE FILE
BY BOLKCOM

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

A BILL FOR

- 1 An Act relating to lead wheel weights and making penalties
- 2 applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1898SS 83
- 5 tm/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 220 - Introduced continued

PAG LIN

1 1 Section 1. Section 8A.362, Code 2009, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 10. In the servicing, repair, or
1 4 maintenance of a state-owned vehicle, lead wheel weights shall
1 5 be replaced with wheel weights composed of materials other
1 6 than lead.

1 7 Sec. 2. NEW SECTION. 321.447 LEAD WHEEL WEIGHTS.

1 8 1. After December 31, 2010, a person shall not offer for
1 9 sale in this state a motor vehicle equipped with lead wheel
1 10 weights.

1 11 2. In the servicing, repair, or maintenance of a motor
1 12 vehicle, lead wheel weights shall not be installed.

1 13 3. In the servicing, repair, or maintenance of a motor
1 14 vehicle, lead wheel weights shall be replaced with wheel
1 15 weights composed of materials other than lead.

1 16 EXPLANATION

1 17 This bill relates to lead wheel weights.

1 18 The bill provides that, in the servicing, repair, or
1 19 maintenance of state-owned vehicles, lead wheel weights shall
1 20 be replaced with wheel weights composed of materials other
1 21 than lead.

1 22 The bill prohibits, after December 31, 2010, the sale in
1 23 this state a motor vehicle equipped with lead wheel weights.
1 24 During the servicing, repair, or maintenance of a motor
1 25 vehicle, the bill prohibits the installation of lead wheel
1 26 weights and requires such wheel weights to be replaced with
1 27 wheel weights composed of materials other than lead. Pursuant
1 28 to Code section 321.482, a person violating these provisions
1 29 is guilty of a simple misdemeanor. A simple misdemeanor is
1 30 punishable by confinement for no more than 30 days or a fine
1 31 of at least \$65 but not more than \$625 or by both.

1 32 LSB 1898SS 83

1 33 tm/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 221 - Introduced

SENATE FILE
BY KREIMAN

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

A BILL FOR

1 An Act relating to the recognition and enforcement of
2 foreign=country money judgments and providing for the Act's
3 applicability.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1959SS 83
6 da/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 221 - Introduced continued

PAG LIN

1 1 DIVISION I
1 2 UNIFORM FOREIGN=COUNTRY MONEY JUDGMENTS RECOGNITION ACT
1 3 Section 1. NEW SECTION. 626B.101 SHORT TITLE.
1 4 This chapter may be cited as the "Uniform Foreign=Country
1 5 Money Judgments Recognition Act".
1 6 Sec. 2. NEW SECTION. 626B.102 DEFINITIONS.
1 7 As used in this chapter:
1 8 1. "Foreign country" means a government other than any of
1 9 the following:
1 10 a. The United States.
1 11 b. A state, district, commonwealth, territory, or insular
1 12 possession of the United States.
1 13 c. Any other government with regard to which the decision
1 14 in this state as to whether to recognize a judgment of that
1 15 government's courts is initially subject to determination
1 16 under the full faith and credit clause of Article IV, section
1 17 1, of the Constitution of the United States.
1 18 d. Any Indian or Alaska native tribe, band, nation,
1 19 pueblo, village, or community that the United States secretary
1 20 of the interior recognizes as an Indian tribe.
1 21 2. "Foreign=country judgment" means a judgment of a court
1 22 of a foreign country.
1 23 Sec. 3. NEW SECTION. 626B.103 APPLICABILITY.
1 24 1. Except as otherwise provided in subsection 2, this
1 25 chapter applies to a foreign=country judgment to the extent
1 26 that all of the following apply to the judgment:
1 27 a. It grants or denies recovery of a sum of money.
1 28 b. Under the law of the foreign country where rendered, it
1 29 is final, conclusive, and enforceable.
1 30 2. This chapter does not apply to a foreign=country
1 31 judgment, even if the judgment grants or denies recovery of a
1 32 sum of money, to the extent that the judgment is any of the
1 33 following:
1 34 a. A judgment for taxes.
1 35 b. A fine or other penalty.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 221 - Introduced continued

2 1 c. A judgment for divorce, support, or maintenance, or
2 2 other judgment rendered in connection with domestic relations.

2 3 3. A party seeking recognition of a foreign=country
2 4 judgment has the burden of establishing that this chapter
2 5 applies to the foreign=country judgment.

2 6 Sec. 4. NEW SECTION. 626B.104 STANDARDS FOR RECOGNITION
2 7 OF FOREIGN=COUNTRY JUDGMENT.

2 8 1. Except as otherwise provided in subsections 2 and 3, a
2 9 court of this state shall recognize a foreign=country judgment
2 10 to which this chapter applies.

2 11 2. A court of this state shall not recognize a
2 12 foreign=country judgment if any of the following applies:

2 13 a. The judgment was rendered under a judicial system that
2 14 does not provide impartial tribunals or procedures compatible
2 15 with the requirements of due process of law.

2 16 b. The foreign court did not have personal jurisdiction
2 17 over the defendant.

2 18 c. The foreign court did not have jurisdiction over the
2 19 subject matter.

2 20 3. A court of this state need not recognize a
2 21 foreign=country judgment if any of the following apply:

2 22 a. The defendant in the proceeding in the foreign court
2 23 did not receive notice of the proceeding in sufficient time to
2 24 enable the defendant to defend.

2 25 b. The judgment was obtained by fraud that deprived the
2 26 losing party of an adequate opportunity to present its case.

2 27 c. The judgment or the cause of action on which the
2 28 judgment is based is repugnant to the public policy of this
2 29 state or of the United States.

2 30 d. The judgment conflicts with another final and
2 31 conclusive judgment.

2 32 e. The proceeding in the foreign court was contrary to an
2 33 agreement between the parties under which the dispute in
2 34 question was to be determined otherwise than by proceedings in
2 35 that foreign court.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 221 - Introduced continued

3 1 f. In the case of jurisdiction based only on personal
3 2 service, the foreign court was a seriously inconvenient forum
3 3 for the trial of the action.

3 4 g. The judgment was rendered in circumstances that raise
3 5 substantial doubt about the integrity of the rendering court
3 6 with respect to the judgment.

3 7 h. The specific proceeding in the foreign court leading to
3 8 the judgment was not compatible with the requirements of due
3 9 process of law.

3 10 4. A party resisting recognition of a foreign=country
3 11 judgment has the burden of establishing that a ground for
3 12 nonrecognition stated in subsection 2 or 3 exists.

3 13 Sec. 5. NEW SECTION. 626B.105 PERSONAL JURISDICTION.

3 14 1. A foreign=country judgment shall not be refused
3 15 recognition for lack of personal jurisdiction if any of the
3 16 following apply:

3 17 a. The defendant was served with process personally in the
3 18 foreign country.

3 19 b. The defendant voluntarily appeared in the proceeding,
3 20 other than for the purpose of protecting property seized or
3 21 threatened with seizure in the proceeding or of contesting the
3 22 jurisdiction of the court over the defendant.

3 23 c. The defendant, before the commencement of the
3 24 proceeding, had agreed to submit to the jurisdiction of the
3 25 foreign court with respect to the subject matter involved.

3 26 d. The defendant was domiciled in the foreign country when
3 27 the proceeding was instituted or was a corporation or other
3 28 form of business organization that had its principal place of
3 29 business in, or was organized under the laws of, the foreign
3 30 country.

3 31 e. The defendant had a business office in the foreign
3 32 country and the proceeding in the foreign court involved a
3 33 cause of action arising out of business done by the defendant
3 34 through that office in the foreign country.

3 35 f. The defendant operated a motor vehicle or airplane in



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 221 - Introduced continued

4 1 the foreign country and the proceeding involved a cause of
4 2 action arising out of that operation.
4 3 2. The list of bases for personal jurisdiction in
4 4 subsection 1 is not exclusive. The courts of this state may
4 5 recognize bases of personal jurisdiction other than those
4 6 listed in subsection 1 as sufficient to support a
4 7 foreign=country judgment.
4 8 Sec. 6. NEW SECTION. 626B.106 PROCEDURE FOR RECOGNITION
4 9 OF FOREIGN=COUNTRY JUDGMENT.
4 10 1. If recognition of a foreign=country judgment is sought
4 11 as an original matter, the issue of recognition shall be
4 12 raised by filing an action seeking recognition of the
4 13 foreign=country judgment.
4 14 2. If recognition of a foreign=country judgment is sought
4 15 in a pending action, the issue of recognition may be raised by
4 16 counterclaim, cross=claim, or affirmative defense.
4 17 Sec. 7. NEW SECTION. 626B.107 EFFECT OF RECOGNITION OF
4 18 FOREIGN=COUNTRY JUDGMENT.
4 19 If the court in a proceeding under section 626B.106 finds
4 20 that the foreign=country judgment is entitled to recognition
4 21 under this chapter then, to the extent that the
4 22 foreign=country judgment grants or denies recovery of a sum of
4 23 money, the foreign=country judgment is all of the following:
4 24 1. Conclusive between the parties to the same extent as
4 25 the judgment of a sister state entitled to full faith and
4 26 credit in this state would be conclusive.
4 27 2. Enforceable in the same manner and to the same extent
4 28 as a judgment rendered in this state.
4 29 Sec. 8. NEW SECTION. 626B.108 STAY OF PROCEEDINGS
4 30 PENDING APPEAL OF FOREIGN=COUNTRY JUDGMENT.
4 31 If a party establishes that an appeal from a
4 32 foreign=country judgment is pending or will be taken, the
4 33 court may stay any proceedings with regard to the
4 34 foreign=country judgment until the appeal is concluded, the
4 35 time for appeal expires, or the appellant has had sufficient



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 221 - Introduced continued

5 1 time to prosecute the appeal and has failed to do so.

5 2 Sec. 9. NEW SECTION. 626B.109 STATUTE OF LIMITATIONS.

5 3 An action to recognize a foreign=country judgment must be
5 4 commenced within the earlier of the time during which the
5 5 foreign=country judgment is effective in the foreign country
5 6 or fifteen years from the date that the foreign=country
5 7 judgment became effective in the foreign country.

5 8 Sec. 10. NEW SECTION. 626B.110 UNIFORMITY OF
5 9 INTERPRETATION.

5 10 In applying and construing this chapter, consideration must
5 11 be given to the need to promote uniformity of the law with
5 12 respect to its subject matter among states that enact the
5 13 "Uniform Foreign=Country Money Judgments Recognition Act".

5 14 Sec. 11. NEW SECTION. 626B.111 SAVING CLAUSE.

5 15 This chapter does not prevent the recognition under
5 16 principles of comity or otherwise of a foreign=country
5 17 judgment not within the scope of this chapter.

5 18 Sec. 12. APPLICABILITY TO ACTIONS COMMENCED ON OR AFTER
5 19 THE EFFECTIVE DATE OF THIS ACT. This Act applies to all
5 20 actions commenced on or after the effective date of this Act
5 21 in which the issue of recognition of a foreign=country
5 22 judgment is raised.

5 23 DIVISION II
5 24 CONFORMING PROVISIONS

5 25 Sec. 13. Section 624.24, Code 2009, is amended to read as
5 26 follows:

5 27 624.24 WHEN JUDGMENT LIEN ATTACHES.

5 28 When the real estate lies in the county wherein the
5 29 judgment of the district court of this state or of the circuit
5 30 or district courts of the United States was entered in the
5 31 judgment docket and lien index kept by the clerk of the court
5 32 having jurisdiction, the lien shall attach from the date of
5 33 such entry of judgment, but if in another it will not attach
5 34 until an attested copy of the judgment is filed in the office
5 35 of the clerk of the district court of the county in which the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009**

Senate File 221 - Introduced continued

6 1 real estate lies except for a foreign ~~judgments~~ judgment
 6 2 pursuant to ~~chapters~~ chapter 626A, and foreign=country money
 6 3 judgment pursuant to chapter 626B, and ~~or~~ tribal judgments as
 6 4 defined in section 626D.2 court judgment pursuant to chapter
 6 5 626D, which shall not attach until an appeal is proceedings to
 6 6 challenge such judgment as authorized by its chapter have been
 6 7 concluded, and the time for the appeal has expired, or the
 6 8 stay of execution has expired or was vacated pursuant to
 6 9 section 626A.4, 626B.3, 626B.5, or 626D.7 district court finds
 6 10 that any such judgment is entitled to recognition. In such
 6 11 cases, the lien shall attach on the date the clerk of court
 6 12 files an attested copy of the judgment in the office of the
 6 13 clerk of the district court of the county in which the real
 6 14 estate lies in any of the following circumstances:
 6 15 1. The foreign or tribal judgment has not been appealed
 6 16 and the time for filing an appeal has expired.
 6 17 2. The foreign or tribal judgment has been appealed and
 6 18 the judgment has been affirmed on appeal and is not subject to
 6 19 further appeal.
 6 20 3. An appeal from a foreign or tribal judgment has been
 6 21 filed and a stay from such judgment has not been granted by
 6 22 the district court to the appealing party.

DIVISION III

REPEALS

6 25 Sec. 14. Sections 626B.1, 626B.2, 626B.3, 626B.4, 626B.5,
 6 26 626B.6, 626B.7, and 626B.8, Code 2009, are repealed.

EXPLANATION

6 28 BACKGROUND. This bill provides for the enactment of the
 6 29 "Uniform Foreign=Country Money Judgments Recognition Act"
 6 30 promulgated in 2005 by the National Conference of
 6 31 Commissioners on Uniform State Laws (NCCUSL). Its purpose is
 6 32 to provide for the uniform enforcement of foreign=country
 6 33 judgments in all state courts. The bill is a revision of a
 6 34 model act adopted by NCCUSL in 1962, and enacted by the
 6 35 general assembly in 1989 (1989 Iowa Acts, chapter 173). The



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 221 - Introduced continued

7 1 bill replaces the provisions of the old model Act and enacts
7 2 new provisions in the same Code chapter 626B.
7 3 OPERATION. The bill provides for how a state court may
7 4 recognize a foreign=country judgment for purposes of
7 5 enforcement. Once recognized, the judgment creditor may
7 6 proceed against a judgment debtor's property to satisfy the
7 7 judgment amount. In addition, once the foreign=country
7 8 judgment is recognized, it is conclusive between the parties
7 9 (Code section 626B.107(1)) and may be enforced as if it were a
7 10 judgment of a sister state, subject to full faith and credit
7 11 (Code section 626B.107(2)).
7 12 In order for district court to recognize a foreign=country
7 13 judgment district, two conditions must be satisfied. First,
7 14 the judgment must grant or deny the recovery of money (Code
7 15 section 626.103(1)(a)) and second, the judgment must be final,
7 16 conclusive, and enforceable in that foreign=country country
7 17 (Code section 626B.103(1)(b)).
7 18 EXCEPTIONS. Two classes of exceptions apply to deny
7 19 recognition. First, certain money judgments are excluded
7 20 including judgments on taxes, fines or other penalties, and
7 21 judgments relating to divorce or domestic relations (Code
7 22 section 626B.103(1)(b)). Second, the foreign=country
7 23 proceedings or the foreign=country judgment are excluded if
7 24 they are objectionable. In some cases, denial is mandatory
7 25 and in other cases it is left to the discretion of the
7 26 district court. The district court must deny recognition if
7 27 the foreign=country court was biased or provided inadequate
7 28 standards for due process or there was a lack of jurisdiction,
7 29 either personal jurisdiction over the defendant or subject
7 30 matter jurisdiction (Code section 626B.104(2)). There are
7 31 detailed standards set forth for when personal jurisdiction
7 32 standards are satisfied (Code section 626B.105). In addition,
7 33 the district court may deny recognition based on any one of a
7 34 number of grounds generally based on serious defects in the
7 35 foreign=country court's proceedings, conflicts with another



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 221 - Introduced continued

8 1 final and conclusive judgment, or because of public policy
8 2 (Code section 626B.104(3)).

8 3 PROCEDURE. The party seeking to enforce a foreign=country
8 4 judgment may bring an original cause of action in district
8 5 court (Code section 626B.106(1)) or may file a counterclaim,
8 6 cross=claim, or affirmative defense in a pending action (Code
8 7 section 626B.106(2)). The party seeking recognition of the
8 8 foreign=country judgment has the burden to prove that it is
8 9 subject to the bill's provisions (Code section 626B.103(3)).
8 10 Once it is determined that recognition may be granted, the
8 11 burden shifts to the resisting party to prove a specific
8 12 ground exists for denying recognition (Code section
8 13 626B.104(4)). The district court may stay a proceeding if a
8 14 party establishes that an appeal of a foreign=country judgment
8 15 is pending, until the issue is resolved (Code section
8 16 626B.108).

8 17 STATUTE OF LIMITATIONS. A special statute of limitations
8 18 applies to enforcement of a foreign=country judgment. The
8 19 limitation either applies at the end of the period in the
8 20 foreign country when the judgment can no longer be enforced
8 21 under its law, or if there is no statute of limitations in the
8 22 foreign country, after 15 years from the time the judgment is
8 23 effective in the foreign country, whichever is earlier (Code
8 24 section 626B.109).

8 25 APPLICABILITY. The new provisions in the bill apply to all
8 26 actions commenced on or after the effective date of the bill
8 27 in which the issue of recognition of a foreign=country
8 28 judgment is raised.

8 29 DEVIATION FROM THE MODEL ACT. The bill provides that a
8 30 foreign country does not include an Indian or Alaska native
8 31 community that the United States secretary of the interior
8 32 recognizes as an Indian tribe (these judgments are recognized
8 33 in Code chapter 626D).

8 34 CONFORMING PROVISIONS. The bill amends Code section 626.24
8 35 which provides for the attachment of a lien in cases of



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009**

Senate File 221 - Introduced continued

9 1 foreign=country money judgments (Code chapter 626B) as well as
9 2 a foreign judgment (Code chapter 626A) or tribal judgment
9 3 (Code chapter 626D). In all these cases, a lien cannot attach
9 4 until proceedings to challenge the judgment have been
9 5 concluded and the judgment is recognized by the district
9 6 court.
9 7 LSB 1959SS 83
9 8 da/rj/5.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 222 - Introduced

SENATE FILE
BY DANIELSON

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

A BILL FOR

1 An Act relating to the state building code and local building
2 regulations by requiring certain newly constructed residential
3 buildings to include a storm shelter.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1841SS 83
6 md/sc/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 222 - Introduced continued

PAG LIN

1 1 Section 1. Section 103A.7, subsection 2, Code 2009, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. h. The standards for the construction of
1 4 storm shelters located in multiple=unit residential buildings
1 5 pursuant to section 103A.9A.
1 6 Sec. 2. NEW SECTION. 103A.9A STORM SHELTERS ==
1 7 MULTIPLE=UNIT RESIDENTIAL BUILDINGS.
1 8 1. a. All newly constructed multiple=unit residential
1 9 buildings that are subject to the state building code or local
1 10 building regulations shall have a storm shelter constructed on
1 11 site. A storm shelter required under this section shall be
1 12 constructed according to rules adopted by the commissioner and
1 13 approved by the council. A storm shelter shall have adequate
1 14 space for the maximum residential capacity of the
1 15 multiple=unit residential building.
1 16 b. This section applies to new construction commenced on
1 17 or after July 1, 2009.
1 18 2. For the purposes of this section:
1 19 a. "Multiple=unit residential building" means one of the
1 20 following:
1 21 (1) A building more than one story in height, used
1 22 primarily for human habitation, and containing four or more
1 23 separate living quarters.
1 24 (2) A hotel, motel, nursing home, rest home, dormitory, or
1 25 rooming house.
1 26 b. "Storm shelter" means a room or structure designed to
1 27 provide persons with temporary protection from a storm.
1 28 EXPLANATION
1 29 This bill requires all newly constructed multiple=unit
1 30 residential buildings, as defined in the bill, that are
1 31 subject to the state building code or local building
1 32 regulations to have a storm shelter constructed on site. The
1 33 bill defines "storm shelter" as a room or structure designed
1 34 to provide persons with temporary protection from a storm.
1 35 The bill requires storm shelters to be constructed according



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009**

Senate File 222 - Introduced continued

2 1 to rules adopted by the state building code commissioner and
2 2 approved by the state building code advisory council. The
2 3 bill also requires each storm shelter to have adequate space
2 4 for the maximum residential capacity of the multiple=unit
2 5 residential building.
2 6 The bill applies to new construction of multiple=unit
2 7 residential buildings commenced on or after July 1, 2009.
2 8 LSB 1841SS 83
2 9 md/sc/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 223 - Introduced

SENATE FILE
BY DANIELSON

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

A BILL FOR

1 An Act providing an income tax credit for certain contributions
2 to postsecondary education institutions and including a
3 retroactive applicability date provision.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1824SS 83
6 tw/mg:sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 223 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 422.11X POSTSECONDARY EDUCATION
1 2 INSTITUTION DEFERRED MAINTENANCE TAX CREDIT.
1 3 1. a. The taxes imposed under this division, less the
1 4 credits allowed under section 422.12, shall be reduced by a
1 5 postsecondary education institution deferred maintenance tax
1 6 credit.
1 7 b. The credit shall be in an amount equal to fifty percent
1 8 of a taxpayer's contribution to deferred maintenance projects
1 9 at a two-year or four-year college or university located in
1 10 the state.
1 11 c. For purposes of this section, "deferred maintenance
1 12 project" means the maintenance, repair, reconstruction,
1 13 remodeling, or rehabilitation of a building, structure, or
1 14 facility located on the campus of a two-year or four-year
1 15 college or university located in the state, the progress or
1 16 completion of which has been deferred or delayed. "Deferred
1 17 maintenance project" includes any improvements to a building,
1 18 structure, or facility that are necessary to comply with the
1 19 requirements of the federal Americans With Disabilities Act or
1 20 other federal or state law.
1 21 d. An individual may claim a tax credit under this
1 22 subsection of a partnership, limited liability company, S
1 23 corporation, estate, or trust electing to have income taxed
1 24 directly to the individual. The amount claimed by the
1 25 individual shall be based upon the pro rata share of the
1 26 individual's earnings from the partnership, limited liability
1 27 company, S corporation, estate, or trust.
1 28 e. Any tax credit in excess of the taxpayer's tax
1 29 liability for the tax year is refundable, but the taxpayer may
1 30 elect to have the excess credited to the tax liability for the
1 31 following four tax years or until depleted, whichever is
1 32 earlier.
1 33 2. a. To claim a tax credit under this section, the
1 34 taxpayer shall apply to the department for a tax credit
1 35 certificate. After verifying the eligibility of a taxpayer



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 223 - Introduced continued

2 1 for a tax credit pursuant to this section, the department
2 2 shall issue a tax credit certificate to be attached to the
2 3 taxpayer's tax return. The tax credit certificate shall be
2 4 issued based upon the date of the application and shall
2 5 contain the taxpayer's name, address, tax identification
2 6 number, the amount of the credit, and any other information
2 7 required by the department.
2 8 b. To claim a tax credit under this section, a taxpayer
2 9 must attach one or more tax credit certificates to the
2 10 taxpayer's tax return. The tax credit certificate or
2 11 certificates attached to the taxpayer's tax return shall be
2 12 issued in the taxpayer's name, and the expiration date on the
2 13 certificate shall be a date that falls on or after the last
2 14 day of the taxable year for which the taxpayer is claiming the
2 15 tax credit.
2 16 c. The tax credit certificate, unless otherwise void,
2 17 shall be accepted by the department as payment toward the tax
2 18 liability of the taxpayer, subject to any conditions or
2 19 restrictions placed by the department upon the face of the tax
2 20 credit certificate and subject to the limitations of this
2 21 section.
2 22 d. Tax credit certificates issued under this section are
2 23 not transferable to any person or entity.
2 24 3. The maximum amount of tax credits issued in a fiscal
2 25 year pursuant to this section shall not exceed ten million
2 26 dollars.
2 27 4. This section is repealed January 1, 2014.
2 28 Sec. 2. Section 422.33, Code 2009, is amended by adding
2 29 the following new subsection:
2 30 NEW SUBSECTION. 27. The taxes imposed under this division
2 31 shall be reduced by a postsecondary education institution
2 32 deferred maintenance tax credit in the same manner, for the
2 33 same amount, and under the same conditions as provided in
2 34 section 422.11X.
2 35 Sec. 3. Section 422.60, Code 2009, is amended by adding



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 223 - Introduced continued

3 1 the following new subsection:

3 2 NEW SUBSECTION. 15. The taxes imposed under this division
3 3 shall be reduced by a postsecondary education institution
3 4 deferred maintenance tax credit in the same manner, for the
3 5 same amount, and under the same conditions as provided in
3 6 section 422.11X.

3 7 Sec. 4. NEW SECTION. 432.12M POSTSECONDARY EDUCATION
3 8 INSTITUTION DEFERRED MAINTENANCE TAX CREDIT.

3 9 The taxes imposed under this chapter shall be reduced by a
3 10 postsecondary education institution deferred maintenance tax
3 11 credit in the same manner, for the same amount, and under the
3 12 same conditions as provided in section 422.11X.

3 13 Sec. 5. Section 533.329, subsection 2, Code 2009, is
3 14 amended by adding the following new paragraph:

3 15 NEW PARAGRAPH. n. The moneys and credits tax imposed
3 16 under this section shall be reduced by a postsecondary
3 17 education institution deferred maintenance tax credit in the
3 18 same manner, for the same amount, and under the same
3 19 conditions as provided in section 422.11X.

3 20 Sec. 6. RETROACTIVE APPLICABILITY. This Act applies
3 21 retroactively to January 1, 2009, for tax years beginning on
3 22 or after January 1, 2009, and ending before January 1, 2014.

3 23 EXPLANATION

3 24 This bill provides a credit against the individual or
3 25 corporate income tax, the franchise tax, and the moneys and
3 26 credits tax for 50 percent of a taxpayer's contribution to
3 27 deferred maintenance projects at a two-year or four-year
3 28 college or university located in the state. Generally, such
3 29 contributions are tax deductible under current federal and
3 30 state law, and claiming the credit does not preclude the donor
3 31 from taking a deduction for the contribution.

3 32 The credit is available for tax years beginning on or after
3 33 January 1, 2009, and ending before January 1, 2014.

3 34 The tax credit is refundable or, at the taxpayer's
3 35 election, may be credited until depletion to the taxpayer's



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009**

Senate File 223 - Introduced continued

4 1 tax liability for up to four subsequent tax years. The tax
4 2 credits are not transferable. The maximum amount of tax
4 3 credits is limited to \$10 million in any one fiscal year. The
4 4 department of revenue approves the tax credits and issues the
4 5 tax credit certificates to taxpayers.
4 6 The bill takes effect upon enactment and applies
4 7 retroactively to January 1, 2009, for tax years beginning on
4 8 or after that date and ending before January 1, 2014.
4 9 LSB 1824SS 83
4 10 tw/mg:sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 224 - Introduced

SENATE FILE
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1102)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the licensing and regulation of plumbers,
- 2 mechanical professionals, and contractors, and including an
- 3 applicability provision.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1147SV 83
- 6 jr/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 224 - Introduced continued

PAG LIN

1 1 Section 1. Section 105.1, Code 2009, is amended to read as
1 2 follows:

1 3 105.1 TITLE.

1 4 This chapter may be known and cited as the "Iowa Plumber,
1 5 ~~and~~ Mechanical Professional, and Contractor Licensing Act".

1 6 Sec. 2. Section 105.2, subsections 2, 7, and 8, Code 2009,
1 7 are amended to read as follows:

1 8 2. "Board" means the plumbing and mechanical systems
1 9 ~~examining~~ board as established pursuant to section 105.3.

1 10 7. "HVAC" means heating, ventilation, ~~and~~ air conditioning
1 11 ~~in, and~~ ducted systems. "HVAC" includes all natural, propane,
1 12 liquid propane, or other gas lines associated with any
1 13 component of an HVAC system.

1 14 8. "Hydronic" means a heating or cooling system that
1 15 transfers heating or cooling by circulating fluid through a
1 16 closed system, including boilers, pressure vessels,
1 17 refrigerated equipment in connection with chilled water
1 18 systems, all steam piping, hot or chilled water piping
1 19 together with all control devices and accessories, installed
1 20 as part of, or in connection with, any comfort heating or
1 21 comfort cooling system or appliance using a liquid, water, or
1 22 steam as the heating or cooling media. "Hydronic" includes
1 23 all low-pressure and high-pressure systems and all natural,
1 24 propane, liquid propane, or other gas lines associated with
1 25 any component of a hydronic system.

1 26 Sec. 3. Section 105.3, subsections 1, 6, and 7, Code 2009,
1 27 are amended to read as follows:

1 28 1. A plumbing and mechanical systems ~~examining~~ board is
1 29 created within the Iowa department of public health.

1 30 6. Members of the board shall receive actual expenses for
1 31 their duties as a member of the ~~examining~~ board. Each member
1 32 of the board may also be eligible to receive compensation as
1 33 provided in section 7E.6.

1 34 7. The board may maintain a membership in any national
1 35 organization of state ~~examining~~ boards for the professions of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 224 - Introduced continued

2 1 plumbing, HVAC, refrigeration, or hydronic professionals, with
2 2 all membership fees to be paid from funds appropriated to the
2 3 board.

2 4 Sec. 4. Section 105.3, subsection 2, paragraph a,
2 5 unnumbered paragraph 1, Code 2009, is amended to read as
2 6 follows:

2 7 The ~~examining~~ board shall be comprised of eleven members,
2 8 appointed by the governor, as follows:

2 9 Sec. 5. Section 105.4, Code 2009, is amended to read as
2 10 follows:

2 11 105.4 RULES.

2 12 1. The board shall establish by rule a plumbing
2 13 installation code governing the installation of plumbing in
2 14 this state.

2 15 2. The board shall adopt all rules necessary to carry out
2 16 the licensing and other provisions of this chapter.

2 17 Sec. 6. Section 105.5, Code 2009, is amended to read as
2 18 follows:

2 19 105.5 ~~APPLICATIONS FOR EXAMINATIONS.~~

2 20 1. Any person desiring to take an examination for a
2 21 license issued pursuant to this chapter shall make application
2 22 to the board at least fifteen days before the examination, on
~~2 23 a form provided by the board. The application shall be~~
~~2 24 accompanied by the examination fee and such documents and~~
~~2 25 affidavits as are necessary to show the eligibility of the~~
~~2 26 candidate to take the examination. All applications shall be~~
2 27 in accordance with the rules of ~~the department and~~ the board
2 28 ~~and shall be signed by the applicant.~~ The board may require
2 29 that a recent photograph of the applicant be attached to the
2 30 application.

2 31 2. Applicants who fail to pass an examination shall be
2 32 allowed to retake the examination at a future scheduled time.

2 33 3. The board shall adopt rules relating to all of the
2 34 following:

2 35 a. The qualifications required for applicants seeking to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 224 - Introduced continued

3 1 take examinations, which qualifications shall include a
3 2 requirement that an applicant who is a contractor shall be
3 3 required to provide the contractor's state contractor
3 4 registration number.
3 5 b. The denial of applicants seeking to take examinations.
3 6 Sec. 7. Section 105.10, subsection 1, Code 2009, is
3 7 amended to read as follows:
3 8 1. Except as provided in section 105.11, a person shall
3 9 not operate as a contractor or install or repair plumbing,
3 10 HVAC, refrigeration, or hydronic systems without obtaining a
3 11 license issued by the board, or install or repair medical gas
3 12 piping systems without obtaining a valid certification
3 13 approved by the board.
3 14 Sec. 8. Section 105.10, Code 2009, is amended by adding
3 15 the following new subsection:
3 16 NEW SUBSECTION. 4. The board shall adopt rules to allow a
3 17 grace period for a contractor to operate a business described
3 18 in subsection 2 without employing a licensed master.
3 19 Sec. 9. Section 105.11, subsection 3, Code 2009, is
3 20 amended to read as follows:
3 21 3. Prohibit an owner of property from performing work on
3 22 the owner's principal residence, if such residence is an
3 23 existing dwelling rather than new construction and is not
3 24 larger than a single-family dwelling, or farm property,
3 25 excluding commercial or industrial installations or
3 26 installations in public use buildings or facilities, or
3 27 require such owner to be licensed under this chapter. In
3 28 order to qualify for inapplicability pursuant to this
3 29 subsection, a residence shall qualify for the homestead tax
3 30 exemption. ~~The provisions of this chapter shall also not be~~
~~3 31 construed to prohibit an owner or operator of a health care~~
~~3 32 facility licensed pursuant to chapter 135C, assisted living~~
~~3 33 center licensed pursuant to chapter 231C, hospital licensed~~
~~3 34 pursuant to chapter 135B, adult day care center licensed~~
~~3 35 pursuant to chapter 231D, or a retirement facility certified~~



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009**

~~Senate File 224 — Introduced continued~~

~~4 1 pursuant to chapter 523D from performing work on the facility
4 2 or require such owner or operator to be licensed under this
4 3 chapter.~~

4 4 Sec. 10. Section 105.11, subsection 9, Code 2009, is
4 5 amended to read as follows:

4 6 9. Apply to an employee of any unit of state or local
4 7 government, including but not limited to cities, counties, or
4 8 school corporations, performing routine maintenance, as
4 9 defined by rule, on a mechanical system or plumbing system,
4 10 which serves a ~~state-owned~~ government-owned or
4 11 government-leased facility while acting within the scope of
4 12 the ~~state government~~ employee's employment.

4 13 Sec. 11. Section 105.11, Code 2009, is amended by adding
4 14 the following new subsection:

4 15 NEW SUBSECTION. 11. Prohibit an owner or operator of a
4 16 hospital licensed pursuant to chapter 135B, health care
4 17 facility licensed pursuant to chapter 135C, assisted living
4 18 center licensed pursuant to chapter 231C, adult day care
4 19 center licensed pursuant to chapter 231D, or a retirement
4 20 facility certified pursuant to chapter 523D from performing
4 21 routine maintenance work on the facility.

4 22 Sec. 12. Section 105.12, Code 2009, is amended to read as
4 23 follows:

4 24 105.12 FORM OF LICENSE.

4 25 1. A contracting, plumbing, HVAC, refrigeration, or
4 26 hydronic license shall be in the form of a certificate under
4 27 the seal of the department, signed by the director of public
4 28 health, and shall be issued in the name of the board. The
4 29 license number of the book and page of the registry containing
~~4 30 the entry of the license in the office of the department shall~~
4 31 be noted on the face of the license.

4 32 2. In addition to the certificate, the department board
4 33 shall provide each licensee with a wallet-sized licensing
4 34 identification card.

4 35 Sec. 13. Section 105.14, Code 2009, is amended to read as



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 224 - Introduced continued

5 1 follows:

5 2 105.14 DISPLAY OF ~~MASTER~~ CONTRACTOR LICENSE.

5 3 A person holding a ~~master~~ contractor license under this
5 4 chapter shall keep the current license certificate publicly
5 5 displayed in the primary place in which the person practices.

5 6 Sec. 14. Section 105.15, Code 2009, is amended to read as
5 7 follows:

5 8 105.15 REGISTRY OF LICENSES.

5 9 ~~The name, location, and number of years of practice license~~
5 10 ~~number, and date of issuance of the license of the each person~~
5 11 ~~to whom the a license has been issued, the number of the~~
5 12 ~~certificate, and the date of registration thereof shall be~~
5 13 entered in a registry kept in the office of the department to
5 14 be known as the plumbing, HVAC, refrigeration, or hydronic
5 15 registry. The registry may be electronic and shall be open to
5 16 public inspection; however, the licensee's home address of the
5 17 licensee, home telephone number, and other personal
5 18 information as determined by rule shall be confidential.

5 19 Sec. 15. Section 105.16, Code 2009, is amended to read as
5 20 follows:

5 21 105.16 CHANGE OF RESIDENCE.

5 22 If a person licensed to practice as a contractor or a
5 23 plumbing, HVAC, refrigeration, or hydronic professional under
5 24 this chapter changes ~~their~~ the person's residence or place of
5 25 practice, the person shall so notify the ~~department~~ board.

5 26 Sec. 16. Section 105.17, subsection 1, Code 2009, is
5 27 amended to read as follows:

5 28 1. The provisions of this chapter regarding the licensing
5 29 of plumbing, HVAC, refrigeration, and hydronic professionals
5 30 and contractors shall supersede and preempt all plumbing,
5 31 HVAC, refrigeration, ~~or~~ hydronic, and contracting licensing
5 32 provisions of all governmental subdivisions.

5 33 a. A governmental subdivision that issues licenses on July
5 34 1, 2008, shall continue to issue licenses until June 30, 2009.
5 35 On July 1, 2009, all plumbing and mechanical licensing



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 224 - Introduced continued

6 1 provisions promulgated by any governmental subdivision shall
6 2 be null and void, except reciprocal licenses as provided in
6 3 section 105.21, and of no further force and effect.

6 4 b. On and after July 1, 2008, a governmental subdivision
6 5 shall not prohibit a contractor or a plumbing, HVAC,
6 6 refrigeration, or hydronic professional licensed pursuant to
6 7 this chapter from performing services for which that person is
6 8 licensed pursuant to this chapter or enforce any plumbing and
6 9 mechanical licensing provisions promulgated by the
6 10 governmental subdivision against a person licensed pursuant to
6 11 this chapter.

6 12 Sec. 17. Section 105.18, Code 2009, is amended to read as
6 13 follows:

6 14 105.18 QUALIFICATIONS AND TYPES OF LICENSES ISSUED.

6 15 1. GENERAL QUALIFICATIONS. The board shall adopt, by
6 16 rule, general qualifications for licensure. The board may
6 17 consider the past felony record of an applicant only if the
6 18 felony conviction relates ~~directly~~ to the practice of the
6 19 profession for which the applicant requests to be licensed.
6 20 ~~Character references~~ References may be required as part of the
6 21 licensing process, ~~but shall not be obtained from licensed~~
~~6 22 members of the plumbing or mechanical profession.~~

6 23 2. PLUMBING, HVAC, REFRIGERATION, AND HYDRONIC LICENSES
6 24 AND CONTRACTOR LICENSES. The board shall issue separate
6 25 licenses for plumbing, HVAC, refrigeration, and hydronic
6 26 professionals and for contractors as follows:

6 27 a. Apprentice license. In order to be licensed by the
6 28 ~~department board~~ board as an apprentice, a person shall do all of
6 29 the following:

6 30 (1) File an application, which application shall establish
6 31 that the person meets the minimum requirements adopted by the
6 32 board.

6 33 (2) Certify that the person will work under the
6 34 supervision of a licensed journeyman or master in the
6 35 applicable discipline.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 224 - Introduced continued

7 1 (3) Be enrolled in an applicable apprentice program which
7 2 is registered with the United States department of labor
7 3 office of apprenticeship.

7 4 b. Journeyman license. In order to be licensed by the
7 5 ~~department~~ board as a journeyman in the applicable
7 6 discipline, a person shall do all of the following:

7 7 (1) File an application and pay application fees as
7 8 established by the board, which application shall establish
7 9 that the person meets the minimum educational and experience
7 10 requirements adopted by the board.

7 11 (2) Pass the state journeyman licensing examination in
7 12 the applicable discipline.

7 13 (3) Provide the board with evidence of having completed at
7 14 least four years of practical experience as an apprentice.

7 15 Commencing January 1, 2010, the four years of practical
7 16 experience required by this subparagraph must be an
7 17 apprenticeship training program registered by the ~~bureau of~~
~~7 18 apprenticeship and training of the~~ United States department of
7 19 labor office of apprenticeship.

7 20 c. Master license. In order to be licensed by the
7 21 ~~department~~ board as a master, a person shall do all of the
7 22 following:

7 23 (1) File an application and pay application fees as
7 24 established by the board, which application shall establish
7 25 that the person meets the minimum educational and experience
7 26 requirements adopted by the board.

7 27 (2) Pass the state master licensing examination for the
7 28 applicable discipline.

7 29 (3) Provide evidence to the ~~examining~~ board that the
7 30 person has previously been a licensed journeyman or master
7 31 in the applicable discipline ~~or satisfies all requirements for~~
~~7 32 licensure as a journeyman in the applicable discipline.~~

~~7 33 (4) Provide evidence of public liability insurance~~
~~7 34 pursuant to section 105.19.~~

7 35 d. Contractor license. In order to be licensed by the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 224 - Introduced continued

8 1 board as a contractor, a person shall do all of the following:

8 2 (1) File an application and pay application fees as
8 3 established by the board, which application shall provide the
8 4 person's state contractor registration number and establish
8 5 that the person meets the minimum requirements adopted by the
8 6 board.

8 7 (2) Maintain a permanent place of business.

8 8 (3) Hold a master license or employ at least one person
8 9 holding a master license under this chapter.

8 10 3. COMBINED LICENSES, RESTRICTED LICENSES.

8 11 a. The ~~department~~ board may issue single or combined
8 12 licenses to persons who qualify as a contractor, master,
8 13 journey person, or apprentice under any of the disciplines.

8 14 b. Special, restricted license. The board may by rule
8 15 provide for the issuance of special plumbing and mechanical
8 16 professional licenses authorizing the licensee to engage in a
8 17 limited class or classes of plumbing or mechanical
8 18 professional work, which class or classes shall be specified
8 19 on the license. Each licensee shall have experience,
8 20 acceptable to the board, in each such limited class of for
8 21 which the person is licensed.

8 22 4. WAIVER. Notwithstanding section 17A.9A, the board
8 23 shall through December 31, 2009, waive the written examination
8 24 requirements ~~set forth in this section~~ and prior experience
8 25 requirements in subsection 2, paragraph "b", subparagraph (3),
8 26 and subsection 2, paragraph "c", subparagraph (3), for a
8 27 journey person or master license if the applicant meets either
8 28 of the following requirements:

8 29 a. The applicant meets both of the following requirements:

8 30 (1) The applicant has previously passed a written
8 31 examination which the board deems to be substantially similar
8 32 to the licensing examination otherwise required by the board
8 33 to obtain the applicable license.

8 34 (2) The applicant has completed at least eight classroom
8 35 hours of continuing education in courses or seminars approved



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 224 - Introduced continued

9 1 by the board within the two-year period immediately preceding
9 2 the date of the applicant's license application.

9 3 b. The applicant can demonstrate to the satisfaction of
9 4 the board that the applicant has five or more years of
9 5 experience prior to July 1, 2008, in the plumbing, HVAC,
9 6 refrigeration, or hydronic business, as applicable, which
9 7 experience is of a nature that the board deems to be
9 8 sufficient to demonstrate continuous professional competency
9 9 consistent with that expected of an individual who passes the
9 10 applicable licensing examination which the applicant would
9 11 otherwise be required to pass.

9 12 Sec. 18. Section 105.19, subsections 1 and 3, Code 2009,
9 13 are amended to read as follows:

9 14 1. An applicant for a ~~master~~ contractor license or renewal
9 15 of an active ~~master~~ contractor license shall provide evidence
9 16 of a public liability insurance policy and surety bond in an
9 17 amount determined sufficient by the board by rule.

9 18 3. The insurance and surety bond shall be written by an
9 19 entity licensed to do business in this state and each licensed
9 20 ~~master contractor~~ shall maintain on file with the ~~department~~
9 21 board a certificate evidencing the insurance providing that
9 22 the insurance or surety bond shall not be canceled without the
9 23 entity first giving fifteen days written notice to the
9 24 ~~department~~ board.

9 25 Sec. 19. Section 105.20, Code 2009, is amended to read as
9 26 follows:

9 27 105.20 RENEWAL AND REINSTATEMENT OF LICENSES == FEES AND
9 28 PENALTIES == CONTINUING EDUCATION.

9 29 1. ~~A license issued pursuant to this chapter shall be~~
~~9 30 issued for a term of two years. Licenses issued by the board~~
9 31 shall expire in intervals as determined by the board.

9 32 2. A license issued under this chapter may be renewed as
9 33 provided by rule adopted by the board upon application by the
9 34 licensee, without examination. Applications for renewal shall
9 35 be made ~~in writing~~ to the ~~department~~ board, accompanied by the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 224 - Introduced continued

10 1 required renewal licensing fee, at least thirty days prior to
10 2 the expiration date of the license.

~~10 3 3. A renewal license shall be displayed in connection with
10 4 the original license.~~

10 5 4. 3. The ~~department~~ board shall notify each licensee by
10 6 mail at least sixty days prior to the expiration of a license.

~~10 7 5. 4. Failure to renew a license within a reasonable time
10 8 after the expiration of the license shall not invalidate the
10 9 license, but a reasonable penalty may be assessed as adopted
10 10 by rule, in addition to the license renewal fee, to allow
10 11 reinstatement of the license.~~

~~10 12 6. A licensee who allows a license to lapse for a period
10 13 of one month or less may reinstate and renew the license
10 14 without examination upon the recommendation of the board and
10 15 upon payment of the applicable renewal and reinstatement fees.~~

~~10 16 7. 5. The board shall, by rule, establish a reinstatement
10 17 process for a licensee who allows a license to lapse for a
10 18 period greater than one month, including reasonable penalties.~~

~~10 19 8. 6. The board shall establish continuing education
10 20 requirements pursuant to section 272C.2. The basic continuing
10 21 education requirement for renewal of a license shall be the
10 22 completion, during the immediately preceding license term, of
10 23 the number of classroom hours of instruction required by the
10 24 board in courses or seminars which have been approved by the
10 25 board. The board shall require at least eight classroom hours
10 26 of instruction during each ~~two-year~~ licensing term.~~

10 27 Sec. 20. Section 105.21, Code 2009, is amended to read as
10 28 follows:

10 29 105.21 RECIPROCAL LICENSES.

10 30 The board may license without examination a nonresident
10 31 applicant who is licensed under plumbing, HVAC, refrigeration,
10 32 or hydronic professional licensing statutes of another state
10 33 having similar licensing requirements as those set forth in
10 34 this chapter and the rules adopted under this chapter if the
10 35 other state grants the same reciprocal licensing privileges to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 224 - Introduced continued

11 1 residents of Iowa who have obtained Iowa plumbing or
11 2 mechanical professional licenses under this chapter. The
11 3 ~~department and the~~ board shall adopt the necessary rules, not
11 4 inconsistent with the law, for carrying out the reciprocal
11 5 relations with other states which are authorized by this
11 6 chapter.

11 7 Sec. 21. Section 105.22, unnumbered paragraph 1, Code
11 8 2009, is amended to read as follows:

11 9 A license to practice as a contractor or as a plumbing,
11 10 HVAC, refrigeration, or hydronic professional may be revoked
11 11 or suspended, or an application for licensure may be denied
11 12 pursuant to procedures established pursuant to chapter 272C by
11 13 the board, or the licensee may be otherwise disciplined in
11 14 accordance with that chapter, when the licensee commits any of
11 15 the following acts or offenses:

11 16 Sec. 22. Section 105.23, Code 2009, is amended to read as
11 17 follows:

11 18 105.23 JURISDICTION OF REVOCATION AND SUSPENSION
11 19 PROCEEDINGS.

11 20 The board shall have exclusive jurisdiction of all
11 21 proceedings to revoke or suspend a license issued pursuant to
11 22 this chapter. The board may initiate proceedings under this
11 23 chapter or chapter 272C, following procedures set out in
11 24 section 272C.6, either on its own motion or on the complaint
11 25 of any person. ~~Before scheduling a hearing, the board may~~
~~11 26 request the department to conduct an investigation into the~~
~~11 27 charges to be addressed at the board hearing. The department~~
~~11 28 shall report its findings to the board.~~ The board, in
11 29 connection with a proceeding under this chapter, may issue
11 30 subpoenas to compel attendance and testimony of witnesses and
11 31 the disclosure of evidence, and may request the attorney
11 32 general to bring an action to enforce the subpoena.

11 33 Sec. 23. Section 105.25, subsections 1, 3, and 4, Code
11 34 2009, are amended to read as follows:

11 35 1. Only a person who is duly licensed pursuant to this



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 224 - Introduced continued

12 1 chapter may advertise the fact that the person is licensed as
12 2 a contractor or as a plumbing, HVAC, refrigeration, or
12 3 hydronic professional by the state of Iowa.

12 4 3. A person who fraudulently claims to be a licensed
12 5 contractor or a licensed plumbing, HVAC, refrigeration, or
12 6 hydronic professional pursuant to this chapter, either in
12 7 writing, cards, signs, circulars, advertisements, or other
12 8 communications, is guilty of a simple misdemeanor.

12 9 4. A person who fraudulently lists a contractor or a
12 10 master plumbing, HVAC, refrigeration, or hydronic license
12 11 number in connection with that person's advertising or falsely
12 12 displays a contractor or a master plumbing, HVAC,
12 13 refrigeration, or hydronic professional license number is
12 14 guilty of a simple misdemeanor. In order to be entitled to
12 15 use a license number of a master plumbing, HVAC,
12 16 refrigeration, or hydronic professional, the master plumbing,
12 17 HVAC, refrigeration, or hydronic professional must be employed
12 18 by the person in whose name the business of designing,
12 19 installing, or repairing plumbing or mechanical systems is
12 20 being conducted.

12 21 Sec. 24. Section 105.27, subsection 1, Code 2009, is
12 22 amended to read as follows:

12 23 1. In addition to any other penalties provided for in this
12 24 chapter, the board may, by order, impose a civil penalty, not
12 25 to exceed five thousand dollars per offense, upon a person
12 26 violating any provision of this chapter. Each day of a
12 27 continued violation constitutes a separate offense, except
12 28 that offenses resulting from the same or common facts or
12 29 circumstances shall be considered a single offense. Before
12 30 issuing an order under this section, the board shall provide
12 31 the person written notice and the opportunity to request a
12 32 hearing on the record. The hearing must be requested within
12 33 thirty days of the issuance of the notice.

12 34 Sec. 25. Section 105.28, Code 2009, is amended to read as
12 35 follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 224 - Introduced continued

13 1 105.28 ENFORCEMENT.

13 2 The ~~department~~ board shall enforce the provisions of this
13 3 chapter and for that purpose may request the department of
~~13 4 inspections and appeals to make necessary investigations.~~

13 5 Every licensee and member of the board shall furnish the
13 6 ~~department or the department of inspections and appeals~~ board
13 7 such evidence as the licensee or member may have relative to
13 8 any alleged violation which is being investigated.

13 9 Sec. 26. Section 105.29, Code 2009, is amended to read as
13 10 follows:

13 11 105.29 REPORT OF VIOLATORS.

13 12 Every licensee and every member of the board shall report
13 13 to the ~~department~~ board the name of every person who is
13 14 practicing as a contractor or as a plumber or mechanical
13 15 professional without a license issued pursuant to this chapter
13 16 pursuant to the knowledge or reasonable belief of the person
13 17 making the report. The opening of an office or place of
13 18 business for the purpose of providing any services for which a
13 19 license is required by this chapter, the announcing to the
13 20 public in any way the intention to provide any such service,
13 21 the use of any professional designation, or the use of any
13 22 sign, card, circular, device, vehicle, or advertisement, as a
13 23 provider of any such services shall be prima facie evidence of
13 24 engaging in the practice of a contractor or a plumber or
13 25 mechanical professional.

13 26 Sec. 27. Section 105.30, Code 2009, is amended to read as
13 27 follows:

13 28 105.30 ATTORNEY GENERAL.

13 29 Upon request of the ~~department~~ board, the attorney general
13 30 shall institute in the name of the state the proper
13 31 proceedings against any person charged by the department with
13 32 violating any provision of this chapter.

13 33 Sec. 28. Section 135.11, subsection 5, Code 2009, is
13 34 amended by striking the subsection.

13 35 Sec. 29. Section 272C.1, subsection 6, paragraph ae, Code



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 224 - Introduced continued

14 1 2009, is amended to read as follows:

14 2 ae. The plumbing and mechanical systems ~~examining~~ board,
14 3 created pursuant to chapter 105.

14 4 Sec. 30. Sections 105.6, 105.7, and 105.8, Code 2009, are
14 5 repealed.

14 6 Sec. 31. APPLICABILITY == PRIOR ACTIONS VOID. Sections
14 7 105.22 through 105.30, Code 2009, as amended by this Act,
14 8 shall be applicable only on and after July 1, 2009, and any
14 9 actions taken under those sections prior to July 1, 2009,
14 10 shall be void.

14 11 EXPLANATION

14 12 This bill contains several revisions to the 2007
14 13 legislation providing for the licensing and regulation of
14 14 plumbers and mechanical professionals. The word "examiner" is
14 15 removed from the name of the plumbing and mechanical systems
14 16 examining board to be consistent with the department of public
14 17 health's 19 other licensure boards.

14 18 Many of the changes are technical or administrative in
14 19 nature and several represent changes in the licensing law
14 20 itself:

14 21 1. The bill gives the board authority to adopt and enforce
14 22 the state plumbing code, currently under the jurisdiction of
14 23 the department.

14 24 2. The bill requires that a contractor be licensed.

14 25 3. The bill specifies that the board cannot impose a civil
14 26 penalty exceeding \$5,000 per offense.

14 27 4. The bill delays the applicability enforcement
14 28 provisions of the licensing law until July 1, 2009.

14 29 Other administrative changes include revising Code language
14 30 relating to examinations; Code section 105.5, relating to
14 31 application is revised and Code sections 105.6, 105.7, and
14 32 105.8 are repealed. These provisions currently provide detail
14 33 to the examination process. Under the bill, the board will
14 34 provide detail to this process in rule. Other changes relate
14 35 to license renewal and continuing education.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009**

Senate File 224 - Introduced continued

15 1 Existing language in Code section 105.11 allows owners or
15 2 operators of certain health care facilities and institutions
15 3 to perform work within their buildings; the bill specifies
15 4 that such work relates to routine maintenance and moves this
15 5 language into its own subsection.
15 6 The bill postpones the applicability of Code sections
15 7 105.22 through 105.30 until July 1, 2009. These Code sections
15 8 relate to the imposition of licensee discipline and the
15 9 general enforcement of Code chapter 105.
15 10 LSB 1147SV 83
15 11 jr/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 225 - Introduced

SENATE FILE
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SF 90)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act allowing the purchase of service credit under the
- 2 statewide fire and police retirement system for prior service
- 3 under the retirement system.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 1987SV 83
- 6 ec/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 225 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 411.10A PURCHASE OF SERVICE
1 2 CREDIT FOR PRIOR SERVICE.
1 3 1. An active member of the system who has been a member of
1 4 the retirement system five or more years and who received a
1 5 refund of the member's contributions for a prior period of
1 6 service under the system may elect to purchase up to five
1 7 years of service credit for that prior period of service, that
1 8 will be recognized by the retirement system for purposes of
1 9 calculating a member's benefit, pursuant to Internal Revenue
1 10 Code section 415(n) and the requirements of this section.
1 11 2. a. A member seeking to purchase service credit
1 12 pursuant to this section shall file a written application with
1 13 the system requesting an actuarial determination of the cost
1 14 of a purchase of service credit. Upon receipt of the cost
1 15 estimate for the purchase of service from the system, the
1 16 member may make contributions to the system in an amount equal
1 17 to the actuarial cost of the service credit purchase.
1 18 b. For purposes of this subsection, the actuarial cost of
1 19 the service credit purchase is an amount determined by the
1 20 system in accordance with actuarial tables, as reported to the
1 21 system by the system's actuary, which reflects the actuarial
1 22 cost necessary to fund an increased retirement allowance
1 23 resulting from the purchase of service credit.
1 24 3. The system shall ensure that the member, in exercising
1 25 an option provided in this section, does not exceed the amount
1 26 of annual additions to a member's account permitted pursuant
1 27 to section 415 of the federal Internal Revenue Code.
1 28 4. The board of trustees shall adopt rules providing for
1 29 the implementation and administration of this section.

1 30 EXPLANATION

1 31 This bill permits an active member of the Municipal Fire
1 32 and Police Retirement System (MFPRSI) who has been a member of
1 33 the retirement system for five or more years to purchase
1 34 service credit for prior service under MFPRSI in which the
1 35 member received a refund of the member's contributions. The



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009**

Senate File 225 - Introduced continued

2 1 bill provides that the member may purchase up to five years of
2 2 membership service for that period of prior service upon
2 3 making contributions to the system in an amount equal to the
2 4 actuarial cost of the purchase of service credit. The bill
2 5 provides that the board of trustees shall adopt rules
2 6 providing for the implementation and administration of this
2 7 new purchase of service credit.
2 8 LSB 1987SV 83
2 9 ec/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 226 - Introduced

SENATE FILE
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SF 61)

(COMPANION TO HF 83
BY HUNTER)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act concerning the statewide fire and police retirement system
2 by establishing a presumption that cancer is work-related for
3 purposes of disability and death benefits for fire fighters
4 and by increasing the contribution rate for fire fighters.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 1635SV 83
7 ec/sc/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 226 - Introduced continued

PAG LIN

1 1 Section 1. Section 411.6, subsection 5, paragraph c, Code
1 2 2009, is amended to read as follows:

1 3 c. Disease under this section shall mean heart disease or
1 4 any disease of the lungs or respiratory tract and shall be
1 5 presumed to have been contracted while on active duty as a
1 6 result of strain or the inhalation of noxious fumes, poison or
1 7 gases. For a member who is a fire fighter, disease under this
1 8 section shall also mean cancer which shall also be presumed to
1 9 have been contracted while on active duty. However, if a
1 10 person's membership in the system first commenced on or after
1 11 July 1, 1992, and the heart disease, ~~or~~ disease of the lungs
1 12 or respiratory tract, or cancer would not exist, but for a
1 13 medical condition that was known to exist on the date that
1 14 membership commenced, the presumption established in this
1 15 paragraph shall not apply.

1 16 Sec. 2. Section 411.6, subsection 9, paragraph a, Code
1 17 2009, is amended to read as follows:

1 18 a. If, upon the receipt of evidence and proof from the
1 19 chief of the police or fire department that the death of a
1 20 member in service was the natural and proximate result of an
1 21 injury or disease incurred in or aggravated by the actual
1 22 performance of duty at some definite time and place, or while
1 23 acting pursuant to order, outside of the city by which the
1 24 member is regularly employed, the system decides that death
1 25 was so caused in the performance of duty, there shall be paid,
1 26 in lieu of the ordinary death benefit provided in subsection
1 27 8, an accidental death benefit as set forth in this
1 28 subsection. Disease under this subsection shall mean heart
1 29 disease or any disease of the lungs or respiratory tract and
1 30 shall be presumed to have been contracted while on active duty
1 31 as a result of strain or the inhalation of noxious fumes,
1 32 poison, or gases. For a member who is a fire fighter, disease
1 33 under this subsection shall also mean cancer which shall also
1 34 be presumed to have been contracted while on active duty.

1 35 Sec. 3. Section 411.8, subsection 1, paragraph f,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 226 - Introduced continued

2 1 subparagraph (8), Code 2009, is amended to read as follows:
2 2 (8) Beginning July 1, 1996, and each fiscal year
2 3 thereafter, an amount equal to the member's contribution rate
2 4 times each member's compensation shall be paid to the fund
2 5 from the earnable compensation of the member. For the
2 6 purposes of this subparagraph, the member's contribution rate
2 7 shall be nine and thirty=five hundredths percent or, beginning
2 8 July 1, 2009, if the member is a fire fighter, nine and
2 9 four=tenths percent. However, the system shall increase the
2 10 member's contribution rate as necessary to cover any increase
2 11 in cost to the system resulting from statutory changes which
2 12 are enacted by any session of the general assembly meeting
2 13 after January 1, 1991, if the increase cannot be absorbed
2 14 within the contribution rates otherwise established pursuant
2 15 to this paragraph, but subject to a maximum employee
2 16 contribution rate of eleven and three=tenths percent or,
2 17 beginning July 1, 2009, if the member is a fire fighter,
2 18 eleven and thirty=five hundredths percent. The contribution
2 19 rate increases specified in 1994 Iowa Acts, ch. 1183, pursuant
2 20 to this chapter and chapter 97A shall be the only member
2 21 contribution rate increases for these systems resulting from
2 22 the statutory changes enacted in 1994 Iowa Acts, ch. 1183, and
2 23 shall apply only to the fiscal periods specified in 1994 Iowa
2 24 Acts, ch. 1183. After the employee contribution reaches
2 25 eleven and three=tenths percent or eleven and thirty=five
2 26 hundredths percent, as applicable, sixty percent of the
2 27 additional cost of such statutory changes shall be paid by
2 28 employers under paragraph "c" and forty percent of the
2 29 additional cost shall be paid by employees under this
2 30 paragraph.

2 31 EXPLANATION

2 32 This bill provides that cancer contracted by fire fighter
2 33 members of the statewide fire and police retirement system is
2 34 presumed to be a disease contracted while on active duty due
2 35 to the job for purposes of establishing a disability pension



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009**

Senate File 226 - Introduced continued

3 1 or providing a death benefit. The bill also provides that the
3 2 presumption will not apply to fire fighter members who joined
3 3 the retirement system after July 1, 1992, in which the cancer
3 4 would not have existed but for a medical condition that was
3 5 known on the date the member joined.

3 6 The bill also increases the minimum contribution rate for
3 7 fire fighter members of the pension system from 9.35 percent
3 8 to 9.4 percent.

3 9 The bill may include a state mandate as defined in Code
3 10 section 25B.3. The state mandate funding requirement in Code
3 11 section 25B.2, however, does not apply to public employee
3 12 retirement systems.

3 13 LSB 1635SV 83

3 14 ec/sc/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 227 - Introduced

SENATE FILE
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 1128)

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

A BILL FOR

1 An Act relating to an agreement among the states to elect the
2 president by national popular vote and providing an effective
3 date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TL5B 1749SV 83
6 sc/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 227 - Introduced continued

PAG LIN

1 1 Section 1. Section 50.45, Code 2009, is amended to read as
1 2 follows:

1 3 50.45 CANVASS PUBLIC == RESULT DETERMINED.

1 4 1. All canvasses of tally lists shall be public, and the
1 5 persons having the greatest number of votes shall be declared
1 6 elected, except that in any year in which the appointment of
1 7 presidential electors is governed by the national popular vote
1 8 compact set forth in section 54.10, the persons that shall be
1 9 declared elected to the position of presidential elector shall
1 10 be the persons specified in the national popular vote compact.

1 11 2. When a public measure has been submitted to the
1 12 electors, the proposition shall be declared to have been
1 13 adopted if the vote cast in favor of the question is greater
1 14 than fifty percent of the total vote cast in favor and against
1 15 the question, unless laws pertaining specifically to the
1 16 public measure election establish a higher percentage of a
1 17 favorable vote. All ballots cast and not counted as a vote in
1 18 favor or against the proposition shall not be used in
1 19 computing the total vote cast in favor and against the
1 20 proposition.

1 21 Sec. 2. NEW SECTION. 54.10 AGREEMENT AMONG THE STATES TO
1 22 ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE.

1 23 The agreement among the states to elect the president by
1 24 national popular vote may be cited as the "National Popular
1 25 Vote Compact". The national popular vote compact is entered
1 26 into and enacted into law with each other state that has
1 27 enacted the compact in substantially the following form:

1 28 1. ARTICLE I == MEMBERSHIP. Any state of the United
1 29 States and the District of Columbia may become a member of
1 30 this agreement by enacting this agreement.

1 31 2. ARTICLE II == RIGHT OF THE PEOPLE IN MEMBER STATES TO
1 32 VOTE FOR PRESIDENT AND VICE PRESIDENT. Each member state
1 33 shall conduct a statewide popular election for president and
1 34 vice president of the United States.

1 35 3. ARTICLE III == MANNER OF APPOINTING PRESIDENTIAL



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 227 - Introduced continued

2 1 ELECTORS IN MEMBER STATES.

2 2 a. Prior to the time set by law for the meeting and voting
2 3 by the presidential electors, the chief election official of
2 4 each member state shall determine the number of votes for each
2 5 presidential slate in each state of the United States and in
2 6 the District of Columbia in which votes have been cast in a
2 7 statewide popular election and shall add such votes together
2 8 to produce a "national popular vote total" for each
2 9 presidential slate.

2 10 b. The chief election official of each member state shall
2 11 designate the presidential slate with the largest national
2 12 popular vote total as the "national popular vote winner".

2 13 c. The presidential elector certifying official of each
2 14 member state shall certify the appointment in that official's
2 15 own state of the elector slate nominated in that state in
2 16 association with the national popular vote winner.

2 17 d. At least six days before the day fixed by law for the
2 18 meeting and voting by the presidential electors, each member
2 19 state shall make a final determination of the number of
2 20 popular votes cast in the state for each presidential slate
2 21 and shall communicate an official statement of such
2 22 determination within twenty-four hours to the chief election
2 23 official of each other member state.

2 24 e. The chief election official of each member state shall
2 25 treat as conclusive an official statement containing the
2 26 number of popular votes in a state for each presidential slate
2 27 made by the day established by federal law for making a
2 28 state's final determination conclusive as to the counting of
2 29 electoral votes by Congress.

2 30 f. In event of a tie for the national popular vote winner,
2 31 the presidential elector certifying official of each member
2 32 state shall certify the appointment of the elector slate
2 33 nominated in association with the presidential slate receiving
2 34 the largest number of popular votes within that official's own
2 35 state.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 227 - Introduced continued

3 1 g. If, for any reason, the number of presidential electors
3 2 nominated in a member state in association with the national
3 3 popular vote winner is less than or greater than that state's
3 4 number of electoral votes, the presidential candidate on the
3 5 presidential slate that has been designated as the national
3 6 popular vote winner shall have the power to nominate the
3 7 presidential electors for that state and that state's
3 8 presidential elector certifying official shall certify the
3 9 appointment of such nominees.

3 10 h. The chief election official of each member state shall
3 11 immediately release to the public all vote counts or
3 12 statements of votes as they are determined or obtained.

3 13 i. This article shall govern the appointment of
3 14 presidential electors in each member state in any year in
3 15 which this agreement is, on July 20, in effect in states
3 16 cumulatively possessing a majority of the electoral votes.

3 17 4. ARTICLE IV == OTHER PROVISIONS.

3 18 a. This agreement shall take effect when states
3 19 cumulatively possessing a majority of the electoral votes have
3 20 enacted this agreement in substantially the same form and the
3 21 enactments by such states have taken effect in each state.

3 22 b. Any member state may withdraw from this agreement,
3 23 except that a withdrawal occurring six months or less before
3 24 the end of a president's term shall not become effective until
3 25 a president or vice president shall have been qualified to
3 26 serve the next term.

3 27 c. The chief executive of each member state shall promptly
3 28 notify the chief executives of all other states of when this
3 29 agreement has been enacted and has taken effect in that
3 30 official's state, when the state has withdrawn from this
3 31 agreement, and when this agreement takes effect generally.

3 32 d. This agreement shall terminate if the electoral college
3 33 is abolished.

3 34 e. If any provision of this agreement is held invalid, the
3 35 remaining provisions shall not be affected.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 227 - Introduced continued

4 1 5. ARTICLE V == DEFINITIONS. For purposes of this
4 2 agreement:
4 3 a. "Chief election official" shall mean the state official
4 4 or body that is authorized to certify the total number of
4 5 popular votes for each presidential slate.
4 6 b. "Chief executive" shall mean the governor of a state of
4 7 the United States or the mayor of the District of Columbia.
4 8 c. "Elector slate" shall mean a slate of candidates who
4 9 have been nominated in a state for the position of
4 10 presidential elector in association with a presidential slate.
4 11 d. "Presidential elector" shall mean an elector for
4 12 president and vice president of the United States.
4 13 e. "Presidential elector certifying official" shall mean
4 14 the state official or body that is authorized to certify the
4 15 appointment of the state's presidential electors.
4 16 f. "Presidential slate" shall mean a slate of two persons,
4 17 the first of whom has been nominated as a candidate for
4 18 president of the United States and the second of whom has been
4 19 nominated as a candidate for vice president of the United
4 20 States, or any legal successors to such persons, regardless of
4 21 whether both names appear on the ballot presented to the voter
4 22 in a particular state.
4 23 g. "State" shall mean a state of the United States and the
4 24 District of Columbia.
4 25 h. "Statewide popular election" shall mean a general
4 26 election in which votes are cast for presidential slates by
4 27 individual voters and counted on a statewide basis.

4 28 EXPLANATION

4 29 This bill creates a compact for the state of Iowa whereby
4 30 the state agrees to certify its electors for president of the
4 31 United States based on the national popular vote for
4 32 president, rather than on the popular vote for president
4 33 within the state. The agreement is cited in the bill as the
4 34 "National Popular Vote Compact". To take effect, the compact
4 35 must be enacted by any number of states whose electoral votes,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009**

Senate File 227 - Introduced continued

5 1 in the aggregate, constitute a majority of the entire number
5 2 of electoral votes nationally. The compact provides that any
5 3 member state may withdraw from the compact. However, if a
5 4 withdrawal occurs six months or less before the end of a
5 5 president's term, the withdrawal shall not take effect until a
5 6 president has qualified to serve the next term.
5 7 LSB 1749SV 83
5 8 sc/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 228 - Introduced

SENATE FILE
BY BEALL

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

A BILL FOR

- 1 An Act relating to the construction and maintenance of walkways
- 2 in rail yards and providing a penalty.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2163XS 83
- 5 dea/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 228 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 327F.1A DEFINITIONS.
1 2 As used in this chapter, unless the context otherwise
1 3 requires:
1 4 1. "Department" means the department of transportation.
1 5 2. "Director" means the director of transportation.
1 6 Sec. 2. NEW SECTION. 327F.37 RAIL YARD WALKWAYS.
1 7 1. SCOPE. This section applies to all walkways in rail
1 8 yards in this state. This section does not apply to tracks
1 9 constructed in industry yards owned by an entity other than a
1 10 rail carrier.
1 11 2. DEFINITIONS. For purposes of this section, unless the
1 12 context otherwise requires:
1 13 a. "Frequently" means at least five days per week, one
1 14 shift per day.
1 15 b. "Good cause" includes but is not limited to a showing
1 16 that compliance will impose an undue hardship on the rail
1 17 carrier.
1 18 3. GENERAL REQUIREMENTS AND RECOMMENDATIONS.
1 19 a. (1) Walkways may be surfaced with asphalt, concrete,
1 20 planking, grating, native material, crushed material, or other
1 21 similar material. When crushed material is used, one hundred
1 22 percent of the material must be capable of passing through a
1 23 one and one-half inch square sieve opening, and not less than
1 24 ninety percent of the material must be capable of passing
1 25 through a one-inch square sieve opening; provided that a de
1 26 minimus variation shall not be a violation of this section in
1 27 an instance where the rail carrier has made a good faith
1 28 effort to comply with the percentage requirements of this
1 29 subparagraph.
1 30 (2) Crushed material smaller than that described in
1 31 subparagraph (1) should be used whenever practicable,
1 32 especially in places where drainage and durability issues do
1 33 not exist. Material that is three-fourths inch or smaller in
1 34 size is recommended for switching lead tracks.
1 35 b. Walkways shall have a reasonably uniform surface and be



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 228 - Introduced continued

2 1 maintained in a safe condition without compromising track
2 2 drainage.
2 3 c. Cross slopes for walkways shall not exceed one inch of
2 4 elevation for each eight inches of horizontal length in any
2 5 direction.
2 6 d. Walkways shall be at least two feet wide.
2 7 e. Walkways shall be kept reasonably free of spilled fuel
2 8 oil, sand, posts, vegetation, nonballast rocks, and other
2 9 hazards or obstructions.
2 10 4. STANDARD. A rail carrier shall provide walkways
2 11 adjacent to those portions of yard tracks where rail carrier
2 12 employees frequently work on the ground performing switching
2 13 activities.
2 14 5. OTHER TRACKS.
2 15 a. If the department finds, after notice and hearing, that
2 16 rail carrier employees who frequently work adjacent to a
2 17 portion of track performing switching activities are exposed
2 18 to safety hazards due to the lack of a walkway or due to the
2 19 condition of a walkway constructed before July 1, 2009, the
2 20 department may order a rail carrier to construct a walkway
2 21 adjacent to a portion of track where employees perform
2 22 switching activities or require a rail carrier to modify an
2 23 existing walkway in conformance with subsection 4 within a
2 24 reasonable period of time.
2 25 b. For purposes of this subsection, "frequently" means at
2 26 least five days per week, one shift per day, or any other
2 27 period the department deems frequent enough to warrant an
2 28 order pursuant to this subsection.
2 29 6. COMPLIANCE. A rail carrier is excused from complying
2 30 with this section during maintenance activities and during any
2 31 period of heavy rain or snow, derailment, rock and earth
2 32 slides, washouts, or similar weather or seismic conditions,
2 33 and for a reasonable period after such conditions to allow a
2 34 return to compliance.
2 35 7. WAIVERS. A rail carrier may petition the department



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 228 - Introduced continued

3 1 for a waiver of any provision of this section for good cause
3 2 shown.

3 3 8. ENFORCEMENT. A formal complaint of an alleged
3 4 violation of this section shall not be filed with the
3 5 department until the filing party has attempted to address the
3 6 allegations with the rail carrier. A complaint of an alleged
3 7 violation of this part shall contain a written statement that
3 8 the filing party has made a reasonable, good faith attempt to
3 9 address the alleged violation with the rail carrier.

3 10 9. PENALTIES. A rail carrier who violates this section
3 11 commits a "schedule one" violation. Each day a violation
3 12 exists shall be considered a separate violation.

3 13 Sec. 3. Section 327F.39, subsection 1, paragraphs a and b,
3 14 Code 2009, are amended by striking the paragraphs.

3 15 EXPLANATION

3 16 This bill establishes standards and requirements for the
3 17 construction and maintenance of walkways in rail yards. The
3 18 provisions of the bill apply to all walkways in rail yards in
3 19 this state, but do not apply to tracks in industry yards owned
3 20 by an entity other than a rail carrier.

3 21 The bill specifies that walkways may be surfaced with
3 22 asphalt, concrete, planking, grating, native material, crushed
3 23 material, or other similar material. If crushed material is
3 24 used, 100 percent of the material must be able to pass through
3 25 a one and one-half inch sieve opening, and at least 90 percent
3 26 of the material must be able to pass through a one-inch sieve
3 27 opening, with allowance for a de minimus variation. The bill
3 28 contains general recommendations for the use of crushed
3 29 material. In addition, the bill requires that walkways be at
3 30 least two feet wide, with cross slopes of not more than one
3 31 inch of elevation for each eight inches of length in any
3 32 direction. Walkways must have a reasonably uniform surface,
3 33 be maintained in safe condition without compromising track
3 34 drainage, and be kept reasonably free of spilled fuel oil,
3 35 sand, posts, vegetation, nonballast rocks, and other hazards



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 228 - Introduced continued

4 1 and obstructions.

4 2 The bill establishes a standard requirement for rail
4 3 carriers to provide walkways adjacent to portions of yard
4 4 tracks where rail carrier employees work on the ground
4 5 performing switching activities at least five days per week,
4 6 one shift per day. However, following an administrative
4 7 hearing, the department of transportation may order a rail
4 8 carrier to construct a walkway or conform a preexisting
4 9 walkway to the new standards along any portion of track where
4 10 the lack of a walkway or condition of a walkway poses a safety
4 11 hazard to employees performing switching activities for any
4 12 period of time.

4 13 The bill excuses a rail carrier from compliance with
4 14 walkway requirements during maintenance activities and during
4 15 periods of heavy rain or snow, derailment, rock and earth
4 16 slides, washouts, or other weather or seismic conditions, and
4 17 for a reasonable period following such an occurrence.

4 18 The department of transportation may grant a waiver of any
4 19 provision of the bill to a rail carrier upon a showing of good
4 20 cause, including but not limited to a showing that compliance
4 21 will impose an undue hardship on the rail carrier.

4 22 A party who alleges a violation of the requirements of the
4 23 bill may not file a formal complaint until the filing party
4 24 has made a good faith attempt to address the alleged violation
4 25 with the rail carrier. A violation of the bill's provisions
4 26 is a "schedule one" violation, punishable by a \$100 fine for
4 27 each day a violation exists.

4 28 The bill makes technical changes to Code chapter 327F to
4 29 codify definitions applicable to the bill and to the entire
4 30 Code chapter.

4 31 LSB 2163XS 83

4 32 dea/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 229 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1098)

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

A BILL FOR

- 1 An Act relating to elections or appointments to a county
- 2 magistrate appointing commission.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1465SV 83
- 5 jm/rj/14



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009**

Senate File 229 - Introduced continued

PAG LIN

1 1 Section 1. Section 602.6502, Code 2009, is amended to read
1 2 as follows:

1 3 602.6502 PROHIBITIONS TO APPOINTMENT.

1 4 A member of a county magistrate appointing commission shall
1 5 not be appointed to the office of magistrate, and shall not be
1 6 nominated for or appointed to the office of district associate
1 7 judge, office of associate juvenile judge, or office of
1 8 associate probate judge. A member of the commission shall not
1 9 be eligible to vote for the appointment or nomination of a
1 10 family member, current law partner, ~~or~~ current business
1 11 partner, or current member of the same office. For purposes
1 12 of this section, "family member" means a spouse, son,
1 13 daughter, brother, sister, uncle, aunt, first cousin, nephew,
1 14 niece, father-in-law, mother-in-law, son-in-law,
1 15 daughter-in-law, brother-in-law, sister-in-law, father,
1 16 mother, stepfather, stepmother, stepson, stepdaughter,
1 17 stepbrother, stepsister, half brother, or half sister.

1 18 Sec. 2. Section 602.6503, subsection 2, Code 2009, is
1 19 amended to read as follows:

1 20 2. The board of supervisors shall not appoint an attorney
1 21 ~~or an active law enforcement officer~~ to serve as a
1 22 commissioner.

1 23 Sec. 3. Section 602.6504, subsection 2, Code 2009, is
1 24 amended to read as follows:

1 25 2. A Notwithstanding section 39.11 or any other law or
1 26 rule to the contrary, a county attorney shall not may be
1 27 elected to the commission.

1 28 EXPLANATION

1 29 This bill relates to the election or appointment to a
1 30 county magistrate appointing commission.

1 31 The bill allows the board of supervisors to appoint an
1 32 active law enforcement officer to serve as a commissioner on a
1 33 magistrate appointing commission. Currently, such an
1 34 appointment is prohibited.

1 35 The bill also provides that a county attorney may be



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 229 - Introduced continued

2 1 elected to serve on a county magistrate appointing commission.
2 2 Current law prohibits a county attorney from being elected to
2 3 the commission.
2 4 The bill makes a commissioner of a county magistrate
2 5 appointment commission ineligible to vote for the appointment
2 6 or nomination of a current member of the commissioner's same
2 7 office. Current law provides that a commissioner is
2 8 ineligible to vote for the appointment or nomination of a
2 9 family member, current law partner, or current business
2 10 partner.
2 11 A county magistrate commission appoints the magistrates
2 12 authorized for each county pursuant to Code section 602.6403.
2 13 A county magistrate commission consists of a district judge,
2 14 three commissioners appointed by the county supervisors, and
2 15 two commissioners elected by the attorneys residing in the
2 16 county.
2 17 LSB 1465SV 83
2 18 jm/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 230 - Introduced

SENATE FILE
BY SEYMOUR

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

A BILL FOR

- 1 An Act relating to rules applicable to sanitary disposal
- 2 projects.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2056XS 83
- 5 tm/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 230 - Introduced continued

PAG LIN

1 1 Section 1. Section 455B.304, subsection 8, Code 2009, is
1 2 amended to read as follows:

1 3 8. a. The commission shall adopt rules which establish
1 4 closure, postclosure, leachate control and treatment, and
1 5 financial assurance standards and requirements and which
1 6 establish minimum levels of financial responsibility for
1 7 sanitary disposal projects. The commission shall not adopt
1 8 rules pursuant to this subsection that are more restrictive
1 9 than corresponding federal regulations.

1 10 b. The commission shall adopt rules allowing a sanitary
1 11 disposal project that ceased receiving solid waste on or
1 12 before October 1, 2007, to remain closed and conduct
1 13 postclosure activities pursuant to rules adopted by the
1 14 commission and in effect and applicable at the time the
1 15 sanitary disposal project closed.

1 16 c. The commission shall adopt rules allowing a cell or
1 17 phase of a sanitary disposal project designed and permitted in
1 18 accordance with rules adopted by the commission and in effect
1 19 and applicable at the time of permitting to be exempt from any
1 20 redesign or reconstruction of such cell or phase which would
1 21 be required due to an amendment of the rules unless the
1 22 commission determines that the cell or phase of the sanitary
1 23 disposal project is causing confirmed and ongoing
1 24 contamination which exceeds a statewide standard for
1 25 groundwater as provided in 576 IAC 137.5.

1 26 EXPLANATION

1 27 This bill relates to rules applicable to sanitary disposal
1 28 projects.

1 29 The bill provides that the environmental protection
1 30 commission shall not adopt rules that are more restrictive
1 31 than corresponding federal regulations.

1 32 The bill provides that the commission shall adopt rules
1 33 allowing a sanitary disposal project that ceased receiving
1 34 solid waste on or before October 1, 2007, to remain closed and
1 35 conduct postclosure activities pursuant to rules adopted by



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009**

Senate File 230 - Introduced continued

2 1 the commission and in effect and applicable at the time the
2 2 sanitary disposal project closed.
2 3 The bill provides that the commission shall adopt rules
2 4 allowing a cell or phase of a sanitary disposal project
2 5 designed and permitted in accordance with rules adopted by the
2 6 commission and in effect and applicable at the time of
2 7 permitting to be exempt from any redesign or reconstruction of
2 8 such cell or phase which would be required due to an amendment
2 9 of the rules unless the sanitary disposal project is causing
2 10 confirmed and ongoing contamination.
2 11 LSB 2056XS 83
2 12 tm/nh/8.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 231 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SF 38)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to reimbursing nonparticipating providers under
- 2 the IowaCare program and creating a nonparticipating provider
- 3 reimbursement fund.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 1776SV 83
- 6 pf/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 231 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 249J.24A NONPARTICIPATING
1 2 PROVIDER REIMBURSEMENT PROCEDURE == REIMBURSEMENT FUND.
1 3 1. The department shall seek an amendment to the medical
1 4 assistance waiver for the IowaCare program to allow for
1 5 payment to nonparticipating providers as specified in this
1 6 section. If the amendment is approved, the department shall
1 7 reimburse nonparticipating providers for covered expansion
1 8 population services provided to an expansion population member
1 9 if all of the following conditions are met:
1 10 a. An expansion population member seeks medical care or
1 11 treatment for a covered service from a nonparticipating
1 12 provider and either of the following applies:
1 13 (1) Transfer of the expansion population member to a
1 14 participating provider is not possible because both the
1 15 participating and nonparticipating providers agree that the
1 16 expansion population member is too medically unstable for
1 17 transportation to a participating provider.
1 18 (2) Transfer of the expansion population member to a
1 19 participating provider is not possible due to lack of
1 20 available inpatient capacity.
1 21 b. The request for transfer is a covered expansion
1 22 population benefit.
1 23 2. If the nonparticipating provider meets the requirements
1 24 specified in subsection 1, the nonparticipating provider shall
1 25 be reimbursed for covered expansion population services
1 26 provided to the expansion population member through the
1 27 nonparticipating provider reimbursement fund in accordance
1 28 with the following:
1 29 a. The nonparticipating provider shall request
1 30 reimbursement from the department through an exception to
1 31 policy request as provided in departmental rule. The
1 32 nonparticipating provider shall submit a clean claim to the
1 33 department for reimbursement within twenty days of provision
1 34 of the covered service. The department shall adopt rules
1 35 relating to the format of and the information to be included



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 231 - Introduced continued

2 1 in the request for reimbursement.

2 2 b. The nonparticipating provider shall include in the
2 3 request for reimbursement only clean claims for inpatient
2 4 hospital services provided to the expansion population member
2 5 during the episode of care or treatment following the request
2 6 for transfer as specified in subsection 1.

2 7 c. Reimbursement shall be based on the reimbursement rates
2 8 and policies applicable to the nonparticipating provider under
2 9 the full benefit medical assistance program, subject to the
2 10 availability of funds in the nonparticipating provider
2 11 reimbursement fund and subject to the appropriation of moneys
2 12 in the fund to the department.

2 13 d. The department shall reimburse the nonparticipating
2 14 provider only if the recipient of the services is an expansion
2 15 population member with active eligibility status at the time
2 16 the services are provided.

2 17 3. a. A nonparticipating provider reimbursement fund is
2 18 created in the state treasury under the authority of the
2 19 department. Moneys designated for deposit in the fund that
2 20 are received from sources including but not limited to
2 21 appropriations from the general fund of the state, grants, and
2 22 contributions, shall be deposited in the fund.

2 23 b. Moneys in the fund shall be separate from the general
2 24 fund of the state and shall not be considered part of the
2 25 general fund of the state. The moneys deposited in the fund
2 26 are not subject to section 8.33 and shall not be transferred,
2 27 used, obligated, appropriated, or otherwise encumbered, except
2 28 to provide for the purposes specified in this section.
2 29 Notwithstanding section 12C.7, subsection 2, interest or
2 30 earnings on moneys deposited in the fund shall be credited to
2 31 the fund.

2 32 c. Moneys deposited in the fund shall be used only to
2 33 reimburse nonparticipating providers who provide covered
2 34 services to expansion population members if no other third
2 35 party is liable for reimbursement and as specified in



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 231 - Introduced continued

3 1 subsections 1 and 2.

3 2 d. The department shall attempt to maximize receipt of
3 3 federal matching funds under the medical assistance program
3 4 for covered services provided under this section if such
3 5 attempt does not directly or indirectly limit the federal
3 6 funds available to participating providers.

3 7 4. For the purposes of this section, "nonparticipating
3 8 provider" means a hospital licensed pursuant to chapter 135B
3 9 that is not a member of the expansion population provider
3 10 network as specified in section 249J.7.

3 11 EXPLANATION

3 12 This bill directs the department of human services (DHS) to
3 13 seek an amendment to the medical assistance waiver for the
3 14 IowaCare program to allow for payment to nonparticipating
3 15 providers. The bill defines "nonparticipating provider" as a
3 16 licensed hospital that is not a member of the IowaCare
3 17 participating provider network. If the waiver amendment is
3 18 approved, DHS is to reimburse the nonparticipating provider if
3 19 the nonparticipating provider complies with the requirements
3 20 in the bill that either the IowaCare member is too medically
3 21 unstable to transport to a participating provider or transfer
3 22 of the member is not possible due to lack of available
3 23 inpatient capacity, and the request for transfer is a covered
3 24 IowaCare benefit.

3 25 If the nonparticipating provider meets the requirements,
3 26 the service provided will be reimbursed if the
3 27 nonparticipating provider follows the procedure specified in
3 28 the bill. Reimbursement is based on the reimbursement rates
3 29 and policies applicable to the provider under the full benefit
3 30 medical assistance program subject to the availability of
3 31 funds and subject to appropriation of the funds to the
3 32 department. Reimbursement is only available for services
3 33 provided to an active-status IowaCare member.

3 34 The bill creates a nonparticipating provider reimbursement
3 35 fund separate from the general fund of the state. Moneys in



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009**

Senate File 231 - Introduced continued

4 1 the fund are only to be used to reimburse nonparticipating
4 2 providers if no other third party is liable for payment for
4 3 the services provided. The bill also directs DHS to attempt
4 4 to maximize receipt of federal matching funds under the
4 5 medical assistance program for covered services provided under
4 6 the bill if such attempt does not directly or indirectly limit
4 7 the federal funds available to participating providers.
4 8 LSB 1776SV 83
4 9 pf/nh/14



Iowa General Assembly
 Daily Bills, Amendments & Study Bills
 February 24, 2009

Senate File 232 - Introduced

SENATE FILE

BY ZAUN, WARD, REYNOLDS, KAPUCIAN,
 BEHN, MCKINLEY, KETTERING,
 JOHNSON, BARTZ, HARTSUCH,
 SEYMOUR, HAMERLINCK, BOETTGER,
 WIECK, FEENSTRA, and HAHN

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring drug testing for persons applying or receiving
- 2 state assistance.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TL5B 2079XS 83
- 5 ec/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 232 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 77.1 STATE ASSISTANCE == DRUG
1 2 TESTING REQUIREMENT.
1 3 1. For purposes of this section, unless the context
1 4 otherwise requires:
1 5 a. "Department" means the applicable state department,
1 6 institution, or agency providing state aid.
1 7 b. "Drug" means the same as defined in section 730.5.
1 8 c. "State aid" means any form of financial benefit, aid,
1 9 or assistance provided to a person by a state department,
1 10 institution, or agency.
1 11 2. As a condition of eligibility for an applicant or
1 12 participant to receive state aid, the applicant or participant
1 13 shall, if not otherwise prohibited by law, agree to
1 14 participate in drug testing in accordance with this section.
1 15 3. The department shall implement a program of drug
1 16 testing of persons subject to subsection 2. The program shall
1 17 include but is not limited to all of the following:
1 18 a. Random drug testing of existing participants.
1 19 b. Drug testing of all applicants.
1 20 c. Drug testing shall include confirmation of any initial
1 21 positive test results. Any confirmatory test shall be
1 22 performed using a chromatographic technique such as gas
1 23 chromatography/mass spectrometry or another comparably
1 24 reliable analytical method.
1 25 4. An applicant or participant subject to the provisions
1 26 of subsection 2 who has a confirmed positive test result for a
1 27 drug that was not lawfully prescribed for the person, shall be
1 28 ineligible for state aid. The period of ineligibility
1 29 applicable to a person shall continue until the person has a
1 30 negative test result for the drug for which the person had a
1 31 confirmed positive test result.
1 32 5. A person's positive test result obtained under this
1 33 section shall not be used as evidence in any criminal action
1 34 involving the person.
1 35 6. The applicable department shall adopt rules to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 232 - Introduced continued

2 1 administer this section. The rules shall include but are not
2 2 limited to all of the following:

2 3 a. Testing procedures to ensure collection of test samples
2 4 is performed under sanitary conditions, with regard for the
2 5 privacy of the person providing the sample, and in a manner
2 6 reasonably calculated to preclude contamination or
2 7 substitution of the sample. Test samples shall be split at
2 8 the time of collection to permit confirmatory tests of the
2 9 sample. The department shall establish standards for analysis
2 10 of samples and for determining test results to be positive.

2 11 b. Labeling and other documentation of test sample
2 12 collections so as to reasonably preclude the possibility of
2 13 misidentification of the person tested in relation to the test
2 14 result provided, and requirement for samples to be handled and
2 15 tracked in a manner such that control and accountability are
2 16 maintained from initial collection to each stage in handling,
2 17 testing, and storage, through final disposition.

2 18 c. A person being tested shall be given an opportunity to
2 19 provide any information which may be considered relevant to
2 20 the test, including identification of prescription or
2 21 nonprescription drugs currently or recently used, or other
2 22 relevant medical information. To assist a person in providing
2 23 the information described in this paragraph, the department
2 24 shall provide the person with a list of the drugs for which
2 25 the person is tested.

2 26 d. A medical review officer shall review and interpret any
2 27 confirmed positive test results, including both quantitative
2 28 and qualitative test results, to ensure that the chain of
2 29 custody is complete and sufficient on its face and that any
2 30 information provided by the person pursuant to paragraph "c"
2 31 is considered.

2 32 e. A procedure to provide written notification to a person
2 33 of the results of a confirmed positive drug test by certified
2 34 mail or other verifiable means. The notification shall
2 35 include the person's right to request and obtain a second



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 232 - Introduced continued

3 1 confirmatory test at an approved laboratory of the person's
3 2 choice. If the results of the second test do not confirm the
3 3 results of the initial confirmatory test, the initial
3 4 confirmatory test shall not be considered a confirmed positive
3 5 drug test.

3 6 f. The department shall prohibit a laboratory or other
3 7 medical facility reporting information to anyone other than
3 8 the department or the tested person relating to the results of
3 9 a drug test conducted pursuant to this section.

3 10 g. A procedure to address incidents of false positive
3 11 tests.

3 12 h. A procedure to ensure the confidentiality of test
3 13 results, including but not limited to specifying those with
3 14 access to test result information.

3 15 i. Other procedures to administer this section in a fair
3 16 and reliable manner.

3 17 EXPLANATION

3 18 This bill establishes a requirement that individuals
3 19 applying and receiving state aid participate in drug testing
3 20 if such drug testing is not otherwise prohibited by law.

3 21 The bill defines the term "drug" as having the same meaning
3 22 as the definition in Code section 730.5, relating to
3 23 private-sector drug-free workplaces, which is any drug on
3 24 schedules I through V of the federal Controlled Substances
3 25 Act. "State aid" is defined as any form of financial benefit,
3 26 aid, or assistance provided to a person by a state department,
3 27 institution, or agency.

3 28 Each applicable state department, institution, or agency
3 29 providing state aid shall implement a drug testing program for
3 30 the persons subject to the eligibility requirement. The
3 31 program is to include random drug testing of participants and
3 32 drug testing of all applicants. Drug testing includes
3 33 confirmation of any positive result with a
3 34 chromatographic/mass spectrometry technique or comparable
3 35 method.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 232 - Introduced continued

4 1 If an applicant or participant subject to the bill's
4 2 requirements has a confirmed positive test result for a drug
4 3 that was not lawfully prescribed for the person, the applicant
4 4 or participant is ineligible for state aid. The period of
4 5 ineligibility continues until the person has a negative test
4 6 result for the drug for which the person had a confirmed
4 7 positive test result.

4 8 The bill prohibits a person's positive test result obtained
4 9 under the bill's provisions from being used as evidence in any
4 10 criminal action involving the person.

4 11 The department is directed to adopt rules to administer the
4 12 provisions of the bill. The rules are to address collection,
4 13 labeling, and other documentation of test samples,
4 14 notification concerning test results, interpretation of test
4 15 results, prohibition against laboratory disclosure of test
4 16 results, other confidentiality provisions, procedure to
4 17 address incidents of false positive tests, and other
4 18 procedures for fairness and reliability.

4 19 LSB 2079XS 83

4 20 ec/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 233 - Introduced

SENATE FILE

BY JOHNSON, ZAUN, FEENSTRA,
BOETTGER, BEHN, KETTERING,
REYNOLDS, KAPUCIAN, SEYMOUR,
and WIECK

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 233 - Introduced continued

PAG LIN

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

1 24 EXPLANATION

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



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009**

Senate File 233 - Introduced continued

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 234 - Introduced

SENATE FILE

BY JOHNSON, BARTZ, KETTERING,
McKINLEY, BEHN, KAPUCIAN,
REYNOLDS, SEYMOUR, WIECK,
HAMERLINCK, and BOETTGER

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act establishing a resident pheasant hunting season on certain
- 2 public lands and providing a penalty.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2378XS 83
- 5 av/sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 234 - Introduced continued

PAG LIN

1 1 Section 1. Section 481A.48, Code 2009, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 4A. The commission shall establish a
1 4 pheasant hunting season for resident hunters during the first
1 5 week of the open season established for hunting pheasants in
1 6 the state. During that week only resident hunters shall be
1 7 allowed to hunt pheasants on public lands in the state under
1 8 the jurisdiction of the commission, including state-owned or
1 9 managed game management areas, state game refuges, state
1 10 parks, federal land leased or under agreement to the state as
1 11 a game production area, private land leased or under agreement
1 12 to the department for the purpose of providing access, and on
1 13 highways or other public rights-of-way.

1 14 EXPLANATION

1 15 This bill requires the natural resource commission to
1 16 establish a resident pheasant hunting season during the first
1 17 week of the open season for hunting pheasants in the state.
1 18 During that time, only residents are allowed to hunt pheasants
1 19 on certain public lands in the state under the jurisdiction of
1 20 the commission. A person who violates the provision is guilty
1 21 of a scheduled fine based on the particular violation pursuant
1 22 to Code section 805.8B(3)(h).

1 23 LSB 2378XS 83

1 24 av/sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 235 - Introduced

SENATE FILE
BY HANCOCK

(COMPANION TO LSB 2315HH
BY MAREK)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for the powers and duties of the Iowa soybean
- 2 association's board of directors.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2315SS 83
- 5 da/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 235 - Introduced continued

PAG LIN

1 1 Section 1. Section 185.13, subsection 2, Code 2009, is
1 2 amended to read as follows:
1 3 2. Acquire and establish offices, issue negotiable
1 4 instruments, incur expenses, and enter into any contracts or
1 5 agreements necessary to carry out the purposes of this
1 6 chapter.

1 7 EXPLANATION

1 8 This bill provides that the board of directors of the Iowa
1 9 soybean association may issue negotiable instruments as part
1 10 of its powers and duties under Code section 185.13. A
1 11 negotiable instrument is a specialized type of agreement for
1 12 the payment of money which may include interest, and is
1 13 payable on demand or at a definite time (Code section
1 14 554.3104).
1 15 LSB 2315SS 83
1 16 da/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 236 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 1200)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to psychiatric medical institution for children
- 2 services and providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1680SV 83
- 5 jp/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 236 - Introduced continued

PAG LIN

1 1 Section 1. PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN
1 2 == REIMBURSEMENT.

1 3 1. For the purposes of this section, unless the context
1 4 otherwise requires, "psychiatric institution" means a
1 5 psychiatric medical institution for children licensed under
1 6 chapter 135H and receiving medical assistance program
1 7 reimbursement.

1 8 2. The department of human services, in consultation with
1 9 psychiatric institution providers, shall develop a cost-based
1 10 rate setting methodology with levels of reimbursement based on
1 11 acuity for psychiatric institution providers in accordance
1 12 with this section.

1 13 3. a. For the fiscal year beginning July 1, 2009, and
1 14 ending June 30, 2010, the maximum reimbursement rate for
1 15 psychiatric institution providers shall be 103 percent of the
1 16 patient-day weighted statewide average cost of psychiatric
1 17 institution providers located within the state, based on the
1 18 cost reports for the preceding fiscal year. However, the
1 19 average cost computation shall not include the psychiatric
1 20 institution at the state mental health institute located at
1 21 Independence, and upon receiving federal approval, the
1 22 reimbursement rate for that psychiatric institution shall be
1 23 as provided in the state plan amendment under subsection 5.

1 24 b. Notwithstanding paragraph "a", on a case-by-case basis
1 25 for psychiatric institution services provided to children with
1 26 intensive needs who would otherwise require placement outside
1 27 the state, the department may apply an exception to policy
1 28 process to authorize provider reimbursement in excess of the
1 29 maximum reimbursement rate under paragraph "a".

1 30 4. a. By January 1, 2010, the department shall develop a
1 31 methodology for cost-based reimbursement with an acuity
1 32 adjustment based on the aggregate acuity level of each
1 33 psychiatric institution's patient mix. Under the methodology,
1 34 each psychiatric institution's aggregate acuity level shall be
1 35 recalculated periodically. The department shall work with



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 236 - Introduced continued

2 1 psychiatric institution provider representatives to develop
2 2 the methodology.
2 3 b. The department shall implement the cost-based
2 4 reimbursement with acuity adjustment methodology beginning on
2 5 July 1, 2011.
2 6 5. The department shall submit a medical assistance state
2 7 plan amendment to the centers for Medicare and Medicaid
2 8 services of the United States department of health and human
2 9 services requesting authorization to reimburse the psychiatric
2 10 institution at the state mental health institute located at
2 11 Independence at 100 percent of actual costs. Upon receiving
2 12 approval of the plan amendment, for the fiscal year beginning
2 13 July 1, 2009, an amount equivalent to the resulting savings
2 14 shall be transferred from the appropriation for the state
2 15 mental health institute at Independence to the medical
2 16 assistance appropriation to be used for the purposes described
2 17 in this section.
2 18 6. The department shall track the number of admissions of
2 19 Iowa children to out-of-state psychiatric medical institutions
2 20 for children and the corresponding expenditures, and if
2 21 necessary, shall adopt utilization control strategies to
2 22 assure that utilization of such out-of-state admission is
2 23 reduced.
2 24 7. The department, in consultation with providers, shall
2 25 develop and implement outcome measures for all psychiatric
2 26 institution providers beginning on July 1, 2010.
2 27 8. The department of human services shall adopt rules
2 28 pursuant to chapter 17A to implement this section.
2 29 Sec. 2. Section 249A.31, Code 2009, is amended by adding
2 30 the following new unnumbered paragraph:
2 31 NEW UNNUMBERED PARAGRAPH. Effective July 1, 2010, the
2 32 department shall apply a cost-based reimbursement methodology
2 33 for reimbursement of psychiatric medical institution for
2 34 children providers.
2 35 Sec. 3. EFFECTIVE DATE. This Act, being deemed of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 236 - Introduced continued

3 1 immediate importance, takes effect upon enactment.

3 2 EXPLANATION

3 3 This bill relates to psychiatric medical institution for
3 4 children (PMIC) services by providing for development and
3 5 implementation of a new reimbursement methodology that is
3 6 acuity-based and by addressing other PMIC service provisions.

3 7 The department of human services (DHS) is directed to work
3 8 with PMIC providers in developing the new reimbursement
3 9 methodology with acuity adjustments to be implemented
3 10 beginning on July 1, 2011. For fiscal year 2009=2010, the
3 11 maximum reimbursement rate for PMIC providers other than the
3 12 PMIC at the state mental health institute located at
3 13 Independence, is limited to a specified percentage of certain
3 14 average costs. DHS may utilize the exception to policy
3 15 process on a case-by-case basis to authorize a higher rate for
3 16 services provided to children with intensive needs who would
3 17 otherwise be placed out-of-state. DHS is required to track
3 18 out-of-state PMIC placements and apply utilization controls
3 19 strategies to assure a reduction in out-of-state PMIC
3 20 admissions.

3 21 The department is required to submit a state medical
3 22 assistance plan amendment for authority to reimburse the PMIC
3 23 located at the state mental health institute for 100 percent
3 24 of actual costs. Any resulting savings to that institute's
3 25 appropriation for fiscal year 2009=2010 is to be transferred
3 26 to the medical assistance (Medicaid) program appropriation to
3 27 be used for the purposes in the bill.

3 28 The department is also required to work with PMIC providers
3 29 to develop and implement outcome measures for PMIC providers
3 30 beginning on July 1, 2010.

3 31 The department is required to adopt rules to implement the
3 32 bill.

3 33 Code section 249A.31, relating to cost-based reimbursement
3 34 under the Medicaid program, is amended to require permanent
3 35 cost-based reimbursement of PMICs effective July 1, 2010.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009**

Senate File 236 - Introduced continued

4 1 The bill takes effect upon enactment.
4 2 LSB 1680SV 83
4 3 jp/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 237 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 104)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to pseudoephedrine product sales by pharmacies
- 2 and retailers, and providing penalties and contingent
- 3 applicability.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 2046SV 83
- 6 jm/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 237 - Introduced continued

PAG LIN

1 1 Section 1. Section 124.101, Code 2009, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 20A. "Office" means the governor's office
1 4 of drug control policy, as referred to in section 80E.1.
1 5 Sec. 2. Section 124.212, subsection 4, paragraph c, Code
1 6 2009, is amended to read as follows:
1 7 c. Pseudoephedrine. A person shall present a
1 8 government=issued photo identification card when purchasing a
1 9 pseudoephedrine product from a pharmacy. A person shall not
1 10 purchase ~~more than seven thousand five hundred milligrams of~~
~~1 11 pseudoephedrine, either separately or collectively, within a~~
~~1 12 thirty-day period~~ a quantity of pseudoephedrine in violation
1 13 of section 124.213 from a pharmacy, unless the person has a
1 14 prescription for a pseudoephedrine product in excess of that
1 15 quantity. A pseudoephedrine product not excepted from this
1 16 schedule shall be sold by a pharmacy as provided in section
1 17 124.212A.
1 18 Sec. 3. NEW SECTION. 124.212A PHARMACY PSEUDOEPHEDRINE
1 19 SALE == RESTRICTIONS == RECORDS == CONTINGENT APPLICABILITY.
1 20 1. A pharmacy, an employee of a pharmacy, or a licensed
1 21 pharmacist shall do the following:
1 22 a. Provide for the sale of a pseudoephedrine product in a
1 23 locked cabinet or behind the sales counter where the public is
1 24 unable to reach the product and where the public is not
1 25 permitted.
1 26 b. Require the purchaser to present a governmental=issued
1 27 photo identification card identifying the purchaser prior to
1 28 purchasing a pseudoephedrine product.
1 29 c. Provide an electronic logbook for purchasers of
1 30 pseudoephedrine products to sign.
1 31 d. Require the purchaser to sign the electronic logbook.
1 32 If the electronic logbook is not available, require a
1 33 signature that is associated with a transaction number.
1 34 e. Enter the purchaser's name, address, date of purchase,
1 35 time of purchase, name of the pseudoephedrine product



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 237 - Introduced continued

2 1 purchased, and the quantity sold in the electronic logbook.
2 2 If the electronic logbook is unavailable, an alternative
2 3 record shall be kept that complies with the rules adopted by
2 4 both the office and the board.
2 5 f. Determine that the signature in the electronic logbook
2 6 corresponds with the name on the government-issued photo
2 7 identification card.
2 8 g. Provide notice that a purchaser entering a false
2 9 statement or misrepresentation in the electronic logbook may
2 10 subject the purchaser to criminal penalties under 18 U.S.C. }
2 11 1001.
2 12 h. Keep electronic logbook records and any other records
2 13 obtained from pseudoephedrine purchases if the electronic
2 14 logbook is unavailable for twenty-four months from the date of
2 15 the last entry.
2 16 i. Disclose electronic logbook information and any other
2 17 pseudoephedrine purchase records as provided by state and
2 18 federal law.
2 19 j. Comply with training requirements pursuant to federal
2 20 law.
2 21 2. This section is not applicable unless sufficient
2 22 funding is received to implement and maintain the statewide
2 23 real-time central repository and the office establishes the
2 24 statewide real-time central repository. However, subsection
2 25 1, paragraph "h" is applicable upon the effective date of this
2 26 Act.
2 27 Sec. 4. NEW SECTION. 124.212B PSEUDOEPHEDRINE SALES ==
2 28 TRACKING == PENALTY == CONTINGENT APPLICABILITY.
2 29 1. The office shall establish a real-time electronic
2 30 repository to monitor and control the sale of schedule V
2 31 products containing any detectible amount of pseudoephedrine,
2 32 its salts, or optical isomers, or salts of optical isomers;
2 33 ephedrine; or phenylpropanolamine. A pharmacy dispensing such
2 34 products shall report all such sales electronically to a
2 35 central repository under the control of the office.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 237 - Introduced continued

3 1 2. The information collected in the central repository is
3 2 confidential unless otherwise ordered by a court, or released
3 3 by the lawful custodian of the records pursuant to state or
3 4 federal law.

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

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

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

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

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

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

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 237 - Introduced continued

4 1 repository, including the effectiveness of the repository in
4 2 discovering unlawful sales of pseudoephedrine products.
4 3 10. This section is not applicable unless sufficient
4 4 funding is received to implement and maintain this section and
4 5 the office establishes the statewide real-time central
4 6 repository.

4 7 Sec. 5. NEW SECTION. 124.212C PSEUDOEPHEDRINE ADVISORY
4 8 COUNCIL == ELECTRONIC MONITORING.

4 9 1. The office shall establish a pseudoephedrine advisory
4 10 council to provide input and advise the office regarding the
4 11 implementation and maintenance of the statewide real-time
4 12 central repository established under section 124.212B to
4 13 monitor sales of pseudoephedrine. The office shall specify
4 14 the duties, responsibilities, and other related matters of the
4 15 advisory council.

4 16 2. a. The council shall consist of four licensed
4 17 pharmacists. The office shall solicit recommendations for
4 18 membership on the council from the Iowa pharmacy association
4 19 and Iowa retail federation, and shall appoint members from the
4 20 recommendations. The council shall include a member from an
4 21 independent pharmacy, a member from a regional chain pharmacy,
4 22 and a member from a national chain pharmacy. The license of
4 23 any member must be current and not subject to disciplinary
4 24 sanctions.

4 25 b. The council shall also consist of four members of the
4 26 general assembly serving as ex officio, nonvoting members, one
4 27 representative to be appointed by the speaker of the house of
4 28 representatives, one representative to be appointed by the
4 29 minority leader of the house of representatives, one senator
4 30 to be appointed by the majority leader of the senate after
4 31 consultation with the president of the senate, and one senator
4 32 to be appointed by the minority leader of the senate.

4 33 3. The council may make recommendations regarding the
4 34 implementation and maintenance of the statewide real-time
4 35 central repository monitoring system under section 124.212B.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 237 - Introduced continued

- 5 1 4. The council shall do the following:
- 5 2 a. Assist the office in implementing and maintaining the
- 5 3 statewide real-time central repository monitoring system.
- 5 4 b. Assist the office in developing utilization guidance
- 5 5 related to the statewide real-time central repository
- 5 6 monitoring system and disseminating such guidance.
- 5 7 c. Assist the office in developing guidelines to ensure
- 5 8 patient confidentiality and the integrity of the relationship
- 5 9 established by the patient and the patient's health care
- 5 10 provider.
- 5 11 5. All members of the council shall receive actual and
- 5 12 necessary expenses incurred in the performance of their
- 5 13 duties.
- 5 14 Sec. 6. Section 124.213, Code 2009, is amended by striking
- 5 15 the section and inserting in lieu thereof the following:
- 5 16 124.213 PSEUDOEPHEDRINE PURCHASE RESTRICTIONS FROM
- 5 17 PHARMACY OR RETAILER == PENALTY.
- 5 18 1. A person shall not purchase more than three thousand
- 5 19 six hundred milligrams of pseudoephedrine, either separately
- 5 20 or collectively, within a twenty-four-hour period from a
- 5 21 pharmacy, or more than one package of a product containing
- 5 22 pseudoephedrine within a twenty-four hour period from a
- 5 23 retailer in violation of section 126.23A.
- 5 24 2. A person shall not purchase more than seven thousand
- 5 25 five hundred milligrams of pseudoephedrine, either separately
- 5 26 or collectively, within a thirty-day period from a pharmacy or
- 5 27 from a retailer in violation of section 126.23A.
- 5 28 3. A person who violates this section commits a serious
- 5 29 misdemeanor.
- 5 30 Sec. 7. Section 126.23A, subsection 1, paragraph a,
- 5 31 subparagraph (1), Code 2009, is amended by striking the
- 5 32 subparagraph and inserting in lieu thereof the following:
- 5 33 (1) Sell more than seven thousand five hundred milligrams
- 5 34 of pseudoephedrine to the same person within a thirty-day
- 5 35 period.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 237 - Introduced continued

6 1 Sec. 8. Section 126.23A, subsection 1, paragraph b, Code
6 2 2009, is amended to read as follows:
6 3 b. A retailer or an employee of a retailer shall do the
6 4 following:
6 5 (1) Provide for the sale of a pseudoephedrine product in a
6 6 locked cabinet or behind a sales counter where the public is
6 7 unable to reach the product and where the public is not
6 8 permitted.
6 9 (2) Require a purchaser to present a government-issued
6 10 photo identification card identifying the purchaser prior to
6 11 purchasing a pseudoephedrine product.
6 12 (3) Require the purchaser to sign a logbook and to also
6 13 require the purchaser to legibly print the purchaser's name
6 14 and address in the logbook.
6 15 (4) Print the name of the pseudoephedrine product
6 16 purchased and quantity sold next to the name of each purchaser
6 17 in the logbook.
6 18 ~~(4)~~ (5) Determine the signature in the logbook
6 19 corresponds with the name on the government-issued photo
6 20 identification card.
6 21 ~~(5)~~ (6) Keep the logbook ~~twelve~~ twenty-four months from
6 22 the date of the last entry.
6 23 ~~(6)~~ (7) Provide notification in a clear and conspicuous
6 24 manner in a location where a pseudoephedrine product is
6 25 offered for sale stating the following:
6 26 Iowa law prohibits the over-the-counter purchase of more
6 27 than one package of a product containing pseudoephedrine in a
6 28 twenty-four-hour period or of more than seven thousand five
6 29 hundred milligrams of pseudoephedrine within a thirty-day
6 30 period. If you purchase a product containing pseudoephedrine,
6 31 you are required to sign a logbook which may be accessible to
6 32 law enforcement officers.
6 33 (8) Provide notification affixed to the logbook stating
6 34 that a purchaser entering a false statement or
6 35 misrepresentation in the logbook may subject the purchaser to



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009**

Senate File 237 - Introduced continued

- 7 1 criminal penalties under 18 U.S.C. } 1001.
- 7 2 (9) Disclose logbook information as provided by state and
- 7 3 federal law.
- 7 4 (10) Comply with training requirements pursuant to federal
- 7 5 law.

7 6 Sec. 9. CONTINGENT APPLICABILITY == GOVERNOR'S OFFICE OF
7 7 DRUG CONTROL POLICY AND CODE EDITOR RESPONSIBILITIES.

7 8 1. The governor's office of drug control policy shall
7 9 notify the Code editor when the establishment of the
7 10 repository on a statewide basis is complete.

7 11 2. When the establishment of the central repository on a
7 12 statewide basis is complete, the Code editor is directed to
7 13 remove section 124.212A, subsection 2, and section 124.212B,
7 14 subsection 10, from the Code and to internally renumber the
7 15 sections as necessary.

7 16 EXPLANATION

7 17 This bill relates to the sale of a pseudoephedrine product
7 18 by a pharmacy or retailer.

7 19 PENALTIES. The bill provides that a person shall not
7 20 purchase more than 3,600 milligrams of pseudoephedrine, either
7 21 collectively or separately, within a 24-hour period from a
7 22 pharmacy unless the person has a prescription. A person who
7 23 violates this provision of the bill commits a serious
7 24 misdemeanor. Under current law and the bill, a person commits
7 25 a serious misdemeanor if the person purchases more than 7,500
7 26 milligrams of pseudoephedrine within a 30-day period from a
7 27 pharmacy or retailer.

7 28 PHARMACY. The bill requires a purchaser of a
7 29 pseudoephedrine product from a pharmacy to sign an electronic
7 30 logbook. Current law does not require a signature in an
7 31 electronic logbook. The bill also provides that if the
7 32 electronic logbook is unavailable, the pharmacy is required to
7 33 keep an alternative record that complies with rules adopted by
7 34 both the governor's office of drug control policy and the
7 35 state board of pharmacy.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 237 - Introduced continued

8 1 The bill requires a pharmacy, an employee of a pharmacy, or
8 2 a licensed pharmacist, to enter a purchaser's name, address,
8 3 date of purchase, time of purchase, name of pseudoephedrine
8 4 product, and quantity sold into an electronic logbook. If the
8 5 electronic logbook is unavailable for use, the bill requires
8 6 the pharmacy to keep written records of the transaction
8 7 including a signature.

8 8 The bill requires a pharmacy to keep electronic logbook
8 9 records for a period of 24 months from the date of the last
8 10 entry. Current law requires the pharmacy to keep the logbook
8 11 12 months from the date of the last entry.

8 12 The bill provides that the office of governor's drug
8 13 control policy shall implement and maintain a statewide
8 14 real-time central repository to track pseudoephedrine product
8 15 sales at pharmacies. The bill requires a pharmacy dispensing
8 16 pseudoephedrine products to report all such sales
8 17 electronically to the central repository under the control of
8 18 the office of governor's drug control policy. If the pharmacy
8 19 has written records, the records are also to be reported for
8 20 entry into the repository. If the electronic logbook is
8 21 unavailable for use, the bill requires the pharmacy to keep
8 22 written records of the transaction including a signature.

8 23 The bill makes confidential the information collected in
8 24 the central repository unless otherwise ordered by a court, or
8 25 the records are released by the custodian of the records
8 26 pursuant to state or federal law.

8 27 The bill provides that a pharmacy, an employee of a
8 28 pharmacy, or a licensed pharmacist shall not be liable to any
8 29 person for any claim which may arise when reporting in good
8 30 faith pseudoephedrine sales to the central repository.

8 31 The bill also requires a pharmacy to comply with training
8 32 requirements pursuant to federal law.

8 33 Under the bill, a pharmacy, an employee of a pharmacy, or a
8 34 licensed pharmacist shall not be provided access to the stored
8 35 information in the electronic central repository, except for



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009**

Senate File 237 - Introduced continued

9 1 the limited purpose of determining what sales have been made
9 2 by the pharmacy.

9 3 The governor's office of drug control policy and the board
9 4 of pharmacy shall both adopt rules to implement the bill.

9 5 A person who discloses information stored in the central
9 6 repository in violation of the bill commits a simple
9 7 misdemeanor.

9 8 RETAILER. The bill requires a retailer or an employee of a
9 9 retailer to print the name of the pseudoephedrine product
9 10 purchased and the quantity sold next to the name of each
9 11 purchaser in the logbook.

9 12 The bill requires the retailer to keep the logbook 24
9 13 months from the date of the last entry. Current law requires
9 14 the retailer to keep the logbook 12 months from the date of
9 15 the last entry. The bill does not require a retailer to keep
9 16 an electronic logbook of pseudoephedrine purchases.

9 17 The bill also requires a retailer to comply with training
9 18 requirements pursuant to federal law.

9 19 ADVISORY COMMITTEE. The bill requires the office of drug
9 20 control policy to establish a pseudoephedrine advisory
9 21 committee to provide input and advise the office regarding the
9 22 implementation and maintenance of the statewide real-time
9 23 central repository. The advisory committee shall consist of
9 24 four licensed pharmacists including a pharmacist from an
9 25 independent pharmacy, a regional chain pharmacy, and a
9 26 national chain pharmacy. The bill requires the office of drug
9 27 control policy to solicit recommendations for membership on
9 28 the council from the Iowa pharmacy association and Iowa retail
9 29 federation.

9 30 The bill also provides that the council shall also consist
9 31 of four members of the general assembly serving as ex officio,
9 32 nonvoting members.

9 33 CONTINGENT APPLICABILITY. New Code sections 124.212A and
9 34 124.212B created in the bill do not become applicable until
9 35 sufficient funding is received and the central repository



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009**

Senate File 237 - Introduced continued

10 1 under the control of the office of drug control policy is
10 2 established on a statewide basis. However, Code section
10 3 124.212A, subsection 1, paragraph "h", in the bill, which
10 4 requires a pharmacy to keep logbook records 24 months from the
10 5 date of the last entry, is applicable upon the effective date
10 6 of the bill.
10 7 LSB 2046SV 83
10 8 jm/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 238 - Introduced

SENATE FILE
BY KIBBIE

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

A BILL FOR

1 An Act relating to the sale of energy by specified alternate
2 energy production facilities and the rates applicable to such
3 sales.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1446XS 83
6 rn/nh/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 238 - Introduced continued

PAG LIN

1 1 Section 1. Section 476.42, Code 2009, is amended by adding
1 2 the following new subsections:

1 3 NEW SUBSECTION. 1A. "Average retail utility rate" means
1 4 the average of the retail rates, exclusive of special rates
1 5 based on income, age, or energy efficiency measures,
1 6 calculated by the board according to the applicable rate
1 7 schedule of the utility for sales to a particular class of
1 8 customer.

1 9 NEW SUBSECTION. 2A. "Net metering" means service to a
1 10 customer of an electric utility under which electric energy
1 11 produced by that customer from an alternate energy production
1 12 facility and delivered to a utility may be used to offset
1 13 electric energy provided by the utility to the customer during
1 14 the applicable or a future billing period.

1 15 Sec. 2. Section 476.43, subsection 5, Code 2009, is
1 16 amended to read as follows:

1 17 5. In lieu of the other procedures provided by this
1 18 section, and subject to subsection 5A, an electric utility and
1 19 an owner or operator of an alternate energy production
1 20 facility or small hydro facility may enter into a long-term
1 21 contract in accordance with subsection 1 and may agree to
1 22 rates for purchase and sale transactions. A contract entered
1 23 into under this subsection must be filed with the board in the
1 24 manner provided for tariffs under section 476.4.

1 25 Sec. 3. Section 476.43, Code 2009, is amended by adding
1 26 the following new subsection:

1 27 NEW SUBSECTION. 5A. a. Notwithstanding subsections 2
1 28 through 4, the sale of energy by, and the rates applicable to,
1 29 an alternate energy production facility consisting of one or
1 30 more wind turbines with a combined nameplate generating
1 31 capacity of one hundred eight kilowatts or less shall be
1 32 subject to the following:

1 33 (1) The facility may sell no more than twenty percent of
1 34 the excess energy produced by the facility above the level
1 35 consumed by the facility in a calendar year to an electric



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 238 - Introduced continued

2 1 utility. The rate applicable to such sales shall be the
2 2 average retail rate.
2 3 (2) Amounts generated by the facility exceeding twenty
2 4 percent of the excess energy produced by the facility above
2 5 the level consumed by the facility shall be credited by the
2 6 utility to the facility pursuant to net metering.
2 7 b. Rates applicable to alternate energy production
2 8 facilities consisting of one or more wind turbines with a
2 9 combined nameplate generating capacity exceeding one hundred
2 10 eight kilowatts shall be determined pursuant to subsections 2
2 11 through 4.

2 12 EXPLANATION

2 13 This bill relates to the sale of energy by specified
2 14 alternate energy production facilities and the rates
2 15 applicable to such sales.
2 16 The bill provides an exception to provisions in Code
2 17 section 476.43 setting forth rate-making principles applicable
2 18 to alternate energy production facilities for facilities
2 19 consisting of one or more wind turbines with a combined
2 20 nameplate generating capacity of 108 kilowatts or less. The
2 21 bill provides that such facilities shall sell no more than 20
2 22 percent of the excess energy produced by the facility above
2 23 the level consumed by the facility in a calendar year to an
2 24 electric utility, and that the rates applicable to such sales
2 25 shall be the average retail rate. The bill defines "average
2 26 retail rate" as the average of the retail rates, exclusive of
2 27 special rates based on income, age, or energy efficiency
2 28 measures, calculated by the Iowa utilities board according to
2 29 the applicable rate schedule of the utility for sales to a
2 30 particular class of customer.
2 31 The bill provides that amounts generated by the facility
2 32 exceeding 20 percent of the excess energy produced by the
2 33 facility above the level consumed by the facility shall be
2 34 credited by the utility to the facility pursuant to net
2 35 metering. The bill defines "net metering" as service to a



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009**

Senate File 238 - Introduced continued

3 1 customer of an electric utility under which electric energy
3 2 produced by that customer from an alternate energy production
3 3 facility and delivered to a utility may be used to offset
3 4 electric energy provided by the utility to the customer during
3 5 the applicable or a future billing period.

3 6 The bill states that rates applicable to alternate energy
3 7 production facilities consisting of one or more wind turbines
3 8 with a combined nameplate generating capacity exceeding 108
3 9 kilowatts shall be determined pursuant to the rate-making
3 10 principles otherwise applicable to alternate energy production
3 11 facilities under current law.

3 12 LSB 1446XS 83

3 13 rn/nh/24.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 239 - Introduced

SENATE FILE
BY WARNSTADT

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

A BILL FOR

1 An Act relating to the ballots used for voting at the
2 commissioner's office or at a satellite absentee voting
3 station.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1453XS 83
6 sc/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 239 - Introduced continued

PAG LIN

1 1 Section 1. Section 49.63, Code 2009, is amended to read as
1 2 follows:

1 3 49.63 TIME OF PRINTING == INSPECTION AND CORRECTION.

1 4 Ballots shall be printed and in the possession of the
1 5 commissioner in time to enable the commissioner to furnish
1 6 ballots to absent or early voters as provided by sections
1 7 53.8, 53.10, and 53.11. The printed ballots shall be subject
1 8 to the inspection of candidates and their agents. If mistakes
1 9 are discovered, they shall be corrected without delay, in the
1 10 manner provided in this chapter.

1 11 Sec. 2. Section 49.72, Code 2009, is amended to read as
1 12 follows:

1 13 49.72 ABSENTEE AND EARLY VOTERS DESIGNATED BEFORE POLLING
1 14 PLACE OPENED.

1 15 The commissioner shall deliver to each precinct election
1 16 board not less than one hour before the time at which the
1 17 polls are to open for any election the list of all registered
1 18 voters of that precinct who have been given or sent an
1 19 absentee ballot for that election, or who were given a ballot
1 20 under section 53.10, subsection 1A, and the election board
1 21 shall immediately designate those registered voters who are so
1 22 listed and therefore not entitled to vote in person at the
1 23 polls, as required by section 53.19.

1 24 Sec. 3. Section 53.8, subsection 3, paragraph b, Code
1 25 2009, is amended to read as follows:

1 26 b. Nothing in this subsection nor in section 53.22 shall
1 27 be construed to prohibit a registered voter who is a hospital
1 28 patient or resident of a health care facility, or who
1 29 anticipates entering a hospital or health care facility before
1 30 the date of a forthcoming election, from casting ~~an absentee a~~
1 31 ballot in the manner prescribed by section 53.10 or 53.11.

1 32 Sec. 4. Section 53.10, Code 2009, is amended to read as
1 33 follows:

1 34 53.10 ~~ABSENTEE~~ EARLY VOTING AT THE COMMISSIONER'S OFFICE.

1 35 1. Not more than forty days before the date of the primary



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 239 - Introduced continued

2 1 election or the general election, the commissioner shall
2 2 provide facilities for ~~absentee~~ early voting in person at the
2 3 commissioner's office. This service shall also be provided
2 4 for other elections as soon as the ballots are ready, but in
2 5 no case shall ~~absentee~~ ballots be available more than forty
2 6 days before an election. The commissioner shall determine
2 7 whether persons voting early at the commissioner's office or
2 8 at a satellite absentee voting station pursuant to section
2 9 53.11 shall vote absentee ballots or shall vote the optical
2 10 scan ballots that will be used at the polls on election day
2 11 and tabulated immediately after they are marked by the early
2 12 voter.
2 13 1A. If the commissioner has made a determination to
2 14 distribute to early voters the optical scan ballots that will
2 15 be used at the polls on election day, the county chairperson
2 16 of each political party shall be notified of the dates, times,
2 17 and places that early voting shall be conducted pursuant to
2 18 this section and section 53.11, so that they may appoint
2 19 observers to be present. The automatic tabulating equipment
2 20 to be used for early voting under this subsection shall be
2 21 tested pursuant to section 52.35. Votes cast on ballots under
2 22 this subsection shall be considered votes cast in the absentee
2 23 ballot and special voters precinct and shall be included in
2 24 the tabulation record prepared pursuant to section 52.37.
2 25 2. a. Each person who wishes to vote ~~by absentee ballot~~
2 26 early at the commissioner's office shall first sign an
2 27 application for a ballot including the following information:
2 28 name, current address, and the election for which the ballot
2 29 is requested. The person may report a change of address or
2 30 other information on the person's voter registration record at
2 31 that time. ~~The~~ If the commissioner has determined to
2 32 distribute to early voters the optical scan ballots that will
2 33 be used at the polls on election day, the registered voter
2 34 shall subscribe to an affidavit in a form prescribed by the
2 35 state commissioner of elections before receiving the ballot.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 239 - Introduced continued

3 1 b. If the registered voter is voting an absentee ballot,
3 2 the voter shall immediately mark the ballot; enclose the
3 3 ballot in a secrecy envelope, if necessary, and seal it in an
3 4 affidavit envelope; subscribe to the affidavit on the reverse
3 5 side of the envelope; and return the absentee ballot to the
3 6 commissioner. The commissioner shall record the numbers
3 7 appearing on the application and affidavit envelope along with
3 8 the name of the registered voter.

3 9 c. If the registered voter is voting the optical scan
3 10 ballot that will be used at the polls on election day, the
3 11 voter shall immediately mark the ballot and enclose it in a
3 12 secrecy folder. If votes are being tabulated with automatic
3 13 tabulating equipment that will not permit more than one ballot
3 14 to be inserted at a time, the voter may insert the ballot into
3 15 the tabulating device; otherwise, the election official shall
3 16 place the ballot in the ballot box.

3 17 3. During the hours when ~~absentee ballots are~~ early voting
3 18 is available in the office of the commissioner, electioneering
3 19 shall not be allowed within the sight or hearing of voters at
3 20 the ~~absentee~~ early voting site.

3 21 Sec. 5. Section 53.11, subsections 3 and 4, Code 2009, are
3 22 amended to read as follows:

3 23 3. Procedures for ~~absentee~~ early voting at satellite
3 24 absentee voting stations shall be the same as specified in
3 25 section 53.10 for voting at the commissioner's office.
3 26 Additional procedures shall be prescribed by rule by the state
3 27 commissioner.

3 28 4. During the hours when ~~absentee ballots are~~ early voting
3 29 is available at a satellite absentee voting station,
3 30 electioneering shall not be allowed within the sight or
3 31 hearing of voters at the satellite absentee voting station.

3 32 Sec. 6. Section 68A.406, subsection 2, paragraph a,
3 33 subparagraphs (5) and (6), Code 2009, are amended to read as
3 34 follows:

3 35 (5) On the premises of or within three hundred feet of any



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate File 239 - Introduced continued

4 1 outside door of any building affording access to an ~~absentee~~
4 2 early voting site during the hours when ~~absentee~~ ballots are
4 3 available in the office of the county commissioner of
4 4 elections as provided in section 53.10.
4 5 (6) On the premises of or within three hundred feet of any
4 6 outside door of any building affording access to a satellite
4 7 absentee voting station during the hours when ~~absentee~~ ballots
4 8 are available at the satellite absentee voting station as
4 9 provided in section 53.11.

4 10 EXPLANATION

4 11 This bill allows the county commissioner of elections to
4 12 determine whether absentee ballots or the optical scan ballots
4 13 used on election day shall be distributed to registered voters
4 14 who are voting at the commissioner's office or at a satellite
4 15 absentee voting station. If the optical scan ballots used on
4 16 election day are to be distributed to early voters, the
4 17 commissioner is required to notify the political parties so
4 18 that they may provide observers for early voting, to test the
4 19 tabulating equipment that is to be used for early voting, and
4 20 to record tabulation of the votes as votes cast in the
4 21 absentee ballot and special voters precinct.

4 22 LSB 1453XS 83

4 23 sc/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Joint Resolution 5 - Introduced

SENATE JOINT RESOLUTION
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1081)

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

SENATE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution of
2 the State of Iowa eliminating a requirement that a criminal
3 offense, where the maximum permissible penalty does not exceed
4 thirty days of imprisonment, be prosecuted on information
5 under oath.
6 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TL5B 1356SV 83
8 jm/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate 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. Section 11, unnumbered paragraph 1, of Article 1 of the
1 4 Constitution of the State of Iowa, is amended to read as
1 5 follows:

1 6 All offenses less than felony and in which imprisonment is
1 7 permitted by law and the maximum permissible imprisonment does
1 8 not exceed thirty days shall be tried summarily before an
1 9 officer authorized by law, on information under oath, without
1 10 indictment, or the intervention of a grand jury, saving to the
1 11 defendant the right of appeal; and no person shall be held to
1 12 answer for any higher criminal offense, unless on presentment
1 13 or indictment by a grand jury, except in cases arising in the
1 14 army, or navy, or in the militia, when in actual service, in
1 15 time of war or public danger.

1 16 2. Section 11 of Article I of the Constitution of the
1 17 State of Iowa is amended by adding the following new
1 18 unnumbered paragraph after unnumbered paragraph 1:

1 19 All offenses less than a felony and in which imprisonment
1 20 is not permitted by law shall be tried summarily before an
1 21 officer authorized by law, on information certified under
1 22 penalty of perjury, without indictment, or the intervention of
1 23 a grand jury, saving to the defendant the right of appeal.

1 24 Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed
1 25 amendment to the Constitution of the State of Iowa is referred
1 26 to the General Assembly to be chosen at the next general
1 27 election for members of the General Assembly, and the
1 28 Secretary of State is directed to cause the proposed amendment
1 29 to be published for three consecutive months previous to the
1 30 date of that election as provided by law.

1 31 EXPLANATION

1 32 This joint resolution proposes an amendment to the
1 33 Constitution of the State of Iowa eliminating requirements
1 34 that a criminal offense where imprisonment is not permitted by
1 35 law be prosecuted on information under oath.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Joint Resolution 5 - Introduced continued

2 1 The resolution effectively permits most simple misdemeanors
2 2 punishable as a scheduled violation to be prosecuted on
2 3 information that is certified under penalty of perjury rather
2 4 than under oath.
2 5 The resolution is in response to an Iowa supreme court
2 6 case, *City of Cedar Rapids v. Atsinger*, 617 N.W.2d 272(2000).
2 7 The resolution, if adopted, would be referred to the
2 8 Eighty-fourth General Assembly for adoption, before being
2 9 submitted to the electorate for ratification.
2 10 LSB 1356SV 83
2 11 jm/rj/5.1



Iowa General Assembly
 Daily Bills, Amendments & Study Bills
 February 24, 2009

Senate Joint Resolution 6 - Introduced

SENATE JOINT RESOLUTION
 BY ZAUN, WARD, REYNOLDS, KAPUCIAN,
 BEHN, McKINLEY, KETTERING,
 JOHNSON, WIECK, and FEENSTRA

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

SENATE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution of
 2 the State of Iowa relating to the sessions of the General
 3 Assembly.
 4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 5 TLSB 2415XS 83
 6 ec/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Joint Resolution 6 - 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 Section 2 of Article III of the Constitution of the State
1 4 of Iowa, as amended by amendment number 1 of the Amendments of
1 5 1968 and by amendment number 2 of the Amendments of 1974, is
1 6 repealed and the following adopted in lieu thereof:

1 7 BIENNIAL SESSIONS OF GENERAL ASSEMBLY == SPECIAL SESSIONS.

1 8 SEC. 2. The sessions of the General Assembly shall be
1 9 biennial, and shall commence on the second Monday in January
1 10 next ensuing the election of its members. Upon written
1 11 request to the presiding officer of each House of the General
1 12 Assembly by two-thirds of the members of each House, the
1 13 General Assembly shall convene in special session. The
1 14 Governor of the state may convene the General Assembly by
1 15 proclamation in the interim.

1 16 Sec. 2. REFERRAL AND PUBLICATION. The foregoing amendment
1 17 to the Constitution of the State of Iowa is referred to the
1 18 General Assembly to be chosen at the next general election for
1 19 members of the General Assembly, and the Secretary of State is
1 20 directed to cause the same to be published for three
1 21 consecutive months previous to the date of that election as
1 22 provided by law.

1 23 EXPLANATION

1 24 This joint resolution proposes an amendment to the
1 25 Constitution of the State of Iowa relating to sessions of the
1 26 General Assembly. The resolution provides for biennial
1 27 sessions of the General Assembly instead of annual sessions
1 28 which shall commence in the year following election of its
1 29 members.

1 30 The resolution, if adopted, would be referred to the next
1 31 General Assembly for adoption a second time before being
1 32 submitted to the electorate for ratification.

1 33 LSB 2415XS 83

1 34 ec/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1248

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to home improvement contractor surety bonds.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2002SC 83
- 4 ak/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1248 continued

PAG LIN

1 1 Section 1. NEW SECTION. 91C.9 HOME IMPROVEMENT
1 2 CONTRACTOR BOND.
1 3 1. As used in this section:
1 4 a. "Home improvement" means the repair, replacement,
1 5 remodeling, alteration, conversion, modernization, improvement
1 6 of, or addition to land or a building, or a portion of land or
1 7 a building, that is used or designed to be used as a
1 8 residential dwelling.
1 9 b. "Home improvement contractor" means a person acting as
1 10 a sole proprietor or a business organized as a partnership,
1 11 corporation, or association that undertakes or agrees to
1 12 perform any home improvement.
1 13 2. a. A home improvement contractor, prior to entering
1 14 into a home improvement contract in this state, must file with
1 15 the labor commissioner a bond in the amount of twenty-five
1 16 thousand dollars issued by a surety company authorized to do
1 17 business in this state.
1 18 b. The condition of the surety bond is such that the home
1 19 improvement contractor must conform with the laws and rules of
1 20 this state as applicable and for the benefit of any person who
1 21 enters into a home improvement contract with the home
1 22 improvement contractor.
1 23 c. The aggregate liability of the surety bond for any and
1 24 all breaches of the conditions of the surety bond shall not
1 25 exceed the amount of the surety bond regardless of the number
1 26 of years the surety bond is in effect and the number of claims
1 27 made against the surety bond. Any revision of the surety bond
1 28 shall not be cumulative. If the surety's obligation under a
1 29 bond has been exhausted, the contractor is required to file a
1 30 new bond.
1 31 d. The surety bond shall be continuous in nature until
1 32 canceled by the surety company with at least thirty days
1 33 written notice to the labor commissioner and to the home
1 34 improvement contractor. The surety company's obligation under
1 35 the bond shall continue until the surety company has fully



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1248 continued

2 1 satisfied the notice requirements of this section.

2 2 EXPLANATION

2 3 This bill requires that before entering into a contract in
2 4 the state of Iowa, a home improvement contractor must file
2 5 with the labor commissioner a \$25,000 surety bond issued by a
2 6 surety company authorized to do business in the state. The
2 7 bill defines both "home improvement" and "home improvement
2 8 contractor".

2 9 The condition on the surety bond must be that the home
2 10 improvement contractor conform with all state laws and rules
2 11 as applicable and for the benefit of any person who enters
2 12 into a contract with the home improvement contractor.

2 13 The total liability of the bond for any and all breaches of
2 14 contract shall not exceed the \$25,000 amount of the bond no
2 15 matter how many years the bond is in effect or the number of
2 16 claims made against the bond. If the surety's obligation
2 17 under a bond is exhausted, the contractor must file a new
2 18 bond.

2 19 The bond shall be continuous until canceled by the surety
2 20 company, which must provide the labor commissioner and the
2 21 home improvement contractor at least 30 days' notice. The
2 22 surety company's obligation does not end until the notice
2 23 requirements are met.

2 24 LSB 2002SC 83

2 25 ak/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1249

SENATE FILE
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON WARNSTADT)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to acceptance and recognition of the national
- 2 criminal history record check required of applicants for
- 3 certain real estate licenses.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2300SC 83
- 6 jp/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1249 continued

PAG LIN

1 1 Section 1. Section 543B.15, subsection 10, Code 2009, is
1 2 amended to read as follows:

1 3 10. a. An applicant for an initial real estate broker's
1 4 or salesperson's license shall be subject to a national
1 5 criminal history check through the federal bureau of
1 6 investigation. The commission shall request the criminal
1 7 history check and shall provide the applicant's fingerprints
1 8 to the department of public safety for submission through the
1 9 state criminal history repository to the federal bureau of
1 10 investigation. The applicant shall authorize release of the
1 11 results of the criminal history check to the real estate
1 12 commission. The applicant shall pay the actual cost of the
1 13 fingerprinting and criminal history check, if any.

1 14 b. In lieu of a criminal history check requested by the
1 15 applicant in accordance with paragraph "a", the real estate
1 16 commission shall accept and recognize a national criminal
1 17 history check through the federal bureau of investigation that
1 18 was conducted on the applicant through another government
1 19 agency in this state, another state, or the federal
1 20 government.

1 21 c. Unless the criminal history check under paragraph "a"
1 22 or "b" was completed within the two hundred ten calendar days
1 23 prior to the date the license application is received by the
1 24 real estate commission, the commission shall reject and return
1 25 the application to the applicant. The commission shall
1 26 process the application but hold delivery of the license until
1 27 the background check is complete. The results of a criminal
1 28 history check conducted pursuant to this subsection shall not
1 29 be considered a public record under chapter 22.

1 30 EXPLANATION

1 31 This bill relates to acceptance of the national criminal
1 32 history record check required of applicants for an initial
1 33 real estate broker's or salesperson's license under Code
1 34 section 543B.15.

1 35 Current law requires a fingerprint-based check through the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009**

Senate Study Bill 1249 continued

2 1 federal bureau of investigation. The bill provides that if
2 2 such a check has been performed on the applicant through
2 3 another government agency in this state, another state, or the
2 4 federal government, the real estate commission is required to
2 5 accept and recognize the check. The requirement under current
2 6 law for the criminal history check to have been completed
2 7 within the 210 calendar days preceding receipt of the license
2 8 application remains applicable to the criminal history
2 9 conducted through another government agency.
2 10 LSB 2300SC 83
2 11 jp/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1250

SENATE FILE
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON WARNSTADT)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act providing for the establishment of an abbreviated electric
2 transmission franchise process, and providing an effective
3 date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2355XC 83
6 rn/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1250 continued

PAG LIN

1 1 Section 1. Section 478.1, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 5. Notwithstanding any other provision of
1 4 this chapter, if an existing transmission line, wire, or cable
1 5 is operating at thirty-four and one-half kilovolts, it may be
1 6 franchised, rebuilt, and upgraded to be capable of operation
1 7 at sixty-nine kilovolts using an abbreviated franchise process
1 8 if the upgraded line will meet required safety standards, will
1 9 be on substantially the same right-of-way, and will have
1 10 substantially the same effect on the underlying properties.
1 11 The abbreviated franchise process shall not require published
1 12 notice or a public informational meeting. The board may adopt
1 13 rules defining relevant terms, setting forth the steps of the
1 14 abbreviated process, and specifying the requirements for the
1 15 petition. The franchise may be granted if the board finds the
1 16 upgraded line is necessary to serve a public use and
1 17 represents a reasonable relationship to an overall plan of
1 18 transmitting electricity in the public interest. The
1 19 franchise shall not become effective until the petitioner has
1 20 paid, or agreed to pay, all costs and expenses of the
1 21 franchise proceeding specified in section 478.4.
1 22 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
1 23 immediate importance, takes effect upon enactment.

1 24 EXPLANATION

1 25 This bill establishes an expedited or abbreviated electric
1 26 transmission franchise approval process under specified
1 27 circumstances.
1 28 The bill provides that if an existing transmission line,
1 29 wire, or cable is operating at 34.5 kilovolts, it may be
1 30 franchised, rebuilt, and upgraded to 69 kilovolts using a
1 31 franchise process which eliminates public notice and public
1 32 informational meeting requirements otherwise applicable under
1 33 Code chapter 478. Utilization of the expedited process is
1 34 conditioned upon the upgraded line meeting required safety
1 35 standards, being on substantially the same right-of-way, and



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1250 continued

2 1 having substantially the same effect on the underlying
2 2 properties. The bill authorizes the utilities board of the
2 3 utilities division of the department of commerce to adopt
2 4 rules defining relevant terms, setting forth the steps of the
2 5 abbreviated process, and specifying the requirements for the
2 6 petition for franchise. The bill provides that the franchise
2 7 may be granted if the board finds the upgraded line is
2 8 necessary to serve a public use and represents a reasonable
2 9 relationship to an overall plan of transmitting electricity in
2 10 the public interest, and that it will not become effective
2 11 until the petitioner has paid, or agreed to pay, all costs and
2 12 expenses of the franchise proceeding.
2 13 The bill takes effect upon enactment.
2 14 LSB 2355XC 83
2 15 rn/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1251

SENATE FILE
BY (PROPOSED COMMITTEE ON
ECONOMIC GROWTH BILL
BY CHAIRPERSON STEWART)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the availability of and eligibility for
- 2 investment tax credits, eliminating the venture capital
- 3 investment tax credit, and including retroactive applicability
- 4 and other applicability date provisions.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TLSB 1921SC 83
- 7 tw/mg:sc/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1251 continued

PAG LIN

1 1 Section 1. Section 15E.43, subsection 4, Code 2009, is
1 2 amended to read as follows:
1 3 4. ~~The Beginning with the fiscal year beginning July 1,~~
1 4 ~~2009, the aggregate amount of tax credits issued pursuant to~~
1 5 ~~this division shall not exceed a total of ~~ten~~ two million~~
1 6 ~~seven hundred thousand dollars. The total amount of tax~~
1 7 ~~credits issued during the fiscal year beginning July 1, 2002,~~
1 8 ~~shall not exceed three million dollars. The total amount of~~
1 9 ~~tax credits issued during the fiscal year beginning July 1,~~
1 10 ~~2003, shall not exceed three million dollars. The total~~
1 11 ~~amount of tax credits issued during the fiscal year beginning~~
1 12 ~~July 1, 2004, shall not exceed four million dollars. Any~~
1 13 ~~amount of the maximum aggregate ~~limit~~ amount of tax credits~~
1 14 ~~that ~~have~~ has not been issued by June 30, ~~2005~~ 2010, may be~~
1 15 ~~issued in any subsequent fiscal year. Not more than ~~three~~ one~~
1 16 ~~million dollars of tax credits may be issued in any one~~
1 17 ~~subsequent fiscal year.~~
1 18 Sec. 2. Section 15E.44, subsection 2, paragraphs d and e,
1 19 Code 2009, are amended to read as follows:
1 20 d. The business is not a business engaged primarily in
1 21 retail sales, real estate, or the provision of health care or
1 22 other ~~professional~~ services requiring a professional license.
1 23 e. The business shall not have a net worth that exceeds
1 24 ~~ten~~ five million dollars.
1 25 Sec. 3. Section 422.33, subsection 13, Code 2009, is
1 26 amended by striking the subsection.
1 27 Sec. 4. Section 422.60, subsection 6, Code 2009, is
1 28 amended by striking the subsection.
1 29 Sec. 5. Section 533.329, subsection 2, paragraph i, Code
1 30 2009, is amended by striking the paragraph.
1 31 Sec. 6. Sections 15E.51, 422.11G, and 432.12B, Code 2009,
1 32 are repealed.
1 33 Sec. 7. RETROACTIVE APPLICABILITY.
1 34 1. Except as provided in subsections 2 and 3, this Act
1 35 applies retroactively to January 1, 2009, for tax years



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1251 continued

2 1 beginning on or after that date.
2 2 2. The sections of this Act amending sections 15E.43 and
2 3 15E.44 apply to fiscal years beginning on or after July 1,
2 4 2009.
2 5 3. Taxpayers who have received venture capital fund
2 6 investment tax credit certificates pursuant to section 15E.51
2 7 may continue to redeem such certificates until depleted.

2 8 EXPLANATION

2 9 This bill relates to the availability of, and eligibility
2 10 for, tax credits for business investment and seed capital
2 11 contributions.

2 12 Currently, Code section 15E.43 provides for a tax credit
2 13 for a taxpayer's equity investment in a business and Code
2 14 section 15E.51 provides a tax credit for a portion of a
2 15 taxpayer's investment in a venture capital fund. The tax
2 16 credits for business investment are subject to a maximum
2 17 aggregate limit of \$10 million and no more credits can be
2 18 issued without exceeding this limit. The tax credits for
2 19 venture capital investment are subject to a maximum aggregate
2 20 limit of \$5 million, but \$2.7 million of these tax credits
2 21 remains unissued.

2 22 The bill repeals the venture capital investment tax credits
2 23 and sets the maximum aggregate limit for business investment
2 24 tax credits at \$2.7 million beginning with the fiscal year
2 25 beginning July 1, 2009, which equals the amount of unissued
2 26 venture capital tax credits.

2 27 Currently, the amount of tax credits for business
2 28 investment that may be issued in any one fiscal year is
2 29 limited to \$3 million. The bill changes this limit to \$1
2 30 million.

2 31 Currently, a business that engages primarily in
2 32 "professional services" does not meet the requirements of a
2 33 qualifying business for purposes of the business investment
2 34 tax credit. The bill specifies that it is businesses
2 35 performing services "requiring a professional license" that



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009**

Senate Study Bill 1251 continued

3 1 are not eligible as a qualifying business.
3 2 Currently, in order to be eligible for a tax credit for
3 3 business investment, a taxpayer must be a qualifying business.
3 4 Among other things, a qualifying business must have a net
3 5 worth of \$10 million or less. The bill provides that a
3 6 qualifying business must have a net worth of \$5 million or
3 7 less.
3 8 The bill makes changes to the Code in conformance with the
3 9 repeal of the venture capital fund investment tax credit.
3 10 The sections of the bill amending provisions relating to
3 11 the investment tax credits apply to fiscal years beginning on
3 12 or after July 1, 2009. The sections of the bill relating to
3 13 the repeal of the venture capital fund investment tax credit
3 14 apply retroactively to January 1, 2009, for tax years
3 15 beginning on or after that date.
3 16 LSB 1921SC 83
3 17 tw/mg:sc/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1252

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON APPEL)

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

A BILL FOR

- 1 An Act establishing a special wine festival permit and providing
- 2 a fee.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1964SC 83
- 5 ec/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1252 continued

PAG LIN

1 1 Section 1. NEW SECTION. 123.173A WINE FESTIVAL 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 festival permit
1 6 from the division, conduct a festival which includes wine and
1 7 has as one of its purposes the intent to introduce, showcase,
1 8 or promote wines to festival attendees.

1 9 2. The wine festival application shall include the date or
1 10 dates and time or times when, and the place where, the
1 11 festival is to be conducted, and shall identify at least two
1 12 class "A" wine permittees from whom the nonprofit entity shall
1 13 purchase, or have donated, wine for the festival.

1 14 3. A nonprofit entity shall be eligible to receive no more
1 15 than six wine festival permits as provided in this section
1 16 during a calendar year. Each festival may be conducted during
1 17 a period not to exceed seventy-two consecutive hours but in no
1 18 event between the hours of one a.m. and six a.m. during any
1 19 day.

1 20 4. The nonprofit entity conducting the festival may
1 21 furnish during the festival, with or without charge, wine that
1 22 it has obtained from the class "A" wine permittees that are
1 23 participating in the event in two-ounce samples for
1 24 consumption on the premises where furnished and may sell such
1 25 wine by the glass for consumption on the premises where sold.
1 26 The holder of a class "A" wine permit that is participating in
1 27 the event may sell wine during the festival that it has
1 28 manufactured, in sealed containers for consumption off the
1 29 premises where sold. Wine may be furnished or sold on the
1 30 premises where the festival is conducted only where and when
1 31 the sale of wine is otherwise permitted by law.

1 32 Sec. 2. Section 123.179, Code 2009, is amended by adding
1 33 the following new subsection:

1 34 NEW SUBSECTION. 5. The fee for a special wine festival
1 35 permit is twenty-five dollars.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1252 continued

2 1 EXPLANATION
2 2 This bill establishes a special wine festival permit.
2 3 The bill allows a nonprofit entity domiciled in this state
2 4 to apply for a special wine festival permit from the alcoholic
2 5 beverages division which allows the nonprofit entity to
2 6 conduct a festival including and promoting wine. The bill
2 7 allows a nonprofit entity to conduct up to six wine festivals
2 8 each calendar year for a period of no more than 72 consecutive
2 9 hours but in no event between the hours of 1 a.m. and 6 a.m.
2 10 The bill provides that the application for obtaining a permit
2 11 shall identify at least two class "A" wine permittees that
2 12 will have wine at the festival.
2 13 The bill provides that during the festival, wine may be
2 14 furnished, with or without charge, in two-ounce samples for
2 15 consumption on the premises, wine may be sold by the glass for
2 16 consumption on the premises, or wine that the class "A" wine
2 17 permittee has manufactured may be sold in sealed containers
2 18 for consumption off the premises where sold.
2 19 The bill provides that the fee for a special wine festival
2 20 permit is \$25.
2 21 LSB 1964SC 83
2 22 ec/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1253

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the practices and procedures of the department
2 of public safety including school inspections, gaming floor or
3 wagering area restrictions, public intoxication testing,
4 operating a vehicle, motorboat, or sailboat while intoxicated
5 testing, interception of communications, and peace officers
6 acting with federal agents, and providing penalties.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
8 TLSB 1333DP 83
9 jm/nh/14



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009**

Senate Study Bill 1253 continued

PAG LIN

1 1 DIVISION I
 1 2 SCHOOL FIRE INSPECTIONS
 1 3 Section 1. Section 100.31, Code 2009, is amended to read
 1 4 as follows:
 1 5 100.31 FIRE AND TORNADO DRILLS ~~IN PUBLIC~~ == WARNING
 1 6 SYSTEMS == INSPECTION OF SCHOOLS.
 1 7 1. It shall be the duty of the state fire marshal and the
 1 8 fire marshal's designated subordinates to require all private
 1 9 and public school officials and teachers to conduct not less
 1 10 than four fire drills and not less than four tornado drills in
 1 11 all school buildings during each school year when school is in
 1 12 session; and to require the officials and teachers of all
 1 13 schools to keep all doors and exits of their respective rooms
 1 14 and buildings unlocked when occupied during school hours or
 1 15 when such areas are being used by the public at other times.
 1 16 Not less than two drills of each type shall be conducted
 1 17 between July 1 and December 31 of each year and not less than
 1 18 two drills of each type shall be conducted between January 1
 1 19 and June 30 of each year.
 1 20 2. Every school building with two or more classrooms shall
 1 21 have a warning system for fires of a type approved by the
 1 22 underwriters' laboratories and by the state fire marshal. The
 1 23 warning system shall be used only for fire drills or as a
 1 24 warning for emergency. Schools may modify the fire warning
 1 25 system for use as a tornado warning system or shall install a
 1 26 separate tornado warning system. Every school building shall
 1 27 also be equipped with portable fire extinguishers, with the
 1 28 type, size and number in accordance with national fire
 1 29 protection association standards and approved by the state
 1 30 fire marshal.
 1 31 3. The state fire marshal or the fire marshal's deputies
 1 32 shall cause each public or private school, college, or
 1 33 university to be inspected at least once every ~~two~~ four years
 1 34 to determine whether each school meets the fire safety
 1 35 standards of this Code and is free from other fire hazards.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1253 continued

2 1 Provided, however, that cities which employ fire department
2 2 inspectors shall cause such inspections to be made.

2 3 DIVISION II

2 4 LEGAL AGE VIOLATIONS AT GAMING FACILITIES

2 5 Sec. 2. Section 99D.11, subsection 7, Code 2009, is
2 6 amended to read as follows:

2 7 7. A person under the age of twenty-one years shall not
2 8 make or attempt to make a pari-mutuel wager. A person who
2 9 violates this subsection commits a scheduled violation under
2 10 section 805.8C, subsection 5, paragraph "a".

2 11 Sec. 3. Section 99F.9, subsection 5, Code 2009, is amended
2 12 to read as follows:

2 13 5. A person under the age of twenty-one years shall not
2 14 make or attempt to make a wager on an excursion gambling boat,
2 15 gambling structure, or in a racetrack enclosure and shall not
2 16 be allowed on the gaming floor of an excursion gambling boat
2 17 or gambling structure or in the wagering area, as defined in
2 18 section 99D.2, or on the gaming floor of a racetrack
2 19 enclosure. However, a person eighteen years of age or older
2 20 may be employed to work on the gaming floor of an excursion
2 21 gambling boat or gambling structure or in the wagering area or
2 22 on the gaming floor of a racetrack enclosure. A person who
2 23 violates this subsection with respect to making or attempting
2 24 to make a wager commits a scheduled violation under section
2 25 805.8C, subsection 5, paragraph "a".

2 26 Sec. 4. Section 99F.9, Code 2009, is amended by adding the
2 27 following new subsection:

2 28 NEW SUBSECTION. 5A. a. A person under the age of
2 29 twenty-one years shall not enter or attempt to enter the
2 30 gaming floor or wagering area, as defined in section 99D.2, of
2 31 a facility licensed under this chapter to operate gambling
2 32 games.

2 33 b. A person under the age of twenty-one years does not
2 34 violate this subsection if any of the following circumstances
2 35 apply:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1253 continued

3 1 (1) The person is employed to work at the facility.

3 2 (2) The person is an employee or agent of the commission,
3 3 the division, a distributor, or a manufacturer, and acting
3 4 within the scope of the person's employment.

3 5 (3) The person is present in a racetrack enclosure and
3 6 does not enter or attempt to enter the gaming floor or
3 7 wagering area of the facility.

3 8 c. A person who violates this subsection commits a simple
3 9 misdemeanor punishable as a scheduled violation under section
3 10 805.8C, subsection 5, paragraph "b".

3 11 Sec. 5. Section 725.19, subsection 1, Code 2009, is
3 12 amended to read as follows:

3 13 1. Any person under the age of twenty-one years shall not
3 14 make or attempt to make a gambling wager, except as permitted
3 15 under chapter 99B. A person who violates this subsection
3 16 commits a scheduled violation under section 805.8C, subsection
3 17 5, paragraph "a".

3 18 Sec. 6. Section 805.8C, subsection 5, Code 2009, is
3 19 amended to read as follows:

3 20 5. GAMBLING VIOLATIONS.

3 21 a. For violations of legal age for gambling wagering under
3 22 section 99D.11, subsection 7, section 99F.9, subsection 5, and
3 23 section 725.19, subsection 1, the scheduled fine is five
3 24 hundred dollars. Failure to pay the fine by a person under
3 25 the age of eighteen shall not result in the person being
3 26 detained in a secure facility.

3 27 b. For legal age violations for entering or attempting to
3 28 enter a facility under section 99F.9, subsection 5A, the
3 29 scheduled fine is two hundred fifty dollars. Failure to pay
3 30 the fine by a person under the age of eighteen shall not
3 31 result in the person being detained in a secure facility.

3 32 DIVISION III

3 33 PUBLIC INTOXICATION TESTING

3 34 Sec. 7. Section 123.46, subsection 3, Code 2009, is
3 35 amended to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1253 continued

4 1 3. When a peace officer arrests a person on a charge of
4 2 public intoxication under this section, the peace officer
4 3 shall inform the person that the person may have a chemical
4 4 test administered at the person's own expense. If a device
4 5 approved by the commissioner of public safety for testing a
4 6 sample of a person's breath to determine the person's blood
4 7 alcohol concentration is available, that is the only test that
4 8 need be offered the person arrested. In a prosecution for
4 9 public intoxication, evidence of the results of a chemical
4 10 test performed under this subsection is admissible upon proof
4 11 of a proper foundation. The percentage of alcohol present in
4 12 a person's blood, or breath, ~~or urine~~ established by the
4 13 results of a chemical test performed within two hours after
4 14 the person's arrest on a charge of public intoxication is
4 15 presumed to be the percentage of alcohol present at the time
4 16 of arrest.

4 17 DIVISION IV

4 18 OPERATING WHILE INTOXICATED TESTING

4 19 Sec. 8. Section 321J.1, subsection 1, paragraph c, Code
4 20 2009, is amended by striking the paragraph.

4 21 Sec. 9. Section 321J.2, subsection 3, paragraph a,
4 22 subparagraph (1), Code 2009, is amended to read as follows:

4 23 (1) If the defendant's alcohol concentration established
4 24 by the results of an analysis of a specimen of the defendant's
4 25 blood, or breath, ~~or urine~~ withdrawn in accordance with this
4 26 chapter exceeds .15, regardless of whether or not the alcohol
4 27 concentration indicated by the chemical test minus the
4 28 established margin of error inherent in the device or method
4 29 used to conduct the test equals an alcohol concentration of
4 30 .15 or more.

4 31 Sec. 10. Section 321J.2, subsection 8, paragraph a, Code
4 32 2009, is amended to read as follows:

4 33 a. The alcohol concentration established by the results of
4 34 an analysis of a specimen of the defendant's blood, or breath,
4 35 ~~or urine~~ withdrawn within two hours after the defendant was



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1253 continued

5 1 driving or in physical control of a motor vehicle is presumed
5 2 to be the alcohol concentration at the time of driving or
5 3 being in physical control of the motor vehicle.

5 4 Sec. 11. Section 321J.2A, Code 2009, is amended to read as
5 5 follows:

5 6 321J.2A PERSONS UNDER THE AGE OF TWENTY=ONE.

5 7 1. A person who is under the age of twenty=one shall not
5 8 operate a motor vehicle while having an alcohol concentration,
5 9 as defined under section 321J.1, of .02 or more. The driver's
5 10 license or nonresident operating privilege of a person who is
5 11 under the age of twenty=one and who operates a motor vehicle
5 12 while having an alcohol concentration of .02 or more shall be
5 13 revoked by the department for the period of time specified
5 14 under section 321J.12. A revocation under this section shall
5 15 not preclude a prosecution or conviction under any applicable
5 16 criminal provisions of this chapter. However, if the person
5 17 is convicted of a criminal offense under section 321J.2, the
5 18 revocation imposed under this section shall be superseded by
5 19 any revocation imposed as a result of the conviction.

5 20 2. In any proceeding regarding a revocation under this
5 21 section, evidence of the results of analysis of a specimen of
5 22 the defendant's blood, breath, or urine is admissible upon
5 23 proof of a proper foundation. The alcohol concentration
5 24 established by the results of an analysis of a specimen of the
5 25 defendant's blood, or breath, ~~or urine~~ withdrawn within two
5 26 hours after the defendant was driving or in physical control
5 27 of a motor vehicle is presumed to be the alcohol concentration
5 28 at the time of driving or being in physical control of the
5 29 motor vehicle.

5 30 Sec. 12. Section 321J.6, subsection 1, unnumbered
5 31 paragraph 1, Code 2009, is amended to read as follows:

5 32 A person who operates a motor vehicle in this state under
5 33 circumstances which give reasonable grounds to believe that
5 34 the person has been operating a motor vehicle in violation of
5 35 section 321J.2 or 321J.2A is deemed to have given consent to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1253 continued

6 1 the withdrawal of specimens of the person's blood, breath, or
6 2 urine, as applicable, and to a chemical test or tests of the
6 3 specimens for the purpose of determining the alcohol
6 4 concentration or presence of a controlled substance or other
6 5 drugs, subject to this section. The withdrawal of the body
6 6 substances and the test or tests shall be administered at the
6 7 written request of a peace officer having reasonable grounds
6 8 to believe that the person was operating a motor vehicle in
6 9 violation of section 321J.2 or 321J.2A, and if any of the
6 10 following conditions exist:

6 11 Sec. 13. Section 321J.6, subsections 2 and 3, Code 2009,
6 12 are amended to read as follows:

6 13 2. The peace officer shall determine which of the three
6 14 substances, ~~breath, blood~~ blood, breath, or urine, shall be
6 15 tested. Refusal to submit to a chemical test of blood,
6 16 breath, or urine, or breath is deemed a refusal to submit, and
6 17 section 321J.9 applies. ~~A refusal to submit to a chemical~~
~~6 18 test of blood is not deemed a refusal to submit, but in that~~
~~6 19 case, the peace officer shall then determine which one of the~~
~~6 20 other two substances shall be tested and shall offer the test.~~

6 21 If the peace officer fails to offer a test within two hours
6 22 after the preliminary screening test is administered or
6 23 refused or the arrest is made, whichever occurs first, a test
6 24 is not required, and there shall be no revocation under
6 25 section 321J.9.

6 26 3. Notwithstanding subsection 2, if the peace officer has
6 27 reasonable grounds to believe that the person was under the
6 28 influence of a controlled substance, or a drug other than
6 29 alcohol, ~~or~~ a blood or urine test shall be required even after
6 30 a breath test has been administered. If the peace officer has
6 31 reasonable grounds to believe that the person was under the
6 32 influence of a combination of alcohol and another drug, a
6 33 blood or urine test shall be required even after another type
6 34 of test has been administered. Section 321J.9 applies to a
6 35 refusal to submit to a chemical test of urine or blood



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1253 continued

7 1 requested under this subsection.

7 2 Sec. 14. Section 321J.10, subsection 4, paragraph b,
7 3 subparagraph (2), Code 2009, is amended to read as follows:

7 4 (2) If the testimony in support of the warrant sets forth
7 5 facts and information that the peace officer has reasonable
7 6 grounds to believe that the person was under the influence of
7 7 a controlled substance, or a drug other than alcohol, or a
7 8 urine sample shall be collected in lieu of a blood sample if
7 9 the person is capable of giving a urine sample and the urine
7 10 sample can be collected without the need to physically compel
7 11 the execution of the warrant. If the testimony in support of
7 12 the warrant sets forth facts and information that the peace
7 13 officer has reasonable grounds to believe that the person was
7 14 under the influence of a combination of alcohol and another
7 15 drug, a urine sample shall be collected in lieu of a blood
7 16 sample, if the person is capable of giving a urine sample and
~~7 17 the sample can be collected without the need to physically~~
~~7 18 compel the execution of the warrant shall be collected.~~

7 19 Sec. 15. Section 321J.10A, subsection 2, unnumbered
7 20 paragraph 1, Code 2009, is amended to read as follows:

7 21 If the person from whom a specimen of blood is to be
7 22 withdrawn objects to the withdrawal, ~~a breath or urine sample~~
~~7 23 may be taken under the following circumstances provisions~~
7 24 shall apply:

7 25 Sec. 16. Section 321J.10A, subsection 2, paragraph b, Code
7 26 2009, is amended to read as follows:

7 27 b. If the peace officer has reasonable grounds to believe
7 28 that the person was under the influence of a controlled
7 29 substance, or a drug other than alcohol, or a urine sample
7 30 shall be collected in lieu of a blood sample if the person is
7 31 capable of giving a urine sample and the sample can be
7 32 collected. However, if the urine sample is unable to be
7 33 collected, or if the peace officer has reasonable grounds to
7 34 believe that the person was under the influence of a
7 35 combination of alcohol and another drug, a ~~urine~~ blood sample



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1253 continued

8 1 shall be collected ~~in lieu of a blood sample, if the person is~~
~~8 2 capable of giving a urine sample and the sample can be~~
~~8 3 collected without a warrant if all of the circumstances in~~
8 4 subsection 1 apply.

8 5 Sec. 17. Section 321J.11, Code 2009, is amended to read as
8 6 follows:

8 7 321J.11 TAKING SAMPLE FOR TEST.

8 8 1. ~~Only a~~ A licensed physician, licensed physician
8 9 assistant as defined in section 148C.1, medical technologist,
8 10 or registered nurse, acting at the request of a peace officer,
8 11 may withdraw a specimen of blood for the purpose of
8 12 determining the alcohol concentration or the presence of a
8 13 controlled substance or other drugs. However, any peace
8 14 officer, using devices and methods approved by the
8 15 commissioner of public safety, may take a specimen of a
8 16 person's breath ~~or urine~~ for the purpose of determining the
8 17 alcohol concentration, or may take a specimen of a person's
8 18 urine for the purpose of determining the presence of a
8 19 controlled substance or other drugs. ~~Only new~~ New equipment
8 20 kept under strictly sanitary and sterile conditions shall be
8 21 used for drawing blood.

8 22 2. The person may have an independent chemical test or
8 23 tests administered at the person's own expense in addition to
8 24 any administered at the direction of a peace officer. The
8 25 failure or inability of the person to obtain an independent
8 26 chemical test or tests does not preclude the admission of
8 27 evidence of the results of the test or tests administered at
8 28 the direction of the peace officer. Upon the request of the
8 29 person who is tested, the results of the test or tests
8 30 administered at the direction of the peace officer shall be
8 31 made available to the person.

8 32 Sec. 18. Section 907.3, subsection 1, paragraph g,
8 33 subparagraph (1), Code 2009, is amended to read as follows:

8 34 (1) If the defendant's alcohol concentration established
8 35 by the results of an analysis of a specimen of the defendant's



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1253 continued

9 1 blood, or breath, ~~or urine~~ withdrawn in accordance with
9 2 chapter 321J exceeds .15, regardless of whether or not the
9 3 alcohol concentration indicated by the chemical test minus the
9 4 established margin of error inherent in the device or method
9 5 used to conduct the test equals an alcohol concentration of
9 6 .15 or more.

9 7 Sec. 19. Section 907.3, subsection 2, paragraph c,
9 8 subparagraph (1), Code 2009, is amended to read as follows:

9 9 (1) If the defendant's alcohol concentration established
9 10 by the results of an analysis of a specimen of the defendant's
9 11 blood, or breath, ~~or urine~~ withdrawn in accordance with
9 12 chapter 321J exceeds .15, regardless of whether or not the
9 13 alcohol concentration indicated by the chemical test minus the
9 14 established margin of error inherent in the device or method
9 15 used to conduct the test equals an alcohol concentration of
9 16 .15 or more.

9 17 Sec. 20. Section 907.3, subsection 3, paragraph c,
9 18 subparagraph (1), Code 2009, is amended to read as follows:

9 19 (1) If the defendant's alcohol concentration established
9 20 by the results of an analysis of a specimen of the defendant's
9 21 blood, or breath, ~~or urine~~ withdrawn in accordance with
9 22 chapter 321J exceeds .15, regardless of whether or not the
9 23 alcohol concentration indicated by the chemical test minus the
9 24 established margin of error inherent in the device or method
9 25 used to conduct the test equals an alcohol concentration of
9 26 .15 or more.

9 27 DIVISION V

9 28 OPERATING MOTORBOAT OR SAILBOAT WHILE INTOXICATED

9 29 Sec. 21. Section 462A.2, subsection 1, paragraph c, Code
9 30 2009, is amended by striking the paragraph.

9 31 Sec. 22. Section 462A.2, subsection 6, Code 2009, is
9 32 amended to read as follows:

9 33 6. "Chemical test" means an analysis of a person's blood,
9 34 or breath, ~~urine~~, or other bodily substance for the
9 35 determination of the presence of alcohol, or an analysis of a



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1253 continued

10 1 person's blood, breath, urine, or other bodily substance for
10 2 the determination of the presence of a controlled substance,
10 3 or a drug.

10 4 Sec. 23. Section 462A.14, subsection 3, paragraph a,
10 5 subparagraph (1), Code 2009, is amended to read as follows:

10 6 (1) If the defendant's alcohol concentration established
10 7 by the results of an analysis of a specimen of the defendant's
10 8 ~~blood, or breath, or urine~~ withdrawn in accordance with this
10 9 chapter exceeds .15, regardless of whether or not the alcohol
10 10 concentration indicated by the chemical test minus the
10 11 established margin of error inherent in the device or method
10 12 used to conduct the test equals an alcohol concentration of
10 13 .15 or more.

10 14 Sec. 24. Section 462A.14, subsection 8, paragraph a, Code
10 15 2009, is amended to read as follows:

10 16 a. The alcohol concentration established by the results of
10 17 an analysis of a specimen of the defendant's ~~blood, or breath,~~
10 18 ~~or urine~~ withdrawn within two hours after the defendant was
10 19 operating or in physical control of a motorboat or sailboat is
10 20 presumed to be the alcohol concentration at the time of
10 21 operating or being in physical control of the motorboat or
10 22 sailboat.

10 23 Sec. 25. Section 462A.14A, subsection 4, paragraphs c, d,
10 24 and e, Code 2009, are amended to read as follows:

10 25 c. Refusal to submit to a chemical test of ~~urine or blood,~~
10 26 ~~breath, or urine, as applicable~~ is deemed a refusal to submit,
10 27 and the peace officer shall inform the person that the
10 28 person's refusal will result in the suspension of the person's
10 29 privilege to operate a motorboat or sailboat.

10 30 ~~d. Refusal to submit to a chemical test of blood is not~~
10 31 ~~deemed a refusal to submit, but in that case, the peace~~
10 32 ~~officer shall then determine which one of the other two~~
10 33 ~~substances shall be tested and shall offer the test.~~

10 34 e. ~~d.~~ Notwithstanding paragraphs "a" through "~~d~~" "c", if
10 35 the peace officer has reasonable grounds to believe that the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1253 continued

11 1 person was under the influence of a drug other than alcohol,
11 2 or a combination of alcohol and another drug, a urine test may
11 3 be required even after a blood or breath test has been
11 4 administered.

11 5 Sec. 26. Section 462A.14D, subsection 4, paragraph b,
11 6 subparagraph (2), Code 2009, is amended to read as follows:

11 7 (2) If the testimony in support of the warrant sets forth
11 8 facts and information that the peace officer has reasonable
11 9 grounds to believe that the person was under the influence of
11 10 a controlled substance, or a drug other than alcohol, or a
11 11 urine sample shall be collected in lieu of a blood sample, if
11 12 the person is capable of giving a urine sample and the urine
11 13 sample can be collected without the need to physically compel
11 14 the execution of the warrant. If the testimony in support of
11 15 the warrant sets forth the facts and information that the
11 16 peace officer has reasonable grounds to believe that the
11 17 person was under the influence of a combination of alcohol and
11 18 another drug, a urine sample shall be collected in lieu of a
11 19 blood sample, if the person is capable of giving a urine
11 20 sample and the sample can be collected without the need to
11 21 physically compel the execution of the warrant shall be
11 22 collected without a warrant if all of the circumstances in
11 23 subsection 1 apply.

11 24

DIVISION VI

11 25

INTERCEPTION OF COMMUNICATIONS

11 26 Sec. 27. Section 808B.1, subsection 4, Code 2009, is
11 27 amended by adding the following new paragraph:

11 28 NEW PARAGRAPH. d. Electronic funds transfer information
11 29 stored by a financial institution in a communication system
11 30 used for the electronic storage and transfer of funds.

11 31 Sec. 28. Section 808B.1, subsection 8, Code 2009, is
11 32 amended to read as follows:

11 33 8. "Oral communication" means an oral communication
11 34 uttered by a person exhibiting an expectation that the
11 35 communication is not subject to interception, under



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1253 continued

12 1 circumstances justifying that expectation. An "oral
12 2 communication" does not include an electronic communication.

12 3 Sec. 29. Section 808B.1, subsections 9, 11, and 12, Code
12 4 2009, are amended by striking the subsections and inserting in
12 5 lieu thereof the following:

12 6 9. "Pen register" means a device or process which records
12 7 or decodes dialing, routing, addressing, or signaling
12 8 information, but not the contents of the communication,
12 9 transmitted by an instrument or facility from which a wire or
12 10 electronic communication is transmitted. "Pen register" does
12 11 not include any device or process used by a provider or
12 12 customer of a wire or electronic communication service for
12 13 billing, or recording as an incident to billing, for
12 14 communications services provided by such provider or any
12 15 device or process used by a provider or customer of a wire
12 16 communication service for cost accounting or other like
12 17 purposes in the ordinary course of its business.

12 18 11. "Trap and trace device" means a device or process
12 19 which captures the incoming electronic or other impulses which
12 20 identify the originating number or other dialing, routing,
12 21 addressing, and signaling information reasonably likely to
12 22 identify the source of a wire or electronic communication, but
12 23 does not capture the contents of any communication.

12 24 12. "Wire communication" means any aural transfer made in
12 25 whole or in part through the use of facilities for the
12 26 transmission of communications by the aid of wire, cable, or
12 27 other like connection between the point of origin and the
12 28 point of reception, including the use of such connection in a
12 29 switching station, furnished or operated by any person engaged
12 30 in providing or operating such facilities for the transmission
12 31 of interstate or foreign communications or communications
12 32 affecting interstate or foreign commerce.

12 33 Sec. 30. Section 808B.3, Code 2009, is amended by adding
12 34 the following new subsections:

12 35 NEW SUBSECTION. 3. A felony offense involving ongoing



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1253 continued

13 1 criminal conduct in violation of chapter 706A.

13 2 NEW SUBSECTION. 4. A forcible felony as defined in
13 3 section 702.11.

13 4 NEW SUBSECTION. 5. A felony fugitive warrant issued in
13 5 the state or involving an individual who is reasonably
13 6 believed to be located within the state.

13 7 Sec. 31. Section 808B.5, Code 2009, is amended by adding
13 8 the following new subsections:

13 9 NEW SUBSECTION. 11A. A judge shall issue a search warrant
13 10 which authorizes the placement, tracking, or monitoring of a
13 11 global positioning device, if the application includes facts,
13 12 information, and circumstances establishing sufficient grounds
13 13 for granting the application, and probable cause for believing
13 14 that the grounds exist.

13 15 NEW SUBSECTION. 11B. Upon the demand of an investigative
13 16 or law enforcement officer, a judge may issue a subpoena or
13 17 other court order in order to obtain information and
13 18 supporting documentation regarding contemporaneous or
13 19 prospective wire or electronic communications based upon a
13 20 finding that a prosecuting attorney is engaged in a criminal
13 21 investigation of an offense listed in section 808B.3.

13 22 NEW SUBSECTION. 11C. Notwithstanding any other provision
13 23 of law, upon the demand of an investigative or law enforcement
13 24 officer, a judge may authorize the capture of a wire or oral
13 25 communication by a pen register or trap and trace device, if a
13 26 judge finds that there is probable cause to believe that a
13 27 wire or oral communication relevant to a valid search warrant
13 28 will occur at any point while the warrant is in effect.

13 29 Sec. 32. Section 808B.10, unnumbered paragraph 1, Code
13 30 2009, is amended to read as follows:

13 31 A Except for emergency situations pursuant to section
13 32 808B.12, a person shall not install or use a pen register or a
13 33 trap and trace device without first obtaining a search warrant
13 34 or court order pursuant to either section 808B.11 or 808B.12.

13 35 However, a pen register or a trap and trace device may be used



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1253 continued

14 1 or installed without court order if any of the following
14 2 apply:

14 3 Sec. 33. Section 808B.11, subsection 3, paragraph c, Code
14 4 2009, is amended to read as follows:

14 5 c. The telephone number if known, ~~and~~ the physical
14 6 location of the telephone line where the pen register or trap
14 7 and trace device will be attached, the method for determining
14 8 the location of the electronic communication, and the
14 9 geographic limits of the trap and trace device.

14 10 Sec. 34. Section 808B.12, Code 2009, is amended by
14 11 striking the section and inserting in lieu thereof the
14 12 following:

14 13 808B.12 EMERGENCY INSTALLATION AND USE == SUBSEQUENT
14 14 APPLICATION AND ORDER.

14 15 1. Notwithstanding any other provision of this chapter, a
14 16 special state agent authorized by the prosecuting attorney or
14 17 an assistant attorney general who reasonably determines that
14 18 an emergency situation described in subsection 2 exists which
14 19 requires the installation and use of a pen register or a trap
14 20 and trace device before an order authorizing such installation
14 21 and use can be obtained with due diligence, may install and
14 22 use a pen register or trap and trace device, if an order
14 23 approving the installation or use is applied for and issued in
14 24 accordance with section 808B.11 within forty-eight hours of
14 25 the installation.

14 26 2. Subsection 1 applies in the following emergency
14 27 situations:

14 28 a. Immediate danger of death or serious bodily injury to a
14 29 person.

14 30 b. Conspiratorial activities characteristic of organized
14 31 crime.

14 32 c. Immediate threat to a national security interest.

14 33 d. Ongoing attack on a computer that constitutes a crime
14 34 punishable by a term of imprisonment greater than one year.

14 35 3. In the absence of an authorizing order, such use shall



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1253 continued

15 1 immediately terminate when the information sought is obtained,
15 2 when the application for the order is denied, or when
15 3 forty=eight hours have lapsed since the installation of the
15 4 pen register or trap and trace device, whichever is earlier.

15 5 4. The knowing installation or use by any investigative or
15 6 law enforcement officer of a pen register or trap and trace
15 7 device pursuant to subsection 1 without application for the
15 8 authorizing order within forty=eight hours of the installation
15 9 constitutes a serious misdemeanor.

15 10 5. A provider of a wire or electronic communication
15 11 service, landlord, custodian, or other person who furnishes
15 12 facilities or technical assistance pursuant to this section
15 13 shall be reasonably compensated for such reasonable expenses
15 14 incurred in providing such facilities and assistance.

15 15 Sec. 35. Section 808B.13, subsections 4 and 5, Code 2009,
15 16 are amended to read as follows:

15 17 4. A cause of action shall not lie in any court against
15 18 any provider of a wire or electronic communication service,
15 19 its officers, employees, agents, or other specified persons
15 20 for providing information, facilities, or assistance in
15 21 accordance with the terms of a search warrant or court order
15 22 under section 808B.11 or 808B.12.

15 23 5. A good faith reliance on a search warrant or court
15 24 order under section 808B.11 or 808B.12 is a complete defense
15 25 against any civil or criminal action brought under this
15 26 chapter or any other statute.

15 27 DIVISION VII

15 28 PEACE OFFICER SERVING AS FEDERAL ACTOR

15 29 Sec. 36. Section 80.9A, Code 2009, is amended by adding
15 30 the following new subsection:

15 31 NEW SUBSECTION. 8. a. A peace officer of the department,
15 32 when authorized by the commissioner, may act in concert with,
15 33 under the direction of, or otherwise serve as a state actor
15 34 for an officer or agent of the federal government.

15 35 b. If serving as a state actor for an officer or agent of



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009**

Senate Study Bill 1253 continued

16 1 the federal government as provided in paragraph "a", the peace
16 2 officer shall be considered acting within the scope of the
16 3 employee's office or employment as defined in section 669.2,
16 4 subsection 1.

16 5 EXPLANATION

16 6 This bill relates to practices and procedures of the
16 7 department of public safety including school inspections,
16 8 gaming floor or wagering area restrictions, public
16 9 intoxication testing, operating while intoxicated testing,
16 10 interception of communications, and peace officers acting with
16 11 federal agents.

16 12 DIVISION I. The division provides that the state fire
16 13 marshal shall inspect a public or private school every four
16 14 years to determine whether the school meets fire safety
16 15 standards. Current law requires an inspection every two
16 16 years.

16 17 DIVISION II. The division prohibits a person under 21
16 18 years of age from entering or attempting to enter the gaming
16 19 floor or wagering area of a facility licensed under Code
16 20 chapter 99D to operate gambling games.

16 21 A person under 21 years of age does not violate the
16 22 prohibition if the person is employed at the gambling
16 23 facility, is an employee or agent acting within the person's
16 24 scope of employment by the state racing and gaming commission,
16 25 division of criminal investigation of the department of public
16 26 safety, a distributor, or a manufacturer, or the person is
16 27 present in a racetrack enclosure and does not enter or attempt
16 28 to enter the gaming floor or wagering area of the facility.

16 29 A person who violates the prohibition commits a simple
16 30 misdemeanor punishable by a scheduled fine of \$250.

16 31 DIVISION III. The division strikes a provision permitting
16 32 a urine test in a prosecution for public intoxication. The
16 33 division does not affect provisions relating to a blood or
16 34 breath test in such a prosecution.

16 35 DIVISION IV. The division strikes provisions allowing a



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1253 continued

17 1 person arrested for operating a motor vehicle while
17 2 intoxicated to be tested for alcohol concentration levels from
17 3 a specimen of the arrested person's urine. Current law
17 4 permits testing of a specimen of an arrested person's blood,
17 5 breath, or urine. The division does not affect provisions
17 6 allowing testing of a specimen of an arrested person's urine
17 7 if the presence of a controlled substance is suspected.
17 8 The division also provides that a refusal to submit to a
17 9 test of the blood results in longer revocation of a driver's
17 10 license pursuant to Code section 321J.9. Currently, a refusal
17 11 of a test of the breath or urine, but not blood, results in a
17 12 longer revocation of the driver's license.
17 13 DIVISION V. The division strikes provisions permitting a
17 14 person arrested for operating a motorboat or sailboat while
17 15 intoxicated to be tested for alcohol concentration levels from
17 16 a specimen of the arrested person's urine. Current law
17 17 permits testing of a specimen of an arrested person's blood,
17 18 breath, or urine.
17 19 DIVISION VI. The division makes changes to Code chapter
17 20 808B (interception of communications).
17 21 The division excludes electronic funds transfer information
17 22 from the definition of "electronic communication".
17 23 The division specifies that an "oral communication" does
17 24 not include an "electronic communication".
17 25 The division modifies the definitions for "pen register",
17 26 "trap and trace device", and "wire communication".
17 27 The division expands the list of criminal investigations
17 28 for which the interception of communications may be authorized
17 29 to include ongoing criminal conduct (Code chapter 706A), a
17 30 forcible felony (Code section 702.11), or a felony fugitive
17 31 warrant for persons reasonably believed to be in this state.
17 32 Current law permits the interception of communications in
17 33 criminal investigations for a felony offense involving dealing
17 34 in a controlled substance or a felony offense involving money
17 35 laundering.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1253 continued

18 1 The division provides that a judge shall issue a search
18 2 warrant which authorizes the placement, tracking, or
18 3 monitoring of a global positioning device, if the application
18 4 contains sufficient grounds to establish probable cause.

18 5 The division provides that a judge may issue a subpoena or
18 6 other court order in order to obtain information and
18 7 supporting documentation regarding contemporaneous or
18 8 prospective wire or electronic communications based upon a
18 9 finding that a prosecuting attorney is engaged in a criminal
18 10 investigation of an offense listed in Code section 808B.3.

18 11 The division also provides that a judge may authorize the
18 12 capture of a wire or oral communication by a pen register or
18 13 trap and trace device, if a judge finds that there is probable
18 14 cause to believe that a wire or oral communication relevant to
18 15 a valid search warrant will occur at any point while the
18 16 warrant is in effect.

18 17 The division specifies that an order authorizing the
18 18 interception of a communication shall refer to the method for
18 19 determining the location of the electronic communication
18 20 intercepted in addition to other requirements specified in
18 21 Code section 808B.11(3).

18 22 The division permits a special agent or an assistant
18 23 attorney general who determines that an emergency situation
18 24 exists which requires the installation and use of a pen
18 25 register or a trap and trace device before an order
18 26 authorizing such installation and use can be obtained with due
18 27 diligence, to install and use a pen register or trap and trace
18 28 device if an order approving the installation or use is issued
18 29 within 48 hours of the installation occurring.

18 30 The division limits such emergency situations to those
18 31 involving death or serious bodily injury, conspiratorial
18 32 activities characteristic of organized crime, immediate
18 33 threats to national security, or ongoing attack on a computer
18 34 that constitutes a crime punishable by a term of imprisonment
18 35 greater than one year.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009**

Senate Study Bill 1253 continued

19 1 DIVISION VII. The division authorizes a peace officer of
19 2 the department of public safety to act in concert with, or
19 3 under the direction of, a federal officer or agent of the
19 4 federal government.
19 5 LSB 1333DP 83
19 6 jm/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1254

SENATE FILE
BY (PROPOSED COMMITTEE ON
ENVIRONMENT AND ENERGY
INDEPENDENCE BILL BY
CHAIRPERSON BLACK)

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

A BILL FOR

- 1 An Act providing for the dispensing of ethanol blended gasoline
- 2 by authorizing the use of secondary containment, and providing
- 3 an effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2220XC 83
- 6 da/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1254 continued

PAG LIN

1 1 Section 1. Section 455G.31, subsection 2, Code 2009, is
1 2 amended to read as follows:
1 3 2. A retail dealer may use gasoline storage and dispensing
1 4 infrastructure other than a dispenser to store and dispense
1 5 ethanol blended gasoline classified as E-9 or higher if ~~all of~~
~~1 6 the following apply:~~
1 7 a. ~~For gasoline storage and dispensing infrastructure~~
~~1 8 other than the dispenser,~~ the department of natural resources
1 9 under this chapter or the state fire marshal under chapter 101
1 10 ~~must determine~~ determines that it is compatible with the
1 11 ethanol blended gasoline being used.
1 12 b. (1) ~~For a~~ 3. A retail dealer may use a dispenser, ~~all~~
~~1 13 of the following shall apply to dispense ethanol blended~~
1 14 gasoline classified as E-9 or higher if any of the following
1 15 applies:
1 16 (a) a. (1) The dispenser ~~must be~~ is listed by an
1 17 independent testing laboratory as compatible with ethanol
1 18 blended gasoline classified as E-9 or higher. In addition,
1 19 (b) ~~The owner or operator or a person authorized by the~~
~~1 20 owner or operator must~~ the retail dealer must visually inspect
1 21 the dispenser and the dispenser sump daily for leaks and
1 22 equipment failure and maintain a record of such inspection for
1 23 at least one year after the inspection. The record shall be
1 24 located on the premises of the retail dealer and shall be made
1 25 available to the department of natural resources or the state
1 26 fire marshal upon request. If a leak is detected, the
1 27 department of natural resources shall be notified pursuant to
1 28 section 455B.386.
1 29 (2) The state fire marshal shall issue an order as soon as
1 30 practicable after determining that a commercially available
1 31 dispenser is listed as compatible for use with E-85 gasoline
1 32 by an independent testing laboratory. The state fire marshal
1 33 shall publish the order in the Iowa administrative bulletin.
1 34 A person shall not install a dispenser which would otherwise
1 35 be permitted under subparagraph (1) after sixty days following



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1254 continued

2 1 the date that the order is published. A person who installed
2 2 such dispenser before the sixty-day period expired may use the
2 3 dispenser as provided in subparagraph (1) until four years
2 4 after the date that the order is published.

2 5 b. The retail dealer installs a secondary containment
2 6 system designed to prevent the release of the type of ethanol
2 7 blended gasoline being dispensed. The secondary containment
2 8 system shall comply with applicable rules adopted by the
2 9 department of natural resources and the state fire marshal.

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

2 12 EXPLANATION

2 13 Under current law, a retail dealer engaged in the business
2 14 of storing and dispensing motor fuel may dispense ethanol
2 15 blended gasoline containing a high content of ethanol, and
2 16 including E=85, using special infrastructure, including a
2 17 motor fuel pump (dispenser) that is listed by an independent
2 18 testing laboratory.

2 19 This bill provides an alternative that would allow the
2 20 retail dealer to use a dispenser installed with a secondary
2 21 containment system designed to prevent the release of that
2 22 type of ethanol blended gasoline.

2 23 The bill takes effect upon enactment.

2 24 LSB 2220XC 83

2 25 da/rj/4



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1255

SENATE FILE
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON RAGAN)

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

A BILL FOR

1 An Act requiring a circulating nurse to be present in operating
2 rooms during surgical procedures and providing an effective
3 date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2128SC 83
6 jr/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1255 continued

PAG LIN

1 1 Section 1. NEW SECTION. 135B.18B NURSE REQUIRED IN
1 2 OPERATING ROOM.
1 3 A hospital or outpatient surgical facility, as defined in
1 4 section 135.61, shall ensure that a registered nurse,
1 5 qualified by training and experience in operating room
1 6 nursing, is present as a circulating nurse in each separate
1 7 operating room where surgery is being performed for the
1 8 duration of the operative procedure. Nothing in this section
1 9 precludes a circulating nurse from leaving the operating room
1 10 as part of the operative procedure, leaving the operating room
1 11 for short periods or, in accordance with employee rules or
1 12 regulations, being relieved during an operative procedure by
1 13 another circulating nurse assigned to continue the operative
1 14 procedure.
1 15 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
1 16 immediate importance, takes effect upon enactment.
1 17 EXPLANATION
1 18 This Act requires that a registered nurse, qualified by
1 19 training and experience in operating room nursing, shall be
1 20 present in each separate operating room where surgery is being
1 21 performed. The bill contains an immediate effective date.
1 22 LSB 2128SC 83
1 23 jr/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1256

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

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

A BILL FOR

- 1 An Act providing for the establishment of a municipal energy
- 2 enterprise under specified circumstances.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2434SC 83
- 5 rn/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1256 continued

PAG LIN

1 1 Section 1. NEW SECTION. 364.23A MUNICIPAL ENERGY
1 2 ENTERPRISES.
1 3 A city with a population of more than one hundred thousand
1 4 may establish by ordinance a municipal energy enterprise as
1 5 provided in this section. A municipal energy enterprise may
1 6 provide heat energy to entities deemed by the city to be
1 7 critical to the health of the local economy. Heat energy
1 8 shall be supplied to an entity only after the city council
1 9 holds a public hearing on the question of providing heat
1 10 energy and the adoption of an ordinance describing the reasons
1 11 for providing heat energy and authorizing the providing of
1 12 such heat energy to specifically named entities. A municipal
1 13 energy enterprise shall be a city enterprise for purposes of
1 14 chapter 384, and its activities are a public purpose for
1 15 purposes of chapters 6A and 6B.

1 16 Sec. 2. Section 384.24, subsection 2, Code 2009, is
1 17 amended by adding the following new paragraph:

1 18 NEW PARAGRAPH. m. Municipal energy enterprises as
1 19 provided in section 364.23A.

1 20 EXPLANATION

1 21 This bill authorizes a city with a population of more than
1 22 100,000 to establish by ordinance a municipal energy
1 23 enterprise. The bill provides that a municipal energy
1 24 enterprise may provide heat energy to entities deemed by the
1 25 city to be critical to the health of the local economy. The
1 26 bill provides that the city council shall conduct a public
1 27 hearing on the question of providing heat energy and adopt an
1 28 ordinance describing the reasons for providing heat energy and
1 29 authorizing the providing of such heat energy to specifically
1 30 named entities.

1 31 The bill provides that a municipal energy enterprise shall
1 32 be a city enterprise for purposes of city finance provisions
1 33 pursuant to Code chapter 384, and that its activities are a
1 34 public purpose for purposes of Code chapters 6A and 6B,
1 35 relating to eminent domain procedures.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009**

Senate Study Bill 1256 continued

2 1 LSB 2434SC 83
2 2 rn/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1257

SENATE FILE
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON WARNSTADT)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning tax=sheltered investment contracts and
- 2 including an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2154SC 83
- 5 ec/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1257 continued

PAG LIN

1 1 Section 1. Section 260C.14, subsection 9, paragraphs a and
1 2 b, Code 2009, are amended to read as follows:

1 3 a. (1) The board may establish a plan, in accordance with
1 4 section 403(b) of the Internal Revenue Code, as defined in
1 5 section 422.3, for employees, which plan shall consist of one
1 6 or more investment contracts, on a group or individual basis,
1 7 acquired from a company, or a salesperson for that company,
1 8 that is authorized to do business in this state.

1 9 (2) The plan shall ensure that local tax-sheltered
1 10 investment contract providers be employed by companies
1 11 selected to offer investment contracts within the plan to
1 12 advise employees concerning the plan. Local tax-sheltered
1 13 investment contract providers shall consist of individuals,
1 14 otherwise authorized to offer plans in accordance with section
1 15 403(b), who provided eligible employees with tax-sheltered
1 16 investment contracts prior to establishing the plan, are
1 17 located within the jurisdiction of the applicable community
1 18 college, and otherwise consent to comply with the requirements
1 19 of the plan established pursuant to this subsection.

1 20 b. The selection of investment contracts to be included
1 21 within the plan established by the board shall be made ~~either~~
1 22 pursuant to a competitive bidding process conducted by the
1 23 board, in coordination with employee organizations
1 24 representing employees eligible to participate in the plan,
1 25 pursuant to a process whereby no more than five companies
1 26 authorized to issue investment contracts shall be selected by
1 27 the applicable employer and no more than three companies
1 28 authorized to issue investment contracts shall be selected by,
1 29 and in the sole discretion of, the employee organizations
1 30 representing the applicable employer's employees, or pursuant
1 31 to an agreement with the department of administrative services
1 32 to make available investment contracts included in a deferred
1 33 compensation or similar plan established by the department
1 34 pursuant to section 8A.438, which plan meets the requirements
1 35 of this subsection. The determination of ~~whether~~ how to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1257 continued

2 1 select investment contracts for the plan ~~pursuant to a~~
~~2 2 competitive bidding process or by agreement with the~~
~~2 3 department of administrative services~~ shall be made by
2 4 agreement between the board and the employee organizations
2 5 representing employees eligible to participate in the plan.
2 6 Sec. 2. Section 273.3, subsection 14, paragraphs a and b,
2 7 Code 2009, are amended to read as follows:
2 8 a. (1) The board may establish a plan, in accordance with
2 9 section 403(b) of the Internal Revenue Code, as defined in
2 10 section 422.3, for employees, which plan shall consist of one
2 11 or more investment contracts, on a group or individual basis,
2 12 acquired from a company, or a salesperson for that company,
2 13 that is authorized to do business in this state.
2 14 (2) The plan shall ensure that local tax-sheltered
2 15 investment contract providers be employed by companies
2 16 selected to offer investment contracts within the plan to
2 17 advise employees concerning the plan. Local tax-sheltered
2 18 investment contract providers shall consist of individuals,
2 19 otherwise authorized to offer plans in accordance with section
2 20 403(b), who provided eligible employees with tax-sheltered
2 21 investment contracts prior to establishing the plan, are
2 22 located within the jurisdiction of the applicable area
2 23 education agency, and otherwise consent to comply with the
2 24 requirements of the plan established pursuant to this
2 25 subsection.
2 26 b. The selection of investment contracts to be included
2 27 within the plan established by the board shall be made ~~either~~
2 28 pursuant to a competitive bidding process conducted by the
2 29 board, in coordination with employee organizations
2 30 representing employees eligible to participate in the plan,
2 31 pursuant to a process whereby no more than five companies
2 32 authorized to issue investment contracts shall be selected by
2 33 the applicable employer and no more than three companies
2 34 authorized to issue investment contracts shall be selected by,
2 35 and in the sole discretion of, the employee organizations



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1257 continued

3 1 representing the applicable employer's employees, or pursuant
3 2 to an agreement with the department of administrative services
3 3 to make available investment contracts included in a deferred
3 4 compensation or similar plan established by the department
3 5 pursuant to section 8A.438, which plan meets the requirements
3 6 of this subsection. The determination of ~~whether~~ how to
3 7 select investment contracts for the plan ~~pursuant to a~~
~~3 8 competitive bidding process or by agreement with the~~
~~3 9 department of administrative services shall be made by~~
3 10 agreement between the board and the employee organizations
3 11 representing employees eligible to participate in the plan.
3 12 Sec. 3. Section 294.16, subsections 1 and 2, Code 2009,
3 13 are amended to read as follows:
3 14 1. a. The school district may establish a plan, in
3 15 accordance with section 403(b) of the Internal Revenue Code,
3 16 as defined in section 422.3, for employees, which plan shall
3 17 consist of one or more investment contracts, on a group or
3 18 individual basis, acquired from a company, or a salesperson
3 19 for that company, that is authorized to do business in this
3 20 state.
3 21 b. The plan shall ensure that local tax-sheltered
3 22 investment contract providers be employed by companies
3 23 selected to offer investment contracts within the plan to
3 24 advise employees concerning the plan. Local tax-sheltered
3 25 investment contract providers shall consist of individuals,
3 26 otherwise authorized to offer plans in accordance with section
3 27 403(b), who provided eligible employees with tax-sheltered
3 28 investment contracts prior to establishing the plan, are
3 29 located within the jurisdiction of the applicable school
3 30 district, and otherwise consent to comply with the
3 31 requirements of the plan established pursuant to this section.
3 32 2. The selection of investment contracts to be included
3 33 within the plan established by the school district shall be
3 34 made ~~either~~ pursuant to a competitive bidding process
3 35 conducted by the school district, in coordination with



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1257 continued

4 1 employee organizations representing employees eligible to
4 2 participate in the plan, pursuant to a process whereby no more
4 3 than five companies authorized to issue investment contracts
4 4 shall be selected by the applicable employer and no more than
4 5 three companies authorized to issue investment contracts shall
4 6 be selected by, and in the sole discretion of, the employee
4 7 organizations representing the applicable employer's
4 8 employees, or pursuant to an agreement with the department of
4 9 administrative services to make available investment contracts
4 10 included in a deferred compensation or similar plan
4 11 established by the department pursuant to section 8A.438,
4 12 which plan meets the requirements of this section. The
4 13 determination of ~~whether~~ how to select investment contracts
4 14 for the plan ~~pursuant to a competitive bidding process or by~~
4 15 ~~agreement with the department of administrative services shall~~
4 16 be made by agreement between the school district and the
4 17 employee organizations representing employees eligible to
4 18 participate in the plan.

4 19 Sec. 4. 2008 Iowa Acts, chapter 1171, section 67,
4 20 subsection 1, is amended to read as follows:

4 21 1. The department of administrative services shall
4 22 establish, by January 1, 2010, a plan, as authorized pursuant
4 23 to section 8A.438 and in accordance with section 403(b) of the
4 24 Internal Revenue Code, as defined in section 422.3, for
4 25 employees, which plan shall consist of one or more investment
4 26 contracts, on a group or individual basis, acquired from a
4 27 company, or a salesperson for that company, that is authorized
4 28 to do business in this state, that is eligible to be utilized
4 29 as a vendor of investment contracts for plans established
4 30 pursuant to section 260C.14, subsection 9, section 273.3,
4 31 subsection 14, or section 294.16, and otherwise meets the
4 32 requirement relative to local tax-sheltered investment
4 33 contract providers as provided in section 260C.14, subsection
4 34 9, section 273.3, subsection 14, and section 294.16.

4 35 Sec. 5. EFFECTIVE DATE. This Act, being deemed of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1257 continued

5 1 immediate importance, takes effect upon enactment.

5 2 EXPLANATION

5 3 This bill modifies the requirements relative to
5 4 tax=sheltered investment plans offered by community colleges,
5 5 area education agencies, and school districts.

5 6 The bill provides that investment contracts in
5 7 tax=sheltered investment plans can be selected by having the
5 8 employer select up to five, and the applicable employee
5 9 organization select up to three, investment contracts for the
5 10 plan. Current law provides that selection of investment
5 11 contracts shall only be through a competitive bidding process
5 12 or by using the plan established by the department of
5 13 administrative services.

5 14 The bill also provides that plans established shall ensure
5 15 that local tax=sheltered investment contract providers be
5 16 employed by companies selected to offer investment contracts
5 17 within the plan to advise employees concerning the plan. The
5 18 bill provides that local tax=sheltered investment contract
5 19 providers shall consist of individuals, otherwise authorized
5 20 to offer plans in accordance with Code section 403(b), who
5 21 provided eligible employees with tax=sheltered investment
5 22 contracts prior to establishing the plan, are located within
5 23 the jurisdiction of the applicable employer, and otherwise
5 24 consent to comply with the requirements of the plan. The bill
5 25 further provides that the plan established by the department
5 26 of administrative services for potential adoption by community
5 27 colleges, area education agencies, and school districts comply
5 28 with the requirement relative to local tax=sheltered
5 29 investment contract providers.

5 30 The bill takes effect upon enactment.

5 31 LSB 2154SC 83

5 32 ec/rj/5



Iowa General Assembly
 Daily Bills, Amendments & Study Bills
 February 24, 2009

Senate Study Bill 1258

SENATE FILE
 BY (PROPOSED COMMITTEE ON
 COMMERCE BILL BY
 CHAIRPERSON WARNSTADT)

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning restrictions on the resale and use of motor
- 2 vehicle operating records furnished by the department of
- 3 transportation and making a penalty applicable.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2490SC 83
- 6 dea/nh/8



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009**

Senate Study Bill 1258 continued

PAG LIN

1 1 Section 1. Section 321A.3, subsection 8, Code 2009, is
 1 2 amended to read as follows:
 1 3 8. ~~A person making a request for a record or an abstract~~
~~1 4 under this section that is subject to a fee shall only use the~~
~~1 5 record or abstract requested one time, for one purpose, and it~~
~~1 6 shall not supply that record to more than one other person.~~
~~1 7 Any subsequent use of the same record or abstract shall~~
~~1 8 require that the person make a subsequent request for the~~
~~1 9 record or abstract and pay an additional fee for the request~~
~~1 10 in the same manner as provided for the initial request. A~~
1 11 person who purchases a certified abstract of the operating
1 12 record of a person under subsection 1 shall not resell the
1 13 certified abstract of the operating record to more than one
1 14 person. For purposes of this subsection, affiliated persons
1 15 are considered one person. Any retention, distribution,
1 16 transfer, or reuse of a certified abstract of the operating
1 17 record purchased pursuant to subsection 1 shall be consistent
1 18 with the federal Driver's Privacy Protection Act, 18 U.S.C. }
1 19 2721=2725. A person requesting a record or an abstract who
1 20 purchases a certified abstract of the operating record of a
1 21 person pursuant to ~~this section~~ subsection 1 and then resells
1 22 that record shall keep records identifying ~~who the record or~~
~~1 23 abstract is provided to, and the use of the record or~~
~~1 24 abstract, the person to whom and the permitted purpose for~~
1 25 which the certified abstract of the operating record was sold
1 26 for a period of five years. Records maintained pursuant to
1 27 this subsection shall be made available to the department upon
1 28 request. A person shall not sell, retain, distribute,
~~1 29 provide, or transfer any record or abstract information or~~
~~1 30 portion of the record or abstract information acquired under~~
~~1 31 this agreement except as authorized by the department and the~~
~~1 32 federal Driver's Privacy Protection Act, 18 U.S.C. }~~
~~1 33 2721==2725.~~

1 34 EXPLANATION
 1 35 This bill addresses restrictions on the use of the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 24, 2009

Senate Study Bill 1258 continued

2 1 certified abstract of the operating record of an individual.
2 2 A certified abstract of the operating record is the document
2 3 that identifies, for an individual driver's licensee, certain
2 4 personal information, including records of motor vehicle
2 5 violations, convictions, and sanctions, that may only be
2 6 disclosed for permissible uses pursuant to the federal
2 7 Driver's Privacy Protection Act. Pursuant to current law, a
2 8 person other than a public agency that requests a certified
2 9 abstract of the operating record from the department of
2 10 transportation must pay a fee of \$5.50 for each abstract. The
2 11 person may use the record one time, for one purpose, and may
2 12 not supply the record to more than one other person. The bill
2 13 provides that a person who purchases the certified abstract of
2 14 the operating record shall not resell the abstract to more
2 15 than one person, and the bill specifies that affiliated
2 16 persons are considered one person. The bill states that the
2 17 retention, distribution, transfer, or reuse of a certified
2 18 abstract of the operating record purchased from the department
2 19 shall be consistent with the federal Driver's Privacy
2 20 Protection Act. Finally, the bill requires a person who
2 21 purchases and then resells a certified abstract of the
2 22 operating record to maintain records for five years
2 23 identifying the person to whom the abstract was sold and the
2 24 permitted purpose for which it was sold. Pursuant to current
2 25 Code section 321A.32(4), a person who violates any of these
2 26 provisions is guilty of a serious misdemeanor. A serious
2 27 misdemeanor is punishable by confinement for no more than one
2 28 year and a fine of at least \$315 but not more than \$1,875.
2 29 LSB 2490SC 83
2 30 dea/nh/8