



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 03, 2009**

House Amendment 1107

PAG LIN

1 1 Amend House File 197 as follows:
 1 2 #1. By striking page 1, line 26, through page 3,
 1 3 line 14.
 1 4 #2. Page 4, line 2, by striking the word
 1 5 <request,> and inserting the following: <request>.
 1 6 #3. Page 7, by inserting after line 31 the
 1 7 following:
 1 8 <DIVISION
 1 9 CHILD SUPPORT RECOVERY UNIT COLLECTIONS FEES
 1 10 Sec. _____. Section 252B.5, subsection 13, paragraph
 1 11 a, Code 2009, is amended to read as follows:
 1 12 a. Beginning October 1, 2007, implement the
 1 13 provision of the federal Deficit Reduction Act of
 1 14 2005, Pub. L. No. 109=171 } 7310, requiring an annual
 1 15 collections fee of twenty=five dollars in child
 1 16 support cases in which the family has never received
 1 17 assistance under Title IV=A of the federal Social
 1 18 Security Act for whom the unit has ~~collected~~ disbursed
 1 19 at least five hundred dollars. ~~After~~ When the first
 1 20 five hundred dollars in support is ~~collected~~ disbursed
 1 21 in each federal fiscal year for a family, the fee
 1 22 shall be collected from the ~~obligor~~ obligee by
 1 23 retaining twenty=five dollars from ~~subsequent~~
 1 24 ~~collections disbursements to the obligee.~~ If five
 1 25 hundred dollars but less than five hundred twenty=five
 1 26 dollars is ~~collected~~ disbursed in any federal fiscal
 1 27 year, any unpaid portion of the annual fee shall not
 1 28 accumulate and is not due. ~~Any amount retained to pay~~
 1 29 ~~the twenty=five dollar fee shall not reduce the amount~~
 1 30 ~~of support due under the support order.~~ The unit
 1 31 shall send information regarding the requirements of
 1 32 this subsection by regular mail to the last known
 1 33 address of an affected ~~obligor or~~ obligee, or may
 1 34 include the information for an obligee in an
 1 35 application for services signed by the obligee. In
 1 36 addition, the unit shall take steps necessary
 1 37 regarding the fee to qualify for federal funds in
 1 38 conformity with the provisions of Title IV=D of the
 1 39 federal Social Security Act, including receiving and
 1 40 accounting for fee payments, as appropriate, through
 1 41 the collection services center created in section
 1 42 252B.13A.
 1 43 Sec. _____. Section 252B.5, subsection 13, paragraph
 1 44 c, Code 2009, is amended by striking the paragraph and
 1 45 inserting in lieu thereof the following:
 1 46 c. Until such time as a methodology to secure
 1 47 payment of the collections fee from the obligor is
 1 48 provided by law, an obligee may act pursuant to this
 1 49 paragraph to recover the collections fee from the
 1 50 obligor. If the unit retains all or a portion of the



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2 1 collections fee imposed pursuant to paragraph "a" in a
2 2 federal fiscal year, there is an automatic nonsupport
2 3 judgment, in an amount equal to the amount retained,
2 4 against the obligor payable to the obligee. This
2 5 paragraph shall serve as constructive notice that the
2 6 fee amount, once retained, is an automatic nonsupport
2 7 judgment against the obligor. The obligee may use any
2 8 legal means, including the lien created by the
2 9 nonsupport judgment, to collect the nonsupport
2 10 judgment.

2 11 Sec. ____ . CHILD SUPPORT COLLECTIONS FEE ==
2 12 METHODOLOGY. The department of human services shall
2 13 seek a federally approved, cost-effective methodology
2 14 to secure payment of the collections fee imposed
2 15 pursuant to section 252B.5, subsection 13, paragraph
2 16 "a", from the obligor. The department shall report
2 17 options for such a methodology to the general assembly
2 18 by December 15, 2009.

2 19 DIVISION

2 20 CHILD SUPPORT COLLECTIONS INTEREST

2 21 Sec. ____ . INTEREST ON CHILD SUPPORT COLLECTIONS.
2 22 The department of human services shall perform a
2 23 cost-benefit analysis of calculating interest on
2 24 overdue child support payments enforced by the child
2 25 support recovery unit. The department shall report
2 26 its findings to the general assembly by December 15,
2 27 2009.>

2 28 #4. Title page, by striking lines 3 through 6 and
2 29 inserting the following: <support of a child under a
2 30 support order, protection of child support
2 31 information, annual collections fees, and the
2 32 potential charging of interest on overdue child
2 33 support payments, and providing an effective date.>

2 34 #5. By renumbering as necessary.

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2 36

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2 38 ABDUL-SAMAD of Polk

2 39 HF 197.301 83

2 40 pf/nh/11699



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House Amendment 1108

PAG LIN

1 1 Amend House File 238 as follows:
1 2 #1. Page 1, by inserting before line 1 the
1 3 following:
1 4 <Section 1. Section 8.6, Code 2009, is amended by
1 5 adding the following new subsection:
1 6 NEW SUBSECTION. 9A. BUDGET AND TAX RATE
1 7 DATABASES. To develop and make available to the
1 8 public a searchable budget database website as
1 9 required under chapter 8G, division I, and to develop
1 10 and make available to the public a searchable tax rate
1 11 database website as required under chapter 8G,
1 12 division II.>
1 13 #2. Page 2, by inserting after line 28 the
1 14 following:
1 15 <DIVISION I
1 16 SEARCHABLE BUDGET DATABASE FOR STATE SPENDING
1 17 Sec. _____. NEW SECTION. 8G.1 INTENT == FINDINGS.
1 18 The general assembly finds that taxpayers should be
1 19 able to easily access the details on how the state is
1 20 spending their tax dollars and the performance results
1 21 achieved for those expenditures. Therefore, it is the
1 22 intent of the general assembly to direct the
1 23 department of management to create and maintain a
1 24 searchable budget database website detailing where tax
1 25 dollars are expended, the purposes for which tax
1 26 dollars are expended, and the results achieved for all
1 27 taxpayer investments in state government.
1 28 Sec. _____. NEW SECTION. 8G.2 SHORT TITLE.
1 29 This division shall be known as and may be cited as
1 30 the "Taxpayer Transparency Act".
1 31 Sec. _____. NEW SECTION. 8G.3 DEFINITIONS.
1 32 As used in this division, unless the context
1 33 otherwise requires:
1 34 1. "Agency" means a state department, office,
1 35 board, commission, bureau, division, institution, or
1 36 public institution of higher education. "Agency"
1 37 includes individual state agencies and programs, as
1 38 well as those programs and activities that are
1 39 administered by or involve more than one agency.
1 40 "Agency" includes all elective offices in the
1 41 executive branch of government and the general
1 42 assembly.
1 43 2. "Director" means the director of the department
1 44 of management.
1 45 3. "Entity" or "recipients" means any of the
1 46 following:
1 47 a. A corporation.
1 48 b. An association.
1 49 c. An employee union.
1 50 d. A limited liability company.



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- 2 1 e. A limited liability partnership.
2 2 f. Any other legal business entity, including
2 3 nonprofit entities.
2 4 g. A grant recipient.
2 5 h. Contractors.
2 6 i. A county, city, school district, or other local
2 7 government entity.
2 8 "Entity" or "recipients" does not include an
2 9 individual recipient of state assistance.
2 10 4. "Funding action or expenditure" includes
2 11 details on the type of spending that is provided
2 12 including but not limited to grants, contracts, and
2 13 appropriations. "Funding action or expenditure"
2 14 includes tax exemptions or credits. Where possible,
2 15 an electronic link to the actual grants or contracts
2 16 shall be provided. An electronic link shall be in a
2 17 format that is a searchable document.
2 18 5. "Funding source" means the state account or
2 19 fund from which the expenditure is appropriated.
2 20 6. "Searchable website" means a website described
2 21 in section 8G.4 that allows the public at no cost to
2 22 search and compile information identified in section
2 23 8G.4 and that is in a format capable of being
2 24 downloaded.
2 25 7. "State audit or report" shall include any audit
2 26 or report issued by the auditor of state, department
2 27 of management, legislative services agency,
2 28 legislative committee, or executive body relating to
2 29 the entity or recipient of funds, the budget program
2 30 or activity, or agency.
2 31 Sec. ____ . NEW SECTION. 8G.4 SEARCHABLE BUDGET
2 32 DATABASE WEBSITE CREATED.
2 33 1. By January 1, 2011, the director shall develop
2 34 and make publicly available a database website for
2 35 searching, accessing, and processing data, including
2 36 the data required in this section, for the most recent
2 37 state budget. The website shall be developed in such
2 38 a way that the information can be provided to other
2 39 software applications, including internet software
2 40 applications, in a manner and format that allows such
2 41 software applications to access and interpret the data
2 42 using the internal programming of the software
2 43 applications.
2 44 2. The searchable website developed pursuant to
2 45 this section shall allow the public at no cost to
2 46 search and compile information for all of the
2 47 following:
2 48 a. Name and principal location or residence of the
2 49 entity or recipient of state funds.
2 50 b. Amount of state funds expended.



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- 3 1 c. Funding or expending agency.
 - 3 2 d. Funding source of the revenue expended.
 - 3 3 e. Budget program or activity of the expenditure.
 - 3 4 f. Descriptive purpose for the funding action or
 - 3 5 expenditure.
 - 3 6 g. Expected performance outcome for the funding
 - 3 7 action or expenditure.
 - 3 8 h. Past performance outcomes achieved for the
 - 3 9 funding action or expenditure.
 - 3 10 i. State audit or report relating to the entity or
 - 3 11 recipient of state funds or the budget program or
 - 3 12 activity or agency.
 - 3 13 j. Any other relevant information specified by the
 - 3 14 director.
- 3 15 Sec. _____. NEW SECTION. 8G.5 WEBSITE UPDATES.
- 3 16 1. Effective July 1, 2011, the searchable website
- 3 17 shall be updated for each fiscal year not later than
- 3 18 thirty days following the close of the fiscal year.
- 3 19 In addition, the director may update the searchable
- 3 20 website as new data becomes available. All agencies
- 3 21 shall provide to the director data that is required to
- 3 22 be included in the searchable website not later than
- 3 23 thirty days after the data becomes available to the
- 3 24 agency. The director shall provide guidance to agency
- 3 25 heads or the governing body of an agency to ensure
- 3 26 compliance with this section.
- 3 27 2. By January 1, 2012, the director shall add data
- 3 28 for the previous budgets to the searchable website.
- 3 29 Data for previous fiscal years may be added as it
- 3 30 becomes available and as time permits. The director
- 3 31 shall ensure that all data added to the searchable
- 3 32 website remain accessible to the public for a minimum
- 3 33 of ten years.
- 3 34 Sec. _____. NEW SECTION. 8G.6 NONCOMPLIANCE.
- 3 35 The director shall not be considered in compliance
- 3 36 with this division if the data required for the
- 3 37 searchable website is not available in a searchable
- 3 38 manner and capable of being compiled or the public is
- 3 39 redirected to other government websites unless each of
- 3 40 those sites has information from all agencies and each
- 3 41 category of information required can be searched
- 3 42 electronically by field in a single search.
- 3 43 DIVISION II
- 3 44 SEARCHABLE TAX RATE DATABASE
- 3 45 Sec. _____. NEW SECTION. 8G.10 INTENT == FINDINGS.
- 3 46 The general assembly finds that increasing the ease
- 3 47 of public access to state and local tax rates,
- 3 48 particularly where the rates are currently available
- 3 49 from disparate government sources but are difficult
- 3 50 for the public to collect and efficiently aggregate,



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4 1 significantly contributes to governmental
4 2 accountability, public participation, and the
4 3 understanding of the cost of government services.
4 4 Therefore, it is the intent of the general assembly to
4 5 direct the department of management, in consultation
4 6 with the department of revenue, to create and maintain
4 7 a searchable database website of each tax rate for all
4 8 taxing districts in the state to make citizen access
4 9 to state and local tax rates as open, transparent, and
4 10 publicly accessible as is feasible.
4 11 Sec. _____. NEW SECTION. 8G.11 SHORT TITLE.
4 12 This division shall be known and cited as the
4 13 "Taxation Disclosure Act".
4 14 Sec. _____. NEW SECTION. 8G.12 TAX RATE DATABASE.
4 15 1. SEARCHABLE TAX RATE DATABASE. By January 1,
4 16 2010, the department of management, in consultation
4 17 with the department of revenue, shall make publicly
4 18 available on an internet site a searchable database of
4 19 all tax rates in the state for each taxing
4 20 jurisdiction. The information shall be aggregated by
4 21 type of tax and accessible by entering a zip code or
4 22 physical address for each residency or business.
4 23 Individual tax levies shall be further specified
4 24 within each tax rate.
4 25 2. GEOGRAPHICAL TAX RATE MAP. In addition to
4 26 searching for tax rates by zip code or physical
4 27 address for each residency or business, searches shall
4 28 be accommodated by a geographical tax rate map of the
4 29 state that is capable of being displayed with a level
4 30 of specificity corresponding to each taxing district.
4 31 3. INDIVIDUAL TAX RATE CALCULATOR. Tax rate
4 32 calculators shall be provided on the searchable
4 33 database to allow citizens and businesses to calculate
4 34 taxes based on the location of the citizen or
4 35 business. Calculation capability shall be provided at
4 36 a minimum for property, sales, use, income, vehicle,
4 37 and business taxes and shall be specific to the rate
4 38 for the taxing district identified by the citizen or
4 39 business.
4 40 Sec. _____. NEW SECTION. 8G.13 UPDATING DATABASE.
4 41 To facilitate the department of management's
4 42 efforts in creating and maintaining a searchable
4 43 database of the taxes identified in section 8G.12,
4 44 subsection 3, for all taxing districts in the state,
4 45 every taxing district shall report its tax rates
4 46 annually to the department of management and shall
4 47 report any changes to its tax rates within thirty days
4 48 of the change.
4 49 Sec. _____. CODE EDITOR DIRECTIVE. Unless otherwise
4 50 determined by the Iowa Code editor, sections 8G.1



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5 1 through 8G.6, as enacted in this Act, shall be
5 2 designated as division I of chapter 8G, and sections
5 3 8G.10 through 8G.13, as enacted in this Act, shall be
5 4 designated as division II of chapter 8G.>
5 5 #3. Title page, line 1, by inserting after the
5 6 words <An Act> the following: <concerning state
5 7 government operations, by>.
5 8 #4. Title page, line 2, by inserting after the
5 9 word <management> the following: <and establishing a
5 10 searchable budget database website for the public to
5 11 access the details of the expenditure of state tax
5 12 revenues and a searchable tax rate database for the
5 13 public to access the details of each tax rate for all
5 14 taxing districts in the state>.
5 15 #5. By renumbering as necessary.
5 16
5 17
5 18
5 19 STRUYK of Pottawattamie
5 20 HF 238.701 83
5 21 ec/rj/22020



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House Amendment 1109

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1 1 Amend Senate File 186, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, line 8, by inserting after the word
1 4 <qualifications.> the following: <However, any
1 5 veteran's preference provided shall not deny equally
1 6 qualified residents of this state from being given
1 7 equal consideration for an interview as veterans who
1 8 are not residents of this state.>
1 9 #2. Page 1, line 34, by inserting after the word
1 10 <interview> the following: <and any veteran's
1 11 preference provided shall not deny equally qualified
1 12 residents of this state from being given equal
1 13 consideration for an interview as veterans who are not
1 14 residents of this state>.
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1 18 TYMESON of Madison
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1 20
1 21
1 22 MASCHER of Johnson
1 23 SF 186.201 83
1 24 ec/nh/22177
1 25
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House File 496 - Introduced

HOUSE FILE
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HF 159)

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act relating to the authority of a city to dispose of real
- 2 property by gift.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1766HV 83
- 5 md/sc/8



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House File 496 - Introduced continued

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1 1 Section 1. Section 174.15, Code 2009, is amended to read
1 2 as follows:
1 3 174.15 PURCHASE AND MANAGEMENT.
1 4 1. Title to land purchased or received for purposes of
1 5 conducting a fair event shall be taken in the name of the
1 6 county or a fair. However, the board of supervisors shall
1 7 place the land under the control and management of a fair.
1 8 The fair may act as agent for the county in the erection of
1 9 buildings and maintenance of the fairgrounds, including the
1 10 buildings and improvements constructed on the grounds. Title
1 11 to new buildings or improvements shall be taken in the name of
1 12 the county or a fair. However, the county is not liable for
1 13 the improvements or expenditures for them.
1 14 2. Notwithstanding section 364.7, subsection 3, a city may
1 15 dispose of real property by gift to a fair.

1 16 EXPLANATION

1 17 Current law provides that a city may not dispose of real
1 18 property by gift except to a governmental body for a public
1 19 purpose. This bill authorizes a city to dispose of real
1 20 property by gift to a fair.
1 21 LSB 1766HV 83
1 22 md/sc/8



Iowa General Assembly
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House File 497 - Introduced

HOUSE FILE

BY ALONS, SWEENEY, BAUDLER,
SWAIM, HELLAND, STRUYK,
KAUFMANN, PALMER, ANDERSON,
MERTZ, and DE BOEF

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to minors and public intoxication or possession
- 2 of alcohol and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1807HH 83
- 5 rh/rj/5



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House File 497 - Introduced continued

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1 1 Section 1. Section 123.46, subsection 4, Code 2009, is
1 2 amended to read as follows:
1 3 4. a. A peace officer shall make a reasonable effort to
1 4 identify a person under the age of eighteen who violates this
1 5 section and, ~~if the person is not referred to juvenile court,~~
~~1 6 the law enforcement agency of which the peace officer is an~~
~~1 7 employee shall make a reasonable attempt to notify the~~
1 8 person's custodial parent, ~~or~~ legal guardian, or custodian of
1 9 the violation, ~~whether or not the person is taken into~~
~~1 10 custody, unless the officer has reasonable grounds to believe~~
~~1 11 that notification is not in the best interests of the person~~
~~1 12 or will endanger that person pursuant to section 232.19,~~
1 13 subsection 3.
1 14 b. The peace officer shall also make a reasonable effort
1 15 to identify the elementary or secondary school which the
1 16 person attends if the person is enrolled in elementary or
1 17 secondary school and to notify the superintendent or the
1 18 superintendent's designee of the school which the person
1 19 attends, or the authorities in charge of the nonpublic school
1 20 which the person attends, of the violation. ~~If the person is~~
~~1 21 taken into custody, the~~ The peace officer shall notify a
1 22 juvenile court officer who shall make a reasonable effort to
1 23 identify the elementary or secondary school the person
1 24 attends, if any, and to notify the superintendent of the
1 25 school district or the superintendent's designee, or the
1 26 authorities in charge of the nonpublic school, of the
1 27 violation. A reasonable attempt to notify the person
1 28 includes, but is not limited to, a telephone call or notice by
1 29 first-class mail.
1 30 Sec. 2. Section 123.47, subsection 3, paragraph a,
1 31 subparagraph (1), Code 2009, is amended to read as follows:
1 32 (1) A simple misdemeanor punishable ~~as a scheduled~~
~~1 33 violation under section 805.8C, subsection 7~~ by a fine of two
1 34 hundred dollars. In addition, if the person is under the age
1 35 of eighteen, the court shall notify the person's custodial



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2 1 parent, legal guardian, or custodian, and if the person is
2 2 enrolled in elementary or secondary school, shall notify the
2 3 superintendent or the superintendent's designee of the school
2 4 which the person attends, or the authorities in charge of the
2 5 nonpublic school which the person attends, of the violation.

2 6 Sec. 3. Section 123.47B, Code 2009, is amended to read as
2 7 follows:

2 8 123.47B PARENTAL AND SCHOOL NOTIFICATION == PERSONS UNDER
2 9 EIGHTEEN YEARS OF AGE.

2 10 1. A peace officer shall make a reasonable effort to
2 11 identify a person under the age of eighteen discovered to be
2 12 in possession of alcoholic liquor, wine, or beer in violation
2 13 of section 123.47 and ~~if the person is not referred to~~
~~2 14 juvenile court, the law enforcement agency of which the peace~~
~~2 15 officer is an employee shall make a reasonable attempt to~~
2 16 notify the person's custodial parent, ~~or~~ legal guardian, or
2 17 custodian of such possession, ~~whether or not the person is~~
~~2 18 arrested or a citation is issued pursuant to section 805.16,~~
~~2 19 unless the officer has reasonable grounds to believe that such~~
~~2 20 notification is not in the best interests of the person or~~
~~2 21 will endanger that person.~~

2 22 2. The peace officer shall also make a reasonable effort
2 23 to identify the elementary or secondary school which the
2 24 person attends if the person is enrolled in elementary or
2 25 secondary school and to notify the superintendent or the
2 26 superintendent's designee of the school which the person
2 27 attends, or the authorities in charge of the nonpublic school
2 28 which the person attends, of the possession. ~~If the person is~~
~~2 29 taken into custody, the~~ The peace officer shall notify a
2 30 juvenile court officer who shall make a reasonable effort to
2 31 identify the elementary or secondary school the person
2 32 attends, if any, and to notify the superintendent of the
2 33 school district or the superintendent's designee, or the
2 34 authorities in charge of the nonpublic school, of the taking
2 35 into custody. A reasonable attempt to notify the person



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3 1 includes but is not limited to a telephone call or notice by
3 2 first-class mail.

3 3 Sec. 4. Section 232.8, subsection 1, paragraph b, Code
3 4 2009, is amended to read as follows:

3 5 b. ~~Violations~~ Except for violations by a child of section
3 6 321.284 or 321.284A, violations by a child of provisions of
3 7 chapter 321, 321G, 321I, 453A, 461A, 461B, 462A, 481A, 481B,
3 8 483A, 484A, or 484B, which would be simple misdemeanors if
3 9 committed by an adult, and violations by a child of county or
3 10 municipal curfew or traffic ordinances, are excluded from the
3 11 jurisdiction of the juvenile court and shall be prosecuted as
3 12 simple misdemeanors as provided by law. A child convicted of
3 13 a violation excluded from the jurisdiction of the juvenile
3 14 court under this paragraph shall be sentenced pursuant to
3 15 section 805.8, where applicable, and pursuant to section
3 16 903.1, subsection 3, for all other violations.

3 17 Sec. 5. Section 805.8A, subsection 14, paragraph e, Code
3 18 2009, is amended to read as follows:

3 19 e. OPEN CONTAINER VIOLATIONS. For violations under
3 20 sections 321.284 and 321.284A, the scheduled fine is one
3 21 hundred dollars. This subsection shall not apply to a person
3 22 under the age of eighteen who commits a violation of section
3 23 123.47.

3 24 Sec. 6. Section 805.8C, subsection 7, Code 2009, is
3 25 amended by striking the subsection.

3 26 Sec. 7. Section 805.16, subsection 1, Code 2009, is
3 27 amended to read as follows:

3 28 1. Except as provided in this subsection and in subsection
3 29 2 of this section, a peace officer shall issue a police
3 30 citation or uniform citation and complaint, in lieu of making
3 31 a warrantless arrest, to a person under eighteen years of age
3 32 accused of committing a simple misdemeanor under chapter 321,
3 33 321G, 321I, 461A, 461B, 462A, 481A, 481B, 483A, 484A, 484B, or
3 34 a local ordinance not subject to the jurisdiction of the
3 35 juvenile court, and shall not detain or confine the person in



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4 1 a facility regulated under chapter 356 or 356A. This
4 2 subsection shall not apply to a person under the age of
4 3 eighteen for violations of section 123.46, 123.47, 321.284, or
4 4 321.284A.

4 5 EXPLANATION

4 6 This bill relates to minors and public intoxication or
4 7 possession of alcohol.

4 8 The bill repeals a provision in the Code making first
4 9 offense possession of alcohol violations for persons under
4 10 legal age a scheduled violation and instead makes all
4 11 possession of alcohol violations for persons under legal age a
4 12 simple misdemeanor, punishable by a fine of \$200. The bill
4 13 also requires that if the person is under the age of 18, the
4 14 court shall notify the person's custodial parent, legal
4 15 guardian, or custodian, and, if the person is enrolled in an
4 16 elementary or secondary school, the appropriate school
4 17 personnel.

4 18 The bill makes conforming Code changes to provisions
4 19 relating to notification of a minor's custodial parent, legal
4 20 guardian, or custodian by a peace officer and citations issued
4 21 in lieu of arrest by a peace officer to a minor who commits
4 22 the crime of public intoxication pursuant to Code section
4 23 123.46 or who is found to be in possession of alcohol pursuant
4 24 to Code section 123.47, including open container violations
4 25 that occur in a motor vehicle pursuant to Code sections
4 26 321.284 and 321.284A, consistent with the bill.

4 27 LSB 1807HH 83

4 28 rh/rj/5



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House File 498 - Introduced

HOUSE FILE

BY WILLEMS, WESSEL=KROESCHELL,
FREVERT, FICKEN, STRUYK,
GAYMAN, BUKTA, and THEDE

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act providing for year-round classes for kindergarten and
- 2 grades one through five in school districts with three
- 3 thousand or more students, and providing an applicability
- 4 date.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TL5B 2072YH 83
- 7 ak/rj/5



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1 1 Section 1. NEW SECTION. 256.20A YEAR=ROUND ELEMENTARY
1 2 SCHOOL CLASSES.
1 3 1. a. Notwithstanding section 279.10, relating to the
1 4 maintenance of school during an entire year, the department of
1 5 education shall direct the boards of directors of each school
1 6 district with three thousand or more students to implement at
1 7 least one year=round class each of kindergarten and grades one
1 8 through five.
1 9 b. The number of days per year that year=round classes are
1 10 in session shall equal the number of days specified for
1 11 schools in section 279.10, subsection 1. The number of
1 12 professional staffing hours shall also remain the same for
1 13 year=round teachers and staff as regular school teachers and
1 14 staff.
1 15 2. In order to implement subsection 1, school district
1 16 officials may renegotiate a master contract entered into
1 17 between the school district and a certified employee
1 18 organization for an appropriate bargaining unit determined
1 19 pursuant to chapter 20.
1 20 Sec. 2. STATE MANDATE FUNDING SPECIFIED. In accordance
1 21 with section 25B.2, subsection 3, the state cost of requiring
1 22 compliance with any state mandate included in this Act shall
1 23 be paid by a school district from state school foundation aid
1 24 received by the school district under section 257.16. This
1 25 specification of the payment of the state cost shall be deemed
1 26 to meet all the state funding=related requirements of section
1 27 25B.2, subsection 3, and no additional state funding shall be
1 28 necessary for the full implementation of this Act by and
1 29 enforcement of this Act against all affected school districts.
1 30 Sec. 3. APPLICABILITY DATE. This Act applies to school
1 31 years beginning on and after July 1, 2010.
1 32 EXPLANATION
1 33 This bill requires that the department of education direct
1 34 the boards of directors of each school district with 3,000 or
1 35 more students to have at least one year=round class each of



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2 1 kindergarten and grades one through five. The year-round
2 2 school classes will have the same number of days as regular
2 3 schools and professional staff for year-round classes will
2 4 have the same professional staffing hour requirements.
2 5 The bill also authorizes school districts to renegotiate a
2 6 master contract entered into between the district and a
2 7 certified employee organization for a bargaining unit as
2 8 necessary to implement the year-round classes.
2 9 The bill may include a state mandate as defined in Code
2 10 section 25B.3. The bill requires that the state cost of any
2 11 state mandate included in the bill be paid by a school
2 12 district from state school foundation aid received by the
2 13 school district under Code section 257.16. The specification
2 14 is deemed to constitute state compliance with any state
2 15 mandate funding-related requirements of Code section 25B.2.
2 16 The inclusion of this specification is intended to reinstate
2 17 the requirement of political subdivisions to comply with any
2 18 state mandates included in the bill.
2 19 The bill applies to school years beginning on and after
2 20 July 1, 2010.
2 21 LSB 2072YH 83
2 22 ak/rj/5.1



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House File 499 - Introduced

HOUSE FILE
BY WINDSCHITL

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

A BILL FOR

1 An Act relating to the period of validity of a permit to carry
2 weapons and providing for the combined issuance of and a fee
3 for a permit to carry weapons and a driver's license.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1741YH 83
6 dea/rj/5



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1 1 Section 1. NEW SECTION. 321.183A APPLICATION FOR
1 2 DRIVER'S LICENSE == PERMIT TO CARRY A WEAPON.
1 3 An applicant for a driver's license may submit to the
1 4 department or the county treasurer an application for renewal
1 5 of a permit to carry weapons, to be issued as provided under
1 6 chapter 724. The application shall be accompanied by the fees
1 7 required under section 724.11. The department or county
1 8 treasurer shall forward the application and fees, other than
1 9 the fee allocated to the department under section 724.11,
1 10 subsection 3, to the sheriff of the applicant's county of
1 11 residence. If the application for renewal is approved, the
1 12 sheriff shall notify the department of the approval and
1 13 provide the permit number and type of permit to be displayed
1 14 on the person's driver's license.
1 15 Sec. 2. Section 321.189, Code 2009, is amended by adding
1 16 the following new subsection:
1 17 NEW SUBSECTION. 4A. WEAPONS PERMIT. Upon renewal of a
1 18 permit to carry weapons as provided in section 321.183A, the
1 19 department shall indicate the permit number and type of permit
1 20 to carry weapons on the person's driver's license.
1 21 Sec. 3. Section 724.6, subsection 1, Code 2009, is amended
1 22 to read as follows:
1 23 1. A person may be issued a permit to carry weapons when
1 24 the person's employment in a private investigation business or
1 25 private security business licensed under chapter 80A, or a
1 26 person's employment as a peace officer, correctional officer,
1 27 security guard, bank messenger or other person transporting
1 28 property of a value requiring security, or in police work,
1 29 reasonably justifies that person going armed. The permit
1 30 shall be on a form prescribed and published by the
1 31 commissioner of public safety, shall identify the holder, and
1 32 shall state the nature of the employment requiring the holder
1 33 to go armed. A permit so issued, other than to a peace
1 34 officer, shall authorize the person to whom it is issued to go
1 35 armed anywhere in the state, only while engaged in the



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2 1 employment, and while going to and from the place of the
2 2 employment. A permit issued to a certified peace officer
2 3 shall authorize that peace officer to go armed anywhere in the
2 4 state at all times. Permits shall expire twelve months after
2 5 the date when issued, except that permits issued under section
2 6 724.11, subsection 2, shall expire as provided in that
2 7 subsection, and permits issued to peace officers and
2 8 correctional officers are valid through the officer's period
2 9 of employment unless otherwise canceled. When the employment
2 10 is terminated, the holder of the permit shall surrender it to
2 11 the issuing officer for cancellation. If the permit
2 12 information is noted on the person's driver's license, the
2 13 person shall surrender the driver's license in exchange for a
2 14 duplicate license under section 321.195.

2 15 Sec. 4. Section 724.7, Code 2009, is amended to read as
2 16 follows:

2 17 724.7 NONPROFESSIONAL PERMIT TO CARRY WEAPONS.

2 18 Any person who can reasonably justify going armed may be
2 19 issued a nonprofessional permit to carry weapons. Such
2 20 permits shall be on a form prescribed and published by the
2 21 commissioner of public safety, which shall be readily
2 22 distinguishable from the professional permit, and shall
2 23 identify the holder thereof, and state the reason for the
2 24 issuance of the permit, and the limits of the authority
2 25 granted by such permit. ~~All permits so issued~~ Permits issued
2 26 under section 724.11, subsection 2, shall expire as provided
2 27 in that subsection. All other permits shall be for a definite
2 28 period as established by the issuing officer, but in no event
2 29 ~~shall exceed a period of twelve months.~~

2 30 Sec. 5. Section 724.11, Code 2009, is amended to read as
2 31 follows:

2 32 724.11 ISSUANCE OF PERMIT TO CARRY WEAPONS.

2 33 1. Applications for permits to carry weapons shall be made
2 34 to the sheriff of the county in which the applicant resides.
2 35 Applications from persons who are nonresidents of the state,



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3 1 or whose need to go armed arises out of employment by the
3 2 state, shall be made to the commissioner of public safety. In
3 3 either case, the issuance of the permit shall be by and at the
3 4 discretion of the sheriff or commissioner, who shall, before
3 5 issuing the permit, determine that the requirements of
3 6 sections 724.6 to 724.10 have been satisfied. However, the
3 7 training program requirements in section 724.9 may be waived
3 8 for renewal permits.

3 9 2. a. At the request of a person issued a permit to carry
3 10 weapons, and subject to the discretion of the issuing
3 11 authority, the permit may be combined with the applicant's
3 12 driver's license for purposes of renewal. A person may submit
3 13 an application for renewal of a permit to the department of
3 14 transportation or a county treasurer at the time of
3 15 application for a driver's license as provided in section
3 16 321.183A. If the sheriff approves the application, the
3 17 sheriff shall forward notice of the renewal to the department
3 18 of transportation for notation on the person's driver's
3 19 license prior to issuance of the license. A permit issued
3 20 under this subsection expires on the earliest of the
3 21 expiration date of the person's driver's license, or five
3 22 years from the permittee's birthday anniversary occurring in
3 23 the year of issuance of the permit, whichever is earlier.

3 24 b. For purposes of this chapter, a valid driver's license
3 25 bearing the permit number and type of permit to carry weapons
3 26 issued under this subsection is a permit to carry weapons.

3 27 c. The commissioner, in consultation with the department
3 28 of transportation, shall adopt rules to provide for the
3 29 issuance of permits under this subsection and for the
3 30 conversion of existing twelve-month permits to permits to be
3 31 renewed at the time of driver's license renewal.

3 32 3. a. The issuing officer shall collect a fee of ten
3 33 dollars for the first year of permit validity, except from a
3 34 duly appointed peace officer or correctional officer, for each
3 35 permit issued. Renewal permits or duplicate permits shall be



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4 1 issued for a fee of five dollars per year of permit validity.
4 2 The issuing officer shall notify the commissioner of public
4 3 safety of the issuance of any permit at least monthly and
4 4 forward to the commissioner an amount equal to two dollars per
4 5 year of permit validity for each permit issued and one dollar
4 6 per year of permit validity for each renewal or duplicate
4 7 permit issued.
4 8 b. The commissioner and the department of transportation
4 9 may establish a fee to be charged for the service provided
4 10 under subsection 2, which shall be in addition to the permit
4 11 fees required under this subsection. The fee shall be
4 12 calculated to cover the costs of the department of public
4 13 safety and the department of transportation and shall be
4 14 allocated to the departments accordingly.
4 15 c. ~~All such fees~~ Fees received by the commissioner shall
4 16 be paid to the treasurer of state and deposited in the
4 17 operating account of the department of public safety to offset
4 18 the cost of administering this chapter. Any unspent balance
4 19 as of June 30 of each year shall revert to the general fund as
4 20 provided by section 8.33.

4 21 EXPLANATION

4 22 This bill allows a person to apply for renewal of a permit
4 23 to carry weapons at the same time the person is applying for a
4 24 driver's license or renewal of a driver's license, subject to
4 25 the discretion of the commissioner of public safety or the
4 26 county sheriff in charge of issuing the permit. The bill
4 27 provides that a permit issued in combination with a driver's
4 28 license expires on the same date as the license, or five years
4 29 from the permittee's birthday anniversary occurring in the
4 30 year of issuance. This is the same expiration date that
4 31 applies to most driver's licenses. Currently, permits to
4 32 carry weapons are valid for up to 12 months. The bill allows
4 33 issuance of a one-year permit separate from a driver's license
4 34 upon request of an applicant or in the discretion of the
4 35 commissioner of public safety or the county sheriff issuing



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5 1 the permit.
5 2 Under the bill, a person may submit an application for
5 3 renewal of a permit to carry weapons to the department of
5 4 transportation or a county treasurer along with an application
5 5 for a driver's license. The department or county treasurer
5 6 shall forward the permit application, along with required
5 7 fees, to the county sheriff of the permittee's county of
5 8 residence. The sheriff shall notify the department of
5 9 transportation if the renewal is approved and provide the
5 10 permit number and type of permit, which shall be noted on the
5 11 person's driver's license. Currently, the fee for a permit is
5 12 \$10, and the annual renewal fee is \$5. Under the bill, a
5 13 person who renews the person's permit in combination with the
5 14 person's driver's license will be required to pay a renewal
5 15 fee equal to \$5 for each year of permit validity. In
5 16 addition, the bill authorizes the commissioner of public
5 17 safety and the department of transportation to establish a fee
5 18 to cover the costs of issuing permits to carry weapons along
5 19 with driver's licenses.
5 20 The bill requires the commissioner of public safety to
5 21 adopt rules in consultation with the department of
5 22 transportation to implement the provisions in the bill and to
5 23 provide for the conversion of existing 12-month permits to
5 24 permits of up to five years with an expiration date aligned
5 25 with the expiration date of the permittee's driver's license.
5 26 LSB 1741YH 83
5 27 dea/rj/5.1



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House File 500 - Introduced

HOUSE FILE

BY ALONS, WATTS, KOESTER,
HAGENOW, BAUDLER, TYMESON,
SANDS, MAY, HELLAND, DE BOEF,
HORBACH, GRASSLEY, DRAKE,
KAUFMANN, and ANDERSON

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring voters to provide certain identification when
- 2 voting in person at the polling place.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1830YH 83
- 5 sc/nh/5



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House File 500 - Introduced continued

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1 1 Section 1. Section 48A.8, is amended by striking the
1 2 section and inserting in lieu thereof the following:
1 3 48A.8 REGISTRATION BY MAIL.
1 4 An eligible elector may register to vote by completing a
1 5 mail registration form. The completed form may be mailed or
1 6 delivered by the registrant or the registrant's designee to
1 7 the commissioner in the county where the person resides. A
1 8 separate registration form shall be signed by each individual
1 9 registrant.
1 10 Sec. 2. Section 48A.26, Code 2009, is amended by adding
1 11 the following new subsection:
1 12 NEW SUBSECTION. 10. An acknowledgment mailed pursuant to
1 13 subsection 2 or 4 shall include a statement informing the
1 14 registered voter that the voter is required to show current
1 15 and valid identification before the person will be allowed to
1 16 vote, and that the identification must contain a photograph of
1 17 the voter and a validity expiration date.
1 18 Sec. 3. Section 48A.27, subsection 4, paragraph c,
1 19 subparagraph (2), Code 2009, is amended to read as follows:
1 20 (2) The notice shall contain a statement in substantially
1 21 the following form:
1 22 "Information received from the United States postal service
1 23 indicates that you are no longer a resident of, and therefore
1 24 not eligible to vote in (name of county) County, Iowa. If
1 25 this information is not correct, and you still live in (name
1 26 of county) County, please complete and mail the attached
1 27 postage paid card at least ten days before the primary or
1 28 general election and at least eleven days before any other
1 29 election at which you wish to vote. If the information is
1 30 correct and you have moved, please contact a local official in
1 31 your new area for assistance in registering there. If you do
1 32 not mail in the card, you may be required to show
1 33 identification to prove residency before being allowed to vote
1 34 in (name of county) County. If you do not return the card,
1 35 and you do not vote in an election in (name of county) County,



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2 1 Iowa, on or before (date of second general election following
2 2 the date of the notice) your name will be removed from the
2 3 list of voters in that county. To ensure you receive this
2 4 notice, it is being sent to both your most recent registration
2 5 address and to your new address as reported by the postal
2 6 service."

2 7 Sec. 4. Section 48A.29, subsection 1, paragraph b, Code
2 8 2009, is amended to read as follows:

2 9 b. The notice shall contain a statement in substantially
2 10 the following form:

2 11 "Information received from the United States postal service
2 12 indicates that you are no longer a resident of (residence
2 13 address) in (name of county) County, Iowa. If this
2 14 information is not correct, and you still live in (name of
2 15 county) County, please complete and mail the attached postage
2 16 paid card at least ten days before the primary or general
2 17 election and at least eleven days before any other election at
2 18 which you wish to vote. If the information is correct, and
2 19 you have moved, please contact a local official in your new
2 20 area for assistance in registering there. If you do not mail
2 21 in the card, you may be required to show identification to
2 22 prove residency before being allowed to vote in (name of
2 23 county) County. If you do not return the card, and you do not
2 24 vote in some election in (name of county) County, Iowa, on or
2 25 before (date of second general election following the date of
2 26 the notice) your name will be removed from the list of voters
2 27 in that county."

2 28 Sec. 5. Section 48A.29, subsection 3, paragraph b, Code
2 29 2009, is amended to read as follows:

2 30 b. The notice shall contain a statement in substantially
2 31 the following form:

2 32 "Information received by this office indicates that you are
2 33 no longer a resident of (residence address) in (name of
2 34 county) County, Iowa. If the information is not correct, and
2 35 you still live at that address, please complete and mail the



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3 1 attached postage paid card at least ten days before the
3 2 primary or general election and at least eleven days before
3 3 any other election at which you wish to vote. If the
3 4 information is correct, and you have moved within the county,
3 5 you may update your registration by listing your new address
3 6 on the card and mailing it back. If you have moved outside
3 7 the county, please contact a local official in your new area
3 8 for assistance in registering there. If you do not mail in
3 9 the card, you may be required to show identification to prove
3 10 residency before being allowed to vote in (name of county)
3 11 County. If you do not return the card, and you do not vote in
3 12 some election in (name of county) County, Iowa, on or before
3 13 (date of second general election following the date of the
3 14 notice) your name will be removed from the list of registered
3 15 voters in that county."
3 16 Sec. 6. Section 49.77, subsection 3, Code 2009, is amended
3 17 to read as follows:
3 18 ~~3. a. A precinct election official shall require any~~
~~3 19 person whose name does not appear on the election register as~~
~~3 20 an active voter to show identification. Specific documents~~
~~3 21 which are acceptable forms of identification shall be~~
~~3 22 prescribed by the state commissioner.~~
3 23 ~~b.~~ 3. a. A precinct election official ~~may~~ shall require
3 24 ~~of that the voter unknown to the official, identification upon~~
~~3 25 which the voter's signature or mark appears~~ produce for
3 26 inspection one of the following current and valid forms of
3 27 identification if such identification contains the person's
3 28 photograph and a validity expiration date:
3 29 (a) An out-of-state driver's license or nonoperator's
3 30 identification card.
3 31 (b) A United States passport.
3 32 (c) A United States military identification card.
3 33 (d) An identification card issued by an employer.
3 34 (e) A student identification card issued by an Iowa high
3 35 school or an Iowa postsecondary educational institution.



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4 1 b. If identification is established to the satisfaction of
4 2 the precinct election officials, the person may then be
4 3 allowed to vote.

4 4 Sec. 7. Section 49.77, subsection 4, paragraph a, Code
4 5 2009, is amended to read as follows:

4 6 a. A precinct election official shall require any person
4 7 whose name does not appear on the election register as an
4 8 active voter to show identification to prove residency in the
4 9 precinct. Specific documents which are acceptable forms of
4 10 identification under this subsection shall be prescribed by
4 11 rule by the state commissioner. A person whose name does not
4 12 appear on the election register of the precinct in which that
4 13 person claims the right to vote shall not be permitted to
4 14 vote, unless the person affirms that the person is currently
4 15 registered in the county and presents ~~proof of identity~~
4 16 identification to prove residency, or the commissioner informs
4 17 the precinct election officials that an error has occurred and
4 18 that the person is a registered voter of that precinct. If
4 19 the commissioner finds no record of the person's registration
4 20 but the person insists that the person is a registered voter
4 21 of that precinct, the precinct election officials shall allow
4 22 the person to cast a ballot in the manner prescribed by
4 23 section 49.81.

4 24 Sec. 8. Section 49.81, subsection 1, Code 2009, is amended
4 25 to read as follows:

4 26 1. A prospective voter who is prohibited under section
4 27 ~~48A.8, subsection 4, section~~ 49.77, subsection 4, or section
4 28 49.80 from voting except under this section shall be notified
4 29 by the appropriate precinct election official that the voter
4 30 may cast a provisional ballot. If a booth meeting the
4 31 requirement of section 49.25 is not available at that polling
4 32 place, the precinct election officials shall make alternative
4 33 arrangements to insure the voter the opportunity to vote in
4 34 secret. The voter shall mark the ballot, fold it or insert it
4 35 in a secrecy envelope as required by section 49.84, and



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5 1 immediately seal it in an envelope of the type prescribed by
5 2 subsection 4. The voter shall deliver the sealed envelope to
5 3 a precinct election official who shall deposit it in an
5 4 envelope marked "provisional ballots". The ballot shall be
5 5 considered as having been cast in the special precinct
5 6 established by section 53.20 for purposes of the postelection
5 7 canvass.

5 8 Sec. 9. Section 53.38, Code 2009, is amended to read as
5 9 follows:

5 10 53.38 WHAT CONSTITUTES REGISTRATION.

5 11 Whenever a ballot is requested pursuant to section 53.39 or
5 12 53.45 on behalf of a voter in the armed forces of the United
5 13 States, the affidavit upon the affidavit envelope of such
5 14 voter, if the voter is found to be an eligible elector of the
5 15 county to which the ballot is submitted, shall constitute a
5 16 sufficient registration under chapter 48A. A completed
5 17 federal postcard registration and federal absentee ballot
5 18 request form submitted by such eligible elector shall also
5 19 constitute a sufficient registration under chapter 48A. The
5 20 commissioner shall place the voter's name on the registration
5 21 record as a registered voter if it does not already appear
5 22 there. ~~The identification requirements of section 48A.8 and~~
~~5 23 the verification requirements of section 48A.25A do not apply~~
5 24 to persons who register to vote under this division.

5 25 EXPLANATION

5 26 This bill requires that all voters show current and valid
5 27 identification before being allowed to vote at the polls.
5 28 Correspondingly, the bill strikes the requirement that certain
5 29 persons who register by mail and who have not previously voted
5 30 in a federal election in the county of registration must show
5 31 identification when voting for the first time in the county at
5 32 an election with federal offices on the ballot.

5 33 The bill further provides that the current and valid
5 34 identification is the same forms of identification required
5 35 for election day and in-person absentee registrants if such



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6 1 identification contains a photograph of the voter and the
6 2 validity expiration date of the identification.
6 3 The bill also specifies that the requirement in current law
6 4 that a voter show identification if the voter's name does not
6 5 appear on the election register or if the voter did not
6 6 respond to a confirmation card sent by the county commissioner
6 7 of elections is required in order to establish residency in
6 8 the precinct. Current law provides that the secretary of
6 9 state shall provide, by rule, the acceptable forms of
6 10 identification in these circumstances.
6 11 LSB 1830YH 83
6 12 sc/nh/5



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House File 501 - Introduced

HOUSE FILE
BY ALONS, L. MILLER, HEATON,
BAUDLER, SCHULTE, SMITH,
and UPMEYER

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

A BILL FOR

1 An Act relating to development of a plan for a home and
2 community-based services autism waiver under the medical
3 assistance program.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2486YH 83
6 pf/nh/8



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1 1 Section 1. MEDICAL ASSISTANCE HOME AND COMMUNITY=BASED
1 2 SERVICES WAIVER FOR AUTISM.
1 3 1. The department of human services shall develop a plan
1 4 to implement a home and community-based services waiver for
1 5 individuals up to twenty-one years of age with autism under
1 6 the medical assistance program. The department shall work
1 7 with the Iowa autism council established in section 256.35A
1 8 and other interested parties in developing the plan.
1 9 2. The department shall provide progress reports to the
1 10 legislative services agency until such time as the final plan
1 11 is completed.
1 12 3. The department shall present the final plan to the
1 13 general assembly by January 15, 2010.
1 14 4. For the purposes of this section, "autism" means autism
1 15 as defined in section 256.35A.

1 16 EXPLANATION

1 17 This bill directs the department of human services to
1 18 develop a plan to implement a home and community-based
1 19 services waiver for individuals up to 21 years of age with
1 20 autism under the medical assistance program. The bill also
1 21 directs the department to work with the Iowa autism council
1 22 and other interested parties in developing the plan.
1 23 The department is to provide progress reports to the
1 24 legislative services agency until the final plan is completed.
1 25 The final plan is to be presented to the general assembly
1 26 by January 15, 2010. For the purposes of the bill, "autism"
1 27 means a spectrum disorder that includes, at various levels of
1 28 severity, autism, Asperger's disorder, pervasive developmental
1 29 disorder not otherwise specified, Rett's syndrome, and
1 30 childhood disintegrative disorder.
1 31 LSB 2486YH 83
1 32 pf/nh/8.1



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House File 502 - Introduced

HOUSE FILE
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HF 111)

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act providing for petition and election to approve the use of
- 2 increased local sales and services tax revenues to fund urban
- 3 renewal projects.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1422HV 83
- 6 tw/mg:sc/8



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1 1 Section 1. Section 423B.1, subsection 6, paragraph c, Code
1 2 2009, is amended to read as follows:

1 3 c. Notwithstanding any other provision in this section, a
1 4 change in use of the local sales and services tax revenues for
1 5 purposes of funding an urban renewal project pursuant to
1 6 section 423B.10 does not require an election, except as
1 7 provided in section 423B.10, subsection 2.

1 8 Sec. 2. Section 423B.10, subsection 2, Code 2009, is
1 9 amended to read as follows:

1 10 2. a. An eligible city may by ordinance of the city
1 11 council provide for the use of a designated amount of the
1 12 increased local sales and services tax revenues collected
1 13 under this chapter which are attributable to retail
1 14 establishments in an urban renewal area to fund urban renewal
1 15 projects located in the area. The designated amount may be
1 16 all or a portion of ~~such~~ the increased revenues allocable to
1 17 the eligible city under section 423B.7.

1 18 b. Prior to consideration of an ordinance under this
1 19 section, a city council shall adopt a resolution stating its
1 20 intent to propose the ordinance. If within thirty days of the
1 21 adoption of the resolution, a petition is filed with the clerk
1 22 of the city in the manner provided by section 362.4 asking
1 23 that the question of the use of a designated amount of the
1 24 increased revenues allocable to the city be submitted to the
1 25 registered voters of the city, the council shall either by
1 26 resolution declare the proposal to have been abandoned or
1 27 shall direct the county commissioner of elections to call a
1 28 special election to be held on a date specified in section
1 29 39.2, subsection 4, paragraph "b". If the vote in favor of
1 30 the proposition is equal to at least a majority of the total
1 31 votes cast for and against the proposition, the city council
1 32 may proceed with consideration of an ordinance authorizing
1 33 funding of urban renewal projects as provided in paragraph
1 34 "a".

1 35 c. If no petition is filed, the council may proceed with



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House File 502 - Introduced continued

3 1 clerk, the city council must either declare the proposal
3 2 abandoned or direct the county commissioner of elections to
3 3 call a special election on the question. If the vote in favor
3 4 of the proposition is approved by voters, the city may proceed
3 5 with the consideration of the ordinance. If no petition is
3 6 filed, the council may proceed with consideration of the
3 7 ordinance.

3 8 The bill specifies that the amount of increased revenues
3 9 designated for urban renewal projects may be all or a portion
3 10 of the increased revenues allocable to the eligible city.

3 11 The bill provides that any local sales and services taxes
3 12 received prior to the effective date of the bill and
3 13 designated for urban renewal projects must be deposited in the
3 14 city's special fund and used to fund urban renewal projects.

3 15 The bill provides that the funding of urban renewal
3 16 projects with increased sales and services tax revenues shall
3 17 not relieve, impair, or alter the obligations of a city in
3 18 regard to certain bonds or contracts.

3 19 LSB 1422HV 83

3 20 tw/mg:sc/8



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House File 503 - Introduced

HOUSE FILE
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO HSB 65)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning the definition of veteran.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1229HV 83
- 4 ec/nh/5



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1 1 Section 1. Section 35.1, subsection 2, Code 2009, is
1 2 amended to read as follows:
1 3 2. "Veteran" means any of the following:
1 4 a. ~~"Veteran" means a~~ A resident of this state who served
1 5 in the armed forces of the United States at any time during
1 6 the following dates and who was discharged under honorable
1 7 conditions:
1 8 (1) World War I from April 6, 1917, through November 11,
1 9 1918.
1 10 (2) Occupation of Germany from November 12, 1918, through
1 11 July 11, 1923.
1 12 (3) American expeditionary forces in Siberia from November
1 13 12, 1918, through April 30, 1920.
1 14 (4) Second Haitian suppression of insurrections from 1919
1 15 through 1920.
1 16 (5) Second Nicaragua campaign with marines or navy in
1 17 Nicaragua or on combatant ships from 1926 through 1933.
1 18 (6) Yangtze service with navy and marines in Shanghai or
1 19 in the Yangtze valley from 1926 through 1927 and 1930 through
1 20 1932.
1 21 (7) China service with navy and marines from 1937 through
1 22 1939.
1 23 (8) World War II from December 7, 1941, through December
1 24 31, 1946.
1 25 (9) Korean Conflict from June 25, 1950, through January
1 26 31, 1955.
1 27 (10) Vietnam Conflict from February 28, 1961, through May
1 28 7, 1975.
1 29 (11) Lebanon or Grenada service from August 24, 1982,
1 30 through July 31, 1984.
1 31 (12) Panama service from December 20, 1989, through
1 32 January 31, 1990.
1 33 (13) Persian Gulf Conflict from August 2, 1990, through
1 34 the date the president or the Congress of the United States
1 35 declares a cessation of hostilities. However, if the United



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2 1 States Congress enacts a date different from August 2, 1990,
2 2 as the beginning of the Persian Gulf Conflict for purposes of
2 3 determining whether a veteran is entitled to receive military
2 4 benefits as a veteran of the Persian Gulf Conflict, that date
2 5 shall be substituted for August 2, 1990.

2 6 b. ~~"Veteran" includes the following persons:~~

2 7 (1) Former members of the reserve forces of the United
2 8 States who served at least twenty years in the reserve forces
2 9 and who were discharged under honorable conditions. However,
2 10 a member of the reserve forces of the United States who
2 11 completed a minimum aggregate of ninety days of active federal
2 12 service, other than training, and was discharged under
2 13 honorable conditions, or was retired under Title X of the
2 14 United States Code shall be included as a veteran.

2 15 (2) Former members of the Iowa national guard who served
2 16 at least twenty years in the Iowa national guard and who were
2 17 discharged under honorable conditions. However, a member of
2 18 the Iowa national guard who was activated for federal duty,
2 19 other than training, for a minimum aggregate of ninety days,
2 20 and was discharged under honorable conditions or was retired
2 21 under Title X of the United States Code shall be included as a
2 22 veteran.

2 23 (3) Former members of the active, oceangoing merchant
2 24 marines who served during World War II at any time between
2 25 December 7, 1941, and December 31, 1946, both dates inclusive,
2 26 who were discharged under honorable conditions.

2 27 (4) Former members of the women's air force service pilots
2 28 and other persons who have been conferred veterans status
2 29 based on their civilian duties during World War II in
2 30 accordance with federal Pub. L. No. 95-202, 38 U.S.C. } 106.

2 31 (5) Former members of the armed forces of the United
2 32 States if any portion of their term of enlistment would have
2 33 occurred within during the time period ~~specified in paragraph~~
~~2 34 "a", subparagraph (9) of the Korean Conflict from June 25,~~
~~2 35 1950, through January 31, 1955, but who instead opted to serve~~



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3 1 five years in the reserve forces of the United States, as
3 2 allowed by federal law, and who were discharged under
3 3 honorable conditions.

3 4 (6) Members of the reserve forces of the United States who
3 5 have served at least twenty years in the reserve forces and
3 6 who continue to serve in the reserve forces.

3 7 (7) Members of the Iowa national guard who have served at
3 8 least twenty years in the Iowa national guard and who continue
3 9 to serve in the Iowa national guard.

3 10 c. A resident of this state who served on active federal
3 11 service, other than training, in the armed forces of the
3 12 United States and who was discharged under honorable
3 13 conditions.

3 14 Sec. 2. Section 35A.13, subsection 1, Code 2009, is
3 15 amended by striking the subsection.

3 16 Sec. 3. Section 426A.11, subsection 2, Code 2009, is
3 17 amended to read as follows:

3 18 2. The property, not to exceed one thousand eight hundred
3 19 fifty-two dollars in taxable value of an honorably separated,
3 20 retired, furloughed to a reserve, placed on inactive status,
3 21 or discharged veteran, as defined in section 35.1, subsection
3 22 2, paragraph "a" or "b".

3 23 Sec. 4. Section 426A.12, Code 2009, is amended to read as
3 24 follows:

3 25 426A.12 EXEMPTIONS TO RELATIVES.

3 26 1. In case any person in the foregoing classifications
3 27 does not claim the exemption from taxation, it shall be
3 28 allowed in the name of the person to the same extent on the
3 29 property of any one of the following persons in the order
3 30 named:

3 31 ~~1.~~ a. The spouse, or surviving spouse remaining
3 32 unmarried, of a veteran, as defined in this chapter or in
3 33 section 35.1, subsection 2, paragraph "a" or "b", where they
3 34 are living together or were living together at the time of the
3 35 death of the veteran.



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4 1 ~~2.~~ b. The parent whose spouse is deceased and who remains
4 2 unmarried, of a veteran, as defined in this chapter or in
4 3 section 35.1, subsection 2, paragraph "a" or "b", whether
4 4 living or deceased, where the parent is, or was at the time of
4 5 death of the veteran, dependent on the veteran for support.

4 6 ~~3.~~ c. The minor child, or children owning property as
4 7 tenants in common, of a deceased veteran, as defined in this
4 8 chapter or in section 35.1, subsection 2, paragraph "a" or
4 9 "b".

4 10 2. No more than one tax exemption shall be allowed under
4 11 this section or section 426A.11 in the name of a veteran, as
4 12 defined in this chapter or in section 35.1, subsection 2,
4 13 paragraph "a" or "b".

4 14 Sec. 5. Section 523I.304, subsection 7, Code 2009, is
4 15 amended to read as follows:

4 16 7. A cemetery owned and controlled by a governmental
4 17 subdivision shall adopt and enforce a rule allowing any
4 18 veteran who is a landowner or who lives within the
4 19 governmental subdivision to purchase an interment space and to
4 20 be interred within the cemetery. For the purposes of this
4 21 section, "veteran" means the same as defined in section 35.1
4 22 ~~or a resident of this state who served in the armed forces of~~
~~4 23 the United States, completed a minimum aggregate of ninety~~
~~4 24 days of active federal service, and was discharged under~~
~~4 25 honorable conditions.~~

4 26 Sec. 6. IMPLEMENTATION OF ACT. Section 25B.2, subsection
4 27 3, shall not apply to this Act.

EXPLANATION

4 29 This bill changes the definition of veteran in Code section
4 30 35.1 to provide that a veteran also includes a resident of
4 31 this state who served on active federal service, other than
4 32 training, in the armed forces of the United States and was
4 33 discharged under honorable conditions, regardless of when the
4 34 service occurred. Current law defines veteran to include a
4 35 resident of the state who served in the armed forces of the



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5 1 United States only during certain periods of time encompassing
5 2 various wars and conflicts. The bill makes corresponding
5 3 changes in other sections of the Code to reflect the expanded
5 4 definition of veteran in Code section 35.1.

5 5 The definition of veteran in Code section 35.1 applies to
5 6 several provisions of the Code, including provisions
5 7 concerning veterans' preference in employment, membership on
5 8 the county commission of veteran affairs, indigent burial
5 9 expenses and support, grave markers, and the hepatitis C
5 10 awareness program.

5 11 However, the bill provides that the added definition of
5 12 veteran as provided in the bill does not apply relative to
5 13 property tax exemptions. Current law relative to the
5 14 definition of veteran for purposes of providing a property tax
5 15 exemption still applies and is not modified by the bill.

5 16 The bill may include a state mandate as defined in Code
5 17 section 25B.3. The bill makes inapplicable Code section
5 18 25B.2, subsection 3, which would relieve a political
5 19 subdivision from complying with a state mandate if funding for
5 20 the cost of the state mandate is not provided or specified.
5 21 Therefore, political subdivisions are required to comply with
5 22 any state mandate included in the bill.

5 23 LSB 1229HV 83

5 24 ec/nh/5



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HOUSE FILE
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO HSB 179)
(COMPANION TO SF 241)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act correcting references in the Code relating to the United
- 2 States department of veterans affairs.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1936HV 83
- 5 ec/nh/5



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1 1 Section 1. Section 8A.413, subsection 22, paragraph a,
1 2 Code 2009, is amended to read as follows:
1 3 a. Veterans who have a service-connected disability or are
1 4 receiving compensation, disability benefits, or pension under
1 5 laws administered by the United States department of veterans
1 6 ~~administration~~ affairs shall have ten points added to the
1 7 grades attained in qualifying examinations.

1 8 Sec. 2. Section 35.6, Code 2009, is amended to read as
1 9 follows:

1 10 35.6 CONTRACT WITH UNITED STATES DEPARTMENT OF VETERANS
1 11 ADMINISTRATION AFFAIRS.

1 12 A state agency or a political subdivision of this state
1 13 operating a hospital or medical facility may contract with the
1 14 United States department of veterans administration ~~administration~~ affairs to
1 15 receive and to provide medical services to patients who are
1 16 the responsibility of a United States department of veterans
1 17 ~~administration~~ affairs hospital or medical facility in the
1 18 same jurisdiction or medical service area.

1 19 Sec. 3. Section 35.12, subsection 1, Code 2009, is amended
1 20 to read as follows:

1 21 1. The department shall coordinate with United States
1 22 department of veterans administration ~~administration~~ affairs hospitals,
1 23 health care facilities, and clinics in this state and the
1 24 department of public health to provide assistance to veterans
1 25 and their families to reduce the incidence of alcohol and
1 26 chemical dependency and suicide among veterans and to make
1 27 mental health counseling available to veterans.

1 28 Sec. 4. Section 35A.5, subsection 7, Code 2009, is amended
1 29 to read as follows:

1 30 7. Assist the United States department of veterans
1 31 ~~administration~~ affairs, the Iowa veterans home, funeral
1 32 directors, and federally chartered veterans service
1 33 organizations in providing information concerning veterans
1 34 service records and veterans affairs data.

1 35 Sec. 5. Section 35D.1, subsection 1, Code 2009, is amended



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2 1 to read as follows:

2 2 1. The Iowa veterans home, located in Marshalltown, shall
2 3 be maintained as a long-term health care facility providing
2 4 multiple levels of care, with attendant health care services,
2 5 for honorably discharged veterans and their dependent spouses
2 6 and for surviving spouses of honorably discharged veterans.
2 7 Eligibility requirements for admission to the Iowa veterans
2 8 home shall coincide with the eligibility requirements for
2 9 hospitalization in a United States department of veterans
2 10 ~~administration~~ administration affairs facility pursuant to ~~title 38, United~~
2 11 ~~States Code, section 610 38 U.S.C. } 1710, and regulations~~
2 12 promulgated under that section, as amended ~~to January 1, 1984.~~

2 13 Sec. 6. Section 35D.18, subsection 3, paragraph a, Code
2 14 2009, is amended to read as follows:

2 15 a. ~~Federal~~ United States department of veterans
2 16 ~~administration~~ administration affairs payments.

2 17 Sec. 7. Section 36.3, subsection 2, Code 2009, is amended
2 18 to read as follows:

2 19 2. Annually compile and evaluate the information submitted
2 20 in the reports pursuant to subsection 1, in consultation and
2 21 cooperation with a certified medical toxicologist selected by
2 22 the department. The department shall submit the report to the
2 23 governor, the general assembly, and the United States
2 24 department of veterans administration ~~administration~~ administration affairs. The report
2 25 shall include current research data on the effects of exposure
2 26 to chemicals, statistical information received from individual
2 27 physicians' reports, and statistical information from the
2 28 epidemiological investigations pursuant to subsection 3.

2 29 Sec. 8. Section 125.83A, Code 2009, is amended to read as
2 30 follows:

2 31 125.83A PLACEMENT IN CERTAIN FEDERAL FACILITIES.

2 32 1. If upon completion of the commitment hearing, the court
2 33 finds that the contention that the respondent is a chronic
2 34 substance abuser has been sustained by clear and convincing
2 35 evidence, and the court is furnished evidence that the



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3 1 respondent is eligible for care and treatment in a facility
3 2 operated by the United States department of veterans
3 3 ~~administration~~ affairs or another agency of the United States
3 4 government and that the facility is willing to receive the
3 5 respondent, the court may so order. The respondent, when so
3 6 placed in a facility operated by the United States department
3 7 of veterans ~~administration~~ affairs or another agency of the
3 8 United States government within or outside of this state,
3 9 shall be subject to the rules of the United States department
3 10 of veterans ~~administration~~ affairs or other agency, but shall
3 11 not lose any procedural rights afforded the respondent by this
3 12 chapter. The chief officer of the facility shall have, with
3 13 respect to the respondent so placed, the same powers and
3 14 duties as the chief medical officer of a hospital in this
3 15 state would have in regard to submission of reports to the
3 16 court, retention of custody, transfer, convalescent leave, or
3 17 discharge. Jurisdiction is retained in the court to maintain
3 18 surveillance of the respondent's treatment and care, and at
3 19 any time to inquire into the respondent's condition and the
3 20 need for continued care and custody.

3 21 2. Upon receipt of a certificate stating that a respondent
3 22 placed under this chapter is eligible for care and treatment
3 23 in a facility operated by the United States department of
3 24 veterans ~~administration~~ affairs or another agency of the
3 25 United States government which is willing to receive the
3 26 respondent without charge to the state of Iowa or any county
3 27 in the state, the chief medical officer may transfer the
3 28 respondent to that facility. Upon so doing, the chief medical
3 29 officer shall notify the court which ordered the respondent's
3 30 placement in the same manner as would be required in the case
3 31 of a transfer under section 125.86, subsection 2, and the
3 32 respondent transferred shall be entitled to the same rights as
3 33 the respondent would have under that subsection. No
3 34 respondent shall be transferred under this section who is
3 35 confined pursuant to conviction of a public offense or whose



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4 1 placement was ordered upon contention of incompetence to stand
4 2 trial by reason of mental illness, without prior approval of
4 3 the court which ordered that respondent's placement.

4 4 3. A judgment or order of commitment by a court of
4 5 competent jurisdiction of another state or the District of
4 6 Columbia, under which any person is hospitalized or placed in
4 7 a facility operated by the United States department of
4 8 veterans ~~administration~~ affairs or another agency of the
4 9 United States government, shall have the same force and effect
4 10 with respect to that person while the person is in this state
4 11 as the judgment or order would have if the person were in the
4 12 jurisdiction of the court which issued it. That court shall
4 13 be deemed to have retained jurisdiction of the person so
4 14 placed for the purpose of inquiring into that person's
4 15 condition and the need for continued care and custody, as do
4 16 courts in this state under this section. Consent is given to
4 17 the application of the law of the state or district in which
4 18 the court is situated which issued the judgment or order as
4 19 regards authority of the chief officer of any facility,
4 20 operated in this state by the United States department of
4 21 veterans ~~administration~~ affairs or another agency of the
4 22 United States government, to retain custody, transfer, place
4 23 on convalescent leave, or discharge the person so committed.

4 24 Sec. 9. Section 152A.3, subsection 3, Code 2009, is
4 25 amended to read as follows:

4 26 3. Dietitians who serve in the armed forces or the public
4 27 health service of the United States or are employed by the
4 28 United States department of veterans ~~administration~~ affairs,
4 29 provided their practice is limited to that service or
4 30 employment.

4 31 Sec. 10. Section 229.28, Code 2009, is amended to read as
4 32 follows:

4 33 229.28 HOSPITALIZATION IN CERTAIN FEDERAL FACILITIES.

4 34 When a court finds that the contention that a respondent is
4 35 seriously mentally impaired has been sustained or proposes to



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5 1 order continued hospitalization of any person, or an
5 2 alternative placement, as described under section 229.14,
5 3 subsection 1, paragraph "b" or "d", and the court is furnished
5 4 evidence that the respondent or patient is eligible for care
5 5 and treatment in a facility operated by the United States
5 6 department of veterans ~~administration~~ affairs or another
5 7 agency of the United States government and that the facility
5 8 is willing to receive the respondent or patient, the court may
5 9 so order. The respondent or patient, when so hospitalized or
5 10 placed in a facility operated by the United States department
5 11 of veterans ~~administration~~ affairs or another agency of the
5 12 United States government within or outside of this state,
5 13 shall be subject to the rules of the United States department
5 14 of veterans ~~administration~~ affairs or other agency, but shall
5 15 not thereby lose any procedural rights afforded the respondent
5 16 or patient by this chapter. The chief officer of the facility
5 17 shall have, with respect to the person so hospitalized or
5 18 placed, the same powers and duties as the chief medical
5 19 officer of a hospital in this state would have in regard to
5 20 submission of reports to the court, retention of custody,
5 21 transfer, convalescent leave or discharge. Jurisdiction is
5 22 retained in the court to maintain surveillance of the person's
5 23 treatment and care, and at any time to inquire into that
5 24 person's mental condition and the need for continued
5 25 hospitalization or care and custody.

5 26 Sec. 11. Section 229.29, Code 2009, is amended to read as
5 27 follows:

5 28 229.29 TRANSFER TO CERTAIN FEDERAL FACILITIES.

5 29 Upon receipt of a certificate stating that any person
5 30 involuntarily hospitalized under this chapter is eligible for
5 31 care and treatment in a facility operated by the United States
5 32 department of veterans ~~administration~~ affairs or another
5 33 agency of the United States government which is willing to
5 34 receive the person without charge to the state of Iowa or any
5 35 county in the state, the chief medical officer may transfer



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6 1 the person to that facility. Upon so doing, the chief medical
6 2 officer shall notify the court which ordered the person's
6 3 hospitalization in the same manner as would be required in the
6 4 case of a transfer under section 229.15, subsection 5, and the
6 5 person transferred shall be entitled to the same rights as the
6 6 person would have under that subsection. No person shall be
6 7 transferred under this section who is confined pursuant to
6 8 conviction of a public offense or whose hospitalization was
6 9 ordered upon contention of incompetence to stand trial by
6 10 reason of mental illness, without prior approval of the court
6 11 which ordered that person's hospitalization.

6 12 Sec. 12. Section 229.30, Code 2009, is amended to read as
6 13 follows:

6 14 229.30 ORDERS OF COURTS IN OTHER STATES.

6 15 A judgment or order of hospitalization or commitment by a
6 16 court of competent jurisdiction of another state or the
6 17 District of Columbia, under which any person is hospitalized
6 18 or placed in a facility operated by the United States
6 19 department of veterans ~~administration~~ affairs or another
6 20 agency of the United States government, shall have the same
6 21 force and effect with respect to that person while the person
6 22 is in this state as the judgment or order would have if the
6 23 person were in the jurisdiction of the court which issued it.
6 24 That court shall be deemed to have retained jurisdiction of
6 25 the person so hospitalized or placed for the purpose of
6 26 inquiring into that person's mental condition and the need for
6 27 continued hospitalization or care and custody, as do courts in
6 28 this state under section 229.28. Consent is hereby given to
6 29 the application of the law of the state or district in which
6 30 is situated the court which issued the judgment or order as
6 31 regards authority of the chief officer of any facility,
6 32 operated in this state by the United States department of
6 33 veterans ~~administration~~ affairs or another agency of the
6 34 United States government, to retain custody, transfer, place
6 35 on convalescent leave or discharge the person so hospitalized



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7 1 or committed.

7 2 Sec. 13. Section 230.11, Code 2009, is amended to read as
7 3 follows:

7 4 230.11 RECOVERY OF COSTS FROM STATE.

7 5 Costs and expenses attending the taking into custody, care,
7 6 and investigation of a person who has been admitted or
7 7 committed to a state hospital, United States department of
7 8 ~~veterans administration~~ affairs hospital, or other agency of
7 9 the United States government, for persons with mental illness
7 10 and who has no legal settlement in this state or whose legal
7 11 settlement is unknown, including cost of commitment, if any,
7 12 shall be paid out of any money in the state treasury not
7 13 otherwise appropriated, on itemized vouchers executed by the
7 14 auditor of the county which has paid them, and approved by the
7 15 administrator.

7 16 Sec. 14. Section 331.608, subsection 2, Code 2009, is
7 17 amended to read as follows:

7 18 2. If an official discharge was not issued or if the
7 19 veteran was killed in action or died in service, the recorder
7 20 shall record an official certificate, general or special
7 21 order, letter, or telegram from a competent authority,
7 22 including letters from the United States department of
7 23 defense, the United States department of veterans
7 24 ~~administration~~ affairs, or other governmental office, which
7 25 shows the termination of the veteran's service.

7 26 Sec. 15. Section 400.10, Code 2009, is amended to read as
7 27 follows:

7 28 400.10 PREFERENCES.

7 29 In all examinations and appointments under this chapter,
7 30 other than promotions and appointments of chief of the police
7 31 department and chief of the fire department, veterans as
7 32 defined in section 35.1, who are citizens and residents of
7 33 this state, shall have five points added to the veteran's
7 34 grade or score attained in qualifying examinations for
7 35 appointment to positions and five additional points added to



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8 1 the grade or score if the veteran has a service-connected
8 2 disability or is receiving compensation, disability benefits
8 3 or pension under laws administered by the United States
8 4 department of veterans administration affairs. An honorably
8 5 discharged veteran who has been awarded the Purple Heart for
8 6 disabilities incurred in action shall be considered to have a
8 7 service-connected disability. However, the points shall be
8 8 given only upon passing the exam and shall not be the
8 9 determining factor in passing.

8 10 Sec. 16. Section 535B.10, subsection 3, paragraph f, Code
8 11 2009, is amended to read as follows:

8 12 f. ~~Veterans administration~~ United States department of
8 13 veterans affairs.

8 14 Sec. 17. Section 599.5, Code 2009, is amended to read as
8 15 follows:

8 16 599.5 VETERANS MINORITY DISABILITIES.

8 17 The disability of minority of any person otherwise eligible
8 18 for guaranty or insurance of a loan pursuant to the
8 19 Servicemen's Readjustment Act of 1944*, as amended and of the
8 20 minor spouse of any eligible veteran, irrespective of age, in
8 21 connection with any transaction entered into pursuant to said
8 22 Act, as amended, is hereby removed for all purposes in
8 23 connection with such transaction, including, but not limited
8 24 to, incurring of indebtedness or obligations, and acquiring,
8 25 encumbering, selling, releasing or conveying property or any
8 26 interest therein, and litigating or settling controversies
8 27 arising therefrom, if all or part of any obligations incident
8 28 to such transaction be guaranteed or insured by the
8 29 ~~administrator~~ secretary of the United States department of
8 30 veterans affairs pursuant to such Act; provided, nevertheless,
8 31 that this section shall not be construed to impose any other
8 32 or greater rights or liabilities than would exist if such
8 33 person and such spouse were under no such disability.

8 34 Sec. 18. Section 633.566, subsection 4, Code 2009, is
8 35 amended to read as follows:



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9 1 4. The estimated present value of the real estate, the
9 2 estimated value of the personal property, and the estimated
9 3 gross annual income of the estate. If any money is payable,
9 4 or to become payable, to the proposed ward by the United
9 5 States through the United States department of veterans
9 6 ~~administration~~ affairs, the petition shall so state.

9 7 Sec. 19. Section 633.580, subsection 4, Code 2009, is
9 8 amended to read as follows:

9 9 4. A general description of the property of the proposed
9 10 ward within this state and of the proposed ward's right to
9 11 receive property; also, the estimated present value of the
9 12 real estate, the estimated value of the personal property, and
9 13 the estimated gross annual income of the estate. If any money
9 14 is payable, or to become payable, to the proposed ward by the
9 15 United States through the United States department of veterans
9 16 ~~administration~~ affairs, the petition shall so state.

9 17 Sec. 20. Section 633.614, Code 2009, is amended to read as
9 18 follows:

9 19 633.614 APPLICATION OF OTHER PROVISIONS TO VETERANS'
9 20 CONSERVATORSHIPS.

9 21 Whenever moneys are paid or are payable pursuant to any law
9 22 of the United States through the United States department of
9 23 ~~veterans administration~~ affairs to a conservator or a
9 24 guardian, the provisions of sections 633.615, 633.617 and
9 25 633.622 shall apply to the administration of said moneys.
9 26 However, such provisions shall be construed to be
9 27 supplementary to the other provisions for conservators, and
9 28 shall not be exclusive of such provisions.

9 29 Sec. 21. Section 633.615, Code 2009, is amended to read as
9 30 follows:

9 31 633.615 ~~ADMINISTRATOR~~ SECRETARY OF VETERANS AFFAIRS ==
9 32 PARTY IN INTEREST.

9 33 The ~~administrator~~ secretary of veterans affairs of the
9 34 United States, the ~~administrator's~~ secretary's successor, or
9 35 the designee of either, shall be a party in interest in any



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10 1 proceeding for the appointment or removal of a conservator, or
10 2 for the termination of the conservatorship, and in any suit or
10 3 other proceeding, including reports and accountings, affecting
10 4 in any manner the administration of those assets that were
10 5 derived in whole or in part from benefits paid by the United
10 6 States department of veterans ~~administration~~ affairs. Not
10 7 less than fifteen days prior to the time set for a hearing in
10 8 any such matters, notice, in writing, of the time and place
10 9 thereof shall be given by mail to the office of the United
10 10 States department of veterans ~~administration~~ affairs having
10 11 jurisdiction over the area in which such matter is pending.
10 12 Sec. 22. Section 633.617, Code 2009, is amended to read as
10 13 follows:

10 14 633.617 WARD RATED INCOMPETENT BY UNITED STATES DEPARTMENT
10 15 OF VETERANS ~~ADMINISTRATION~~ AFFAIRS.

10 16 Upon the trial of an issue arising upon a prayer for the
10 17 appointment of either a temporary or a permanent conservator,
10 18 a certificate of the ~~administrator~~ secretary of the United
10 19 States department of veterans ~~administration~~ affairs, or the
10 20 ~~administrator's~~ secretary's representative, setting forth the
10 21 fact that the defendant veteran has been rated incompetent by
10 22 the United States department of veterans ~~administration~~
10 23 affairs upon examination in accordance with the laws and
10 24 regulations governing the United States department of veterans
10 25 ~~administration~~ affairs, shall be prima facie evidence of the
10 26 necessity for such appointment, and the court may appoint a
10 27 conservator for the property of such person.

10 28 Sec. 23. Section 633.622, Code 2009, is amended to read as
10 29 follows:

10 30 633.622 BOND REQUIREMENTS.

10 31 In administering moneys paid by the United States
10 32 department of veterans ~~administration~~ affairs the conservator,
10 33 unless it is a bank or trust company qualified to act as a
10 34 fiduciary in this state, shall execute and file with the clerk
10 35 a bond by a recognized surety company equal to such moneys and



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11 1 the annual income therefrom, plus the expected annual United
11 2 States department of veterans administration affairs benefit
11 3 payments.
11 4 Sec. 24. Section 636.45, Code 2009, is amended to read as
11 5 follows:
11 6 636.45 FEDERALLY INSURED LOANS.
11 7 Insurance companies, building and loan associations,
11 8 trustees, guardians, executors, administrators, and other
11 9 fiduciaries, the state and its political subdivisions, and
11 10 institutions and agencies thereof, and all other persons,
11 11 associations, and corporations (1) may make such loans and
11 12 advances of credit and purchases of obligations representing
11 13 loans and advances of credit as are eligible for insurance
11 14 pursuant to Title I, section 2, of the National Housing Act
11 15 [12 U.S.C., ch 13], and may obtain such insurance, (2) may
11 16 make such loans, secured by real property or leasehold, as the
11 17 federal housing administrator insures or makes a commitment to
11 18 insure pursuant to Title II of the National Housing Act, and
11 19 may obtain such insurance, and (3) may make real property
11 20 loans which are guaranteed or insured by the ~~administrator of~~
11 21 ~~veterans'~~ secretary of the United States department of
11 22 veterans affairs under the provisions of Title 38, sections
11 23 1801 through 1824, inclusive, United States Code.
11 24 It shall be lawful for insurance companies, building and
11 25 loan associations, trustees, guardians, executors,
11 26 administrators, and other fiduciaries, the state and its
11 27 political subdivisions, and institutions and agencies thereof,
11 28 and all other persons, associations, and corporations, subject
11 29 to the laws of this state, to originate real estate loans
11 30 which are guaranteed or insured by the ~~administrator of~~
11 31 ~~veterans'~~ secretary of the United States department of
11 32 veterans affairs under the provisions of Title 38, sections
11 33 1801 through 1824, inclusive, United States Code, and
11 34 originate loans secured by real property or leasehold, as the
11 35 federal housing administrator insures or makes a commitment to



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12 1 insure pursuant to Title II of the National Housing Act, and
12 2 may obtain such insurance and may invest their funds, and the
12 3 moneys in their custody or possession, eligible for
12 4 investment, in bonds and notes secured by mortgage or trust
12 5 deed insured by the federal housing administrator, and in the
12 6 debentures issued by the federal housing administrator
12 7 pursuant to Title II of the National Housing Act, and in
12 8 securities issued by national mortgage associations or similar
12 9 credit institutions now or hereafter organized under Title III
12 10 of the National Housing Act, and in real estate loans which
12 11 are guaranteed or insured by the ~~administrator of veterans'~~
12 12 secretary of the United States department of veterans affairs
12 13 under the provisions of Title 38, sections 1801 through 1824,
12 14 inclusive, United States Code.

12 15 EXPLANATION

12 16 This bill changes references in the Code to the federal
12 17 veterans administration and the administrator of veterans
12 18 affairs to the United States department of veterans affairs
12 19 and the secretary of the United States department of veterans
12 20 affairs. In 1989, the federal veterans administration was
12 21 changed to a cabinet-level department, the United States
12 22 department of veterans affairs.

12 23 LSB 1936HV 83

12 24 ec/nh/5



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House File 505 - Introduced

HOUSE FILE
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO HSB 129)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring record checks for persons who are prospective or
- 2 current volunteers for the Iowa veterans home.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1452HV 83
- 5 jp/nh/5



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1 1 Section 1. NEW SECTION. 35D.14A VOLUNTEER RECORD CHECKS.

1 2 1. Persons who are potential volunteers or volunteers in
1 3 the Iowa veterans home in a position having direct individual
1 4 contact with patients or residents of the home shall be
1 5 subject to criminal history and child and dependent adult
1 6 abuse record checks in accordance with this section. The Iowa
1 7 veterans home shall request that the department of public
1 8 safety perform the criminal history check and the department
1 9 of human services perform child and dependent adult abuse
1 10 record checks of the person in this state and may request
1 11 these checks in other states.

1 12 2. a. If it is determined that a person has been
1 13 convicted of a crime under a law of any state or has a record
1 14 of founded child or dependent adult abuse, the person shall
1 15 not participate as a volunteer with direct individual contact
1 16 with patients or residents of the Iowa veterans home unless an
1 17 evaluation has been performed by the department of human
1 18 services to determine whether the crime or founded child or
1 19 dependent adult abuse warrants prohibition of the person's
1 20 participation as a volunteer in the Iowa veterans home. The
1 21 department of human services shall perform such evaluation
1 22 upon the request of the Iowa veterans home.

1 23 b. In an evaluation, the department of human services
1 24 shall consider the nature and seriousness of the crime or
1 25 founded child or dependent adult abuse in relation to the
1 26 position sought or held, the time elapsed since the commission
1 27 of the crime or founded child or dependent adult abuse, the
1 28 circumstances under which the crime or founded child or
1 29 dependent adult abuse was committed, the degree of
1 30 rehabilitation, the likelihood that the person will commit the
1 31 crime or founded child or dependent adult abuse again, and the
1 32 number of crimes or founded child or dependent adult abuses
1 33 committed by the person involved.

1 34 c. If the department of human services performs an
1 35 evaluation for the purposes of this section, the department of



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2 1 human services has final authority in determining whether
2 2 prohibition of the person's participation as a volunteer is
2 3 warranted. The department of human services may permit a
2 4 person who is evaluated to participate as a volunteer if the
2 5 person complies with the department's conditions relating to
2 6 participation as a volunteer which may include completion of
2 7 additional training.

2 8 Sec. 2. Section 235A.15, subsection 2, paragraph e, Code
2 9 2009, is amended by adding the following new subparagraph:

2 10 NEW SUBPARAGRAPH. (19) To the Iowa veterans home for
2 11 purposes of record checks of potential volunteers and
2 12 volunteers in the Iowa veterans home.

2 13 Sec. 3. Section 235B.6, subsection 2, paragraph e, Code
2 14 2009, is amended by adding the following new subparagraph:

2 15 NEW SUBPARAGRAPH. (14) To the Iowa veterans home for
2 16 purposes of record checks of potential volunteers and
2 17 volunteers in the Iowa veterans home.

2 18 EXPLANATION

2 19 This bill requires criminal history and dependent adult and
2 20 child abuse record checks for persons who are prospective or
2 21 current volunteers for the Iowa veterans home in a position
2 22 having direct individual contact with patients or residents of
2 23 the home.

2 24 The Iowa veterans home is required to request that the
2 25 department of public safety perform the criminal history check
2 26 and the department of human services perform child and
2 27 dependent adult abuse record checks of the person in this
2 28 state and may request these checks in other states.

2 29 If it is determined that a person has been convicted of a
2 30 crime under a law of any state or has a record of founded
2 31 child or dependent adult abuse, the person cannot participate
2 32 as a volunteer with direct individual contact with patients or
2 33 residents unless the department of human services performs an
2 34 evaluation to determine whether the crime or founded child or
2 35 dependent adult abuse warrants prohibition of the person's



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3 1 participation as a volunteer in the Iowa veterans home. The
3 2 department performs the evaluation at the request of the Iowa
3 3 veterans home.
3 4 The bill provides criteria for the department of human
3 5 services to use in performing the evaluation. The department
3 6 has final authority in determining whether prohibition of the
3 7 person's participation as a volunteer is warranted. The
3 8 department may permit a person who is evaluated to participate
3 9 as a volunteer if the person complies with the department's
3 10 conditions relating to participation as a volunteer which may
3 11 include completion of additional training.
3 12 Code section 235A.15, relating to access to child abuse
3 13 registry information, and Code section 235B.6, relating to
3 14 dependent adult abuse information, are amended to allow the
3 15 Iowa veterans home to have access to founded abuse information
3 16 for purposes of the record checks.
3 17 LSB 1452HV 83
3 18 jp/nh/5



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House File 506 - Introduced

HOUSE FILE
 BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HSB 157)

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

Passed Senate, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to identity theft protection by requiring
- 2 reporting and by making changes to the duties of county
- 3 recorders, the fees collected by the county recorders, and the
- 4 county land record information system.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TLSB 1556HV 83
- 7 md/sc/5



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1 1 Section 1. Section 331.601A, Code 2009, is amended by
1 2 adding the following new subsections:

1 3 NEW SUBSECTION. 0A. "Batch basis" means the delivery of
1 4 an accumulation of electronic documents or records recorded or
1 5 maintained by the county recorder.

1 6 NEW SUBSECTION. 1A. "Electronic document" means a
1 7 document or instrument that is received, processed,
1 8 disseminated, or maintained in an electronic format. The
1 9 submission of an electronic document through the county land
1 10 record information system electronic submission service shall
1 11 be equivalent to delivery of a document through the United
1 12 States postal service or by personal delivery at designated
1 13 offices in each county. Persons who submit electronic
1 14 documents for recording are responsible for ensuring that the
1 15 electronic documents comply with all requirements for
1 16 recording.

1 17 Sec. 2. Section 331.603, Code 2009, is amended by adding
1 18 the following new subsection:

1 19 NEW SUBSECTION. 5. a. The governing board of the county
1 20 land record information system shall not enter into an
1 21 agreement to provide access to electronic documents or records
1 22 on a batch basis. The county recorder may collect reasonable
1 23 fees for access to electronic documents and records pursuant
1 24 to an agreement. The fees shall not exceed the actual cost of
1 25 providing access to the electronic documents and records.

1 26 "Actual costs" means only those expenses directly attributable
1 27 to providing access to electronic documents and records.

1 28 "Actual costs" shall not include costs such as employment
1 29 benefits, depreciation, maintenance, electricity, or insurance
1 30 associated with the administration of the office of the county
1 31 recorder or the county land record information system.

1 32 b. Electronic documents and records made available under
1 33 this subsection shall not include personally identifiable
1 34 information and shall be subjected to a redaction process
1 35 prior to the transfer of the electronic documents or records



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2 1 to another person pursuant to an agreement under paragraph
2 2 "a".

2 3 Sec. 3. Section 331.605B, subsection 2, Code 2009, is
2 4 amended to read as follows:

2 5 2. A recorder or the governing board of the county land
2 6 record information system shall collect only statutorily

2 7 authorized fees for land records management. A recorder or
2 8 the governing board of the county land record information

2 9 system shall not collect a fee for viewing, accessing, or
2 10 printing documents in the county land record information

2 11 system unless specifically authorized by statute. However, a
2 12 recorder or the governing board of the county land record

2 13 information system may collect actual third-party fees

2 14 associated with accepting and processing statutorily

2 15 authorized fees, including credit card fees, treasury

2 16 management fees, and other transaction fees required to enable
2 17 electronic payment. For the purposes of this subsection, the

2 18 term "third-party" does not include the county land record

2 19 information system, the Iowa state association of counties, or
2 20 any of the association's affiliates.

2 21 Sec. 4. Section 331.605C, Code 2009, is amended to read as
2 22 follows:

2 23 331.605C ELECTRONIC TRANSACTION FEE == AUDIT.

2 24 1. ~~For the fiscal year beginning July 1, 2003, and ending~~
2 25 ~~June 30, 2004, the recorder shall collect a fee of five~~

2 26 ~~dollars for each recorded transaction, regardless of the~~
2 27 ~~number of pages, for which a fee is paid pursuant to section~~

2 28 ~~331.604 to be used for the purposes of planning and~~

2 29 ~~implementing electronic recording and electronic transactions~~
2 30 ~~in each county and developing county and statewide internet~~

2 31 ~~websites to provide electronic access to records and~~
2 32 ~~information. Each county shall participate in the county land~~

2 33 record information system and shall comply with the policies
2 34 and procedures established by the governing board of the

2 35 county land record information system.



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3 1 2. a. Beginning For the period beginning July 1, 2004,
3 2 and ending June 30, 2009, the recorder shall collect a fee of
3 3 one dollar for each recorded transaction, regardless of the
3 4 number of pages, for which a fee is paid pursuant to section
3 5 331.604 to be used for the purpose set forth in subsection 4.
3 6 b. For the period beginning July 1, 2009, and ending June
3 7 30, 2011, the recorder shall collect a fee of three dollars
3 8 for each recorded transaction, regardless of the number of
3 9 pages, for which a fee is paid pursuant to section 331.604 to
3 10 be used for the following purposes:
3 11 (1) Maintaining the statewide internet website and the
3 12 county land record information system.
3 13 (2) Integrating information contained in documents and
3 14 records maintained by the recorder and other land record
3 15 information from other sources with the county land record
3 16 information system.
3 17 (3) Implementing and maintaining a process for redacting
3 18 personally identifiable information contained in electronic
3 19 documents that are displayed for public access through an
3 20 internet website or that are transferred to another person or
3 21 entity for commercial purposes.
3 22 c. Beginning July 1, 2011, the recorder shall collect a
3 23 fee of two dollars for each recorded transaction, regardless
3 24 of the number of pages, for which a fee is paid pursuant to
3 25 section 331.604 to be used for the purposes in paragraph "b"
3 26 and for the following purposes:
3 27 (1) Establishing and implementing standards for recording,
3 28 processing, and archiving electronic documents and records.
3 29 (2) Expanding access to records by encouraging electronic
3 30 indexing and scanning of documents and instruments recorded in
3 31 prior years.
3 32 d. Fees collected in excess of the amount needed for the
3 33 purposes specified in this section shall be used by the county
3 34 land record information system to reduce or eliminate service
3 35 fees for electronic submission of documents and instruments.



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4 1 3. The county treasurer, on behalf of the recorder, shall
4 2 establish and maintain a county recorder's electronic
4 3 transaction fund into which all moneys collected pursuant to
4 4 ~~subsections 1 and~~ subsection 2 shall be deposited. Interest
4 5 earned on moneys deposited in this fund shall be computed
4 6 based on the average monthly balance in the fund and shall be
4 7 credited to the county recorder's electronic transaction fund.

4 8 4. The local government electronic transaction fund is
4 9 established in the office of the treasurer of state under the
4 10 control of the treasurer of state. Moneys deposited into the
4 11 fund are not subject to section 8.33. Notwithstanding section
4 12 12C.7, interest or earnings on moneys in the local government
4 13 electronic transaction fund shall be credited to the fund.

4 14 Moneys in the local government electronic transaction fund are
4 15 not subject to transfer, appropriation, or reversion to any
4 16 other fund, or any other use except as provided in this
4 17 subsection. On a monthly basis, the county treasurer shall
4 18 ~~pay each fee collected pursuant to subsection 2~~ the fees
4 19 deposited in the county recorder's electronic transaction fund

4 20 to the treasurer of state for deposit into the local
4 21 government electronic transaction fund. Moneys credited to
4 22 the local government electronic transaction fund are
4 23 appropriated to the treasurer of state to be used for the
4 24 purpose of paying the ongoing costs of integrating and
4 25 maintaining the statewide internet website ~~developed and~~
4 26 ~~implemented under subsection 1~~ to provide electronic access to
4 27 records and information.

4 28 5. The recorder shall make available any information
4 29 required by the county auditor or auditor of state concerning
4 30 the fees collected under this section for the purposes of
4 31 determining the amount of fees collected and the uses for
4 32 which such fees are expended.

4 33 Sec. 5. Section 331.606, Code 2009, is amended by adding
4 34 the following new subsection:

4 35 NEW SUBSECTION. 4. The recorder shall permanently archive



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5 1 an unaltered version of each recorded document or instrument.
5 2 A document or instrument may be archived in its original
5 3 format, as an electronic document, or in another format
5 4 suitable for preserving information in the document or
5 5 instrument. A person may view and copy an original or
5 6 unaltered document or instrument in the office of the
5 7 recorder.

5 8 Sec. 6. Section 331.606A, subsection 1, paragraph c, Code
5 9 2009, is amended to read as follows:

5 10 c. "Redact" or "redaction" means the process of
5 11 permanently removing all or a portion of personally
5 12 identifiable information from documents.

5 13 Sec. 7. Section 331.606A, subsection 2, Code 2009, is
5 14 amended to read as follows:

5 15 2. INCLUSION OF PERSONALLY IDENTIFIABLE INFORMATION. The
5 16 preparer of a document shall not include an individual's
5 17 personally identifiable information in a document that is
5 18 prepared and presented for recording in the office of the
5 19 recorder. This subsection shall not apply to documents that
5 20 were executed by an individual prior to July 1, 2007. ~~Unless~~
~~5 21 provided otherwise by law, all documents described by this~~
~~5 22 section are subject to inspection and copying by the public.~~

5 23 Sec. 8. Section 331.606A, subsection 3, Code 2009, is
5 24 amended by striking the subsection and inserting in lieu
5 25 thereof the following:

5 26 3. REDACTION FROM ELECTRONIC DOCUMENTS. Personally
5 27 identifiable information that is contained in electronic
5 28 documents that are displayed for public access on a website,
5 29 or which are transferred to any person, shall be redacted
5 30 prior to displaying or transferring the documents. Each
5 31 recorder that displays electronic documents and the county
5 32 land record information system that displays electronic
5 33 documents on behalf of a county shall implement a system for
5 34 redacting personally identifiable information. The recorder
5 35 and the governing board of the county land record information



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6 1 system shall establish a procedure by which individuals may
6 2 request that personally identifiable information contained in
6 3 an electronic document displayed on a website be redacted, at
6 4 no fee to the requesting individual. The requirements of this
6 5 subsection shall be fully implemented not later than December
6 6 31, 2011.

6 7 Sec. 9. Section 331.606A, subsection 5, Code 2009, is
6 8 amended to read as follows:

6 9 5. APPLICABILITY. ~~This section~~

6 10 a. Subsection 2 shall not apply to a preparer of a state
6 11 or federal tax lien or release, a military separation or
6 12 discharge record, or a death certificate that is prepared for
6 13 recording in the office of county recorder.

6 14 b. Subsection 3 shall not apply to a military separation
6 15 or discharge record, a birth record, a death certificate, or
6 16 marriage certificate unless such record or certificate is
6 17 incorporated within another document or instrument that is
6 18 recorded and displayed for public access on a website.

6 19 c. If a military separation or discharge record or a death
6 20 certificate is recorded in the office of the county recorder,
6 21 the military separation or discharge record or the death
6 22 certificate shall not be accessible through the internet
6 23 displayed for public access on an internet website, public
6 24 access terminal or other medium, or be transferred to any
6 25 person for commercial purposes.

6 26 Sec. 10. Section 331.606A, Code 2009, is amended by adding
6 27 the following new subsection:

6 28 NEW SUBSECTION. 6. LIMITATION OF LIABILITY. The county
6 29 land record information system is a unit of local government
6 30 for purposes of chapter 670, relating to tort liability of
6 31 governmental subdivisions.

6 32 Sec. 11. Section 331.606B, subsection 1, Code 2009, is
6 33 amended by adding the following new paragraph:

6 34 NEW PARAGRAPH. g. Each document or instrument presented
6 35 for recording shall meet the requirements of section 331.606A,



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8 1 pursuant to an agreement and to collect fees for such access.
8 2 Fees collected pursuant to such an agreement must be
8 3 reasonable and shall not exceed the actual cost of providing
8 4 access to the electronic documents and records.

8 5 The bill amends the definition of "redact" or "redaction"
8 6 to mean the process of permanently removing all or a portion
8 7 of personally identifiable information from documents and
8 8 requires that personally identifiable information contained in
8 9 electronic documents that are displayed for public access on a
8 10 website, or which are transferred to any person, be redacted
8 11 prior to displaying or transferring the documents.

8 12 The bill also requires each county recorder that displays
8 13 electronic documents and the county land record information
8 14 system that displays electronic documents on behalf of a
8 15 county to implement a system for redacting personally
8 16 identifiable information and to establish a procedure by which
8 17 individuals may request that personally identifiable
8 18 information contained in an electronic document displayed on a
8 19 website be redacted, at no fee to the requesting individual.
8 20 The bill requires procedures for redaction to be fully
8 21 implemented by December 31, 2011. The bill excludes certain
8 22 recorded documents and certificates from the prohibition on
8 23 inclusion of personally identifiable information and the
8 24 requirements for redaction of such information.

8 25 The bill provides that a county recorder shall refuse any
8 26 document or instrument presented for recording that contains
8 27 personally identifiable information, unless the person pays an
8 28 additional recording fee of \$10 per document or instrument.

8 29 The bill requires a county recorder to permanently archive
8 30 an unaltered version of each recorded document or instrument
8 31 and provides that such documents and instruments may be viewed
8 32 or copied in the office of the recorder.

8 33 The bill specifies that the county land record information
8 34 system is a unit of local government for purposes of Code
8 35 chapter 670, relating to tort liability of governmental



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9 1 subdivisions.
9 2 The bill requires the governing board of the county land
9 3 record information system to submit a report to the general
9 4 assembly on or before January 1, 2012. The report is required
9 5 to include information relating to redaction efforts, a
9 6 financial accounting of the county land record information
9 7 system, and a summary of expenditures from the local
9 8 government electronic transaction fund.
9 9 The bill may include a state mandate as defined in Code
9 10 section 25B.3. The bill makes inapplicable Code section
9 11 25B.2, subsection 3, which would relieve a political
9 12 subdivision from complying with a state mandate if funding for
9 13 the cost of the state mandate is not provided or specified.
9 14 Therefore, political subdivisions are required to comply with
9 15 any state mandate included in the bill.
9 16 LSB 1556HV 83
9 17 md/sc/5



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House Study Bill 239

SENATE/HOUSE FILE
BY (PROPOSED OFFICE OF
ENERGY INDEPENDENCE
BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to energy efficiency by establishing a renewable
2 energy transmission authority, and conferring bonding
3 authority upon the authority.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1291DP 83
6 rn/rj/14



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House Study Bill 239 continued

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1 1 Section 1. NEW SECTION. 471.1 SHORT TITLE.
1 2 This chapter shall be known and may be cited as the
1 3 "Renewable Energy Transmission Authority Act".
1 4 Sec. 2. NEW SECTION. 471.2 DEFINITIONS.
1 5 As used in this chapter, unless the context otherwise
1 6 requires:
1 7 1. "Acquire" means to obtain an eligible facility by
1 8 lease, construction, reconstruction, or purchase.
1 9 2. "Authority" means the renewable energy transmission
1 10 authority created in section 471.3.
1 11 3. "Bonds" means renewable energy transmission bonds and
1 12 includes notes, warrants, bonds, temporary bonds, and
1 13 anticipation notes issued by the authority.
1 14 4. "Eligible facility" means a facility to be financed or
1 15 acquired by the authority, in which, within one year after
1 16 beginning the transmission or storage of any electricity, and
1 17 thereafter, at least thirty percent of the electric energy, as
1 18 estimated by the authority, originates from renewable energy
1 19 sources.
1 20 5. "Facility" means an electric transmission and
1 21 interconnected storage facility and all related structures,
1 22 properties and supporting infrastructure, including any
1 23 interests in the facility.
1 24 6. "Finance" or "financing" means the lending of bond
1 25 proceeds by the authority to a public utility or other private
1 26 person for the purpose of planning, acquiring, operating, and
1 27 maintaining an eligible facility in whole or in part by that
1 28 public utility or other private person.
1 29 7. "Project" means an undertaking by the authority to
1 30 finance or plan; acquire outright, pursuant to an option to
1 31 own, or through a partnership for joint ownership with a
1 32 public utility or transmission operator; maintain; and operate
1 33 an eligible facility located in part or in whole within this
1 34 state.
1 35 8. "Public utility" means an electric or gas public



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2 1 utility subject to rate regulation by the utilities division
2 2 of the department of commerce, an electric public utility
2 3 having fewer than ten thousand customers and electric
2 4 cooperative corporations and associations exempt from rate
2 5 regulation pursuant to section 476.1A, a municipally
2 6 owned utility exempt from rate regulation pursuant to section
2 7 476.1B, and a gas public utility having fewer than two
2 8 thousand customers exempt from rate regulation pursuant to
2 9 section 476.1C.

2 10 9. a. "Renewable energy" means electric energy which is
2 11 any of the following:

2 12 (1) Generated by use of low or zero emissions generation
2 13 technology with substantial long-term production potential.

2 14 (2) Generated by use of renewable energy resources that
2 15 may include any of the following:

2 16 (a) Solar, wind, hydropower, and geothermal resources.

2 17 (b) Fuel cells that are not fossil fueled.

2 18 (c) Biomass resources, such as agriculture or animal
2 19 waste, small diameter timber, salt cedar and other
2 20 phreatophyte or woody vegetation removed from river basins or
2 21 watersheds in this state, landfill gas, and anaerobically
2 22 digested waste biomass.

2 23 b. For purposes of this subsection, "renewable energy"
2 24 does not include electric energy generated by use of fossil
2 25 fuel or nuclear energy.

2 26 10. "Storage" means an energy storage technology that
2 27 converts, stores, and returns electricity to alleviate a
2 28 disparity between electricity supply and demand, to facilitate
2 29 the dispatching of electricity, or to increase economic return
2 30 on the sale of electricity.

2 31 11. "Transmission operator" means an entity that builds,
2 32 owns, leases, or maintains transmission and distribution lines
2 33 within the state's boundaries.

2 34 Sec. 3. NEW SECTION. 471.3 RENEWABLE ENERGY TRANSMISSION
2 35 AUTHORITY CREATED == ORGANIZATION.



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3 1 1. A renewable energy transmission authority is created as
3 2 a public body, politic and corporate, separate and apart from
3 3 this state, constituting a governmental instrumentality for
3 4 the performance of essential public functions.
3 5 2. The authority shall be composed of seven voting members
3 6 as follows:
3 7 a. Three public members appointed by the governor.
3 8 b. The director of the office of energy independence or
3 9 the director's designee.
3 10 c. The treasurer of state or the treasurer of state's
3 11 designee.
3 12 d. The chairperson of the utilities board or the
3 13 chairperson's designee.
3 14 e. The director of the department of economic development
3 15 or the director's designee.
3 16 3. The qualifications of the members shall be as follows:
3 17 a. One member appointed by the governor shall have
3 18 expertise in financial matters involving the financing of
3 19 major electrical transmission projects.
3 20 b. The other appointed members shall have:
3 21 (1) Special knowledge of the public utility industry, as
3 22 evidenced by education or by experience, at least five years
3 23 of which must be with the public utility industry.
3 24 (2) Knowledge of renewable energy development.
3 25 (3) A member shall not own or operate a facility or
3 26 represent a person that owns or operates a facility.
3 27 4. In addition to the seven voting members, one member of
3 28 the senate appointed by the majority leader of the senate, one
3 29 member of the senate appointed by the minority leader of the
3 30 senate, one member of the house of representatives appointed
3 31 by the speaker of the house of representatives, and one member
3 32 of the house of representatives appointed by the minority
3 33 leader of the house of representatives, shall serve as ex
3 34 officio, nonvoting members of the authority.
3 35 5. Appointment of public members of the authority shall be



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4 1 subject to the requirements of sections 69.16, 69.16A, and
4 2 69.16C. Public members shall serve three-year terms beginning
4 3 and ending as provided in section 69.19. A vacancy on the
4 4 authority shall be filled for the unexpired portion of the
4 5 regular term in the same manner as regular appointments are
4 6 made. Voting members shall be reimbursed for actual and
4 7 necessary expenses incurred in performance of their duties,
4 8 and may also be eligible to receive compensation as provided
4 9 in section 7E.6. A majority of the voting members shall
4 10 constitute a quorum.

4 11 6. The governor shall designate a member appointed by the
4 12 governor to serve as chairperson, and the authority may elect
4 13 annually such other officers as it deems necessary.

4 14 7. The authority is not created or organized and its
4 15 operations are not conducted for the purpose of making a
4 16 profit, but it is expected to recover the costs of operating
4 17 the authority. Revenues or assets of the authority shall not
4 18 benefit or be distributable to its members, officers, or other
4 19 private persons.

4 20 8. The authority is not subject to the supervision or
4 21 control of any other board, bureau, department, or agency of
4 22 this state except as specifically provided in this chapter.
4 23 Use of the terms "state agency" or "instrumentality" in any
4 24 other law of the state shall not be deemed to refer to the
4 25 authority unless the authority is specifically referred to in
4 26 the law.

4 27 Sec. 4. NEW SECTION. 471.4 AUTHORITY == DUTIES AND
4 28 POWERS.

4 29 1. The authority may do any and all things necessary or
4 30 proper to accomplish its purposes, including all of the
4 31 following:

4 32 a. Hire an executive director and such other employees or
4 33 other agents as it deems necessary for the performance of its
4 34 powers and duties, including consultants, financial advisors
4 35 and legal advisors, and prescribe the powers and duties and



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5 1 fix the compensation of the employees and agents. The
5 2 executive director of the authority shall direct the affairs
5 3 and business of the authority, subject to the policies,
5 4 control, and direction of the authority.
5 5 b. Maintain such records and accounts of revenues and
5 6 expenditures as required by the auditor of state. The auditor
5 7 of state or the auditor of state's designee shall conduct an
5 8 annual financial and legal compliance audit of the accounts of
5 9 the authority and file copies with the governor and the
5 10 general assembly.
5 11 c. Make and execute agreements, contracts, and other
5 12 instruments necessary or convenient in the exercise of its
5 13 powers and functions with any person or governmental agency.
5 14 d. Enter into contractual agreements with respect to one
5 15 or more projects upon the terms and conditions the authority
5 16 considers advisable.
5 17 e. Utilize the services of state agencies upon mutually
5 18 agreeable terms and conditions.
5 19 f. Enter into partnerships with public or private
5 20 entities.
5 21 g. Identify and establish corridors for the transmission
5 22 of electricity within the state.
5 23 h. Coordinate, investigate, plan, prioritize, and
5 24 negotiate with entities within and outside the state for the
5 25 establishment of interstate transmission corridors through
5 26 participation in appropriate regional transmission forums.
5 27 i. Finance or plan, acquire, maintain, and operate one or
5 28 more eligible facilities necessary or useful for the
5 29 accomplishment of the purposes of this chapter.
5 30 j. Receive by gift, grant, donation, or otherwise, any
5 31 federal or state funding, or funding received from any other
5 32 state, any political subdivision, or any other public or
5 33 private entity.
5 34 k. Issue bonds as necessary to undertake a project.
5 35 l. Own eligible facilities or enter into a partnership for



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6 1 joint ownership with public utilities or transmission
6 2 operators.
6 3 m. Enter into contracts for the lease and operation by the
6 4 authority of eligible facilities owned by a public utility,
6 5 transmission operator, or other private person.
6 6 n. Enter into contracts for leasing one or more eligible
6 7 facilities owned by the authority, provided that any revenue
6 8 derived pursuant to the lease shall be deposited in the
6 9 renewable energy transmission bonding fund.
6 10 o. Collect payments of reasonable rates, fees, interest,
6 11 or other charges from persons using one or more eligible
6 12 facilities to finance one or more eligible facilities and for
6 13 other services rendered by the authority, provided that any
6 14 revenue derived from payments made to the authority shall be
6 15 deposited in the renewable energy transmission bonding fund.
6 16 p. Borrow money necessary to carry out its purposes and
6 17 mortgage and pledge any leases, loans, or contracts executed
6 18 and delivered by the authority.
6 19 q. Sue and be sued.
6 20 r. Adopt such reasonable administrative rules pursuant to
6 21 chapter 17A as may be necessary or appropriate to carry out
6 22 its powers and duties.
6 23 2. Except as provided in this subsection, the authority
6 24 shall not enter into any project if public utilities,
6 25 transmission operators, or other private persons are
6 26 performing the acts, are constructing or have constructed one
6 27 or more facilities, or are providing the services contemplated
6 28 by the authority, and are willing to provide funds for and own
6 29 new infrastructure to meet an identified need and market.
6 30 Before entering into a project, the following procedures shall
6 31 be implemented:
6 32 a. The authority shall provide to each gas and electric
6 33 public utility, transmission operator, and the utilities
6 34 division of the department of commerce and shall publish
6 35 notice in a newspaper of general circulation in this state and



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7 1 in a newspaper in the area where one or more eligible
7 2 facilities are contemplated and on a publicly accessible
7 3 internet site maintained by the authority, an initial notice
7 4 describing the project that the authority is contemplating,
7 5 including a detailed description of the existing or
7 6 anticipated renewable energy sources that justify the
7 7 determination by the authority that the project facilities are
7 8 eligible facilities. The description shall contain, at a
7 9 minimum, the names of all persons that already are or will
7 10 develop the renewable energy sources, all persons that will
7 11 own the renewable energy sources, and the peak output
7 12 capacity, source type, location, and anticipated connection
7 13 date of the renewable energy sources.

7 14 b. Any person with an interest that may be affected by the
7 15 proposed project shall have thirty days from the date of the
7 16 last publication of the initial notice to challenge, in
7 17 writing, the determination by the authority that the
7 18 facilities are eligible facilities. If a challenge is
7 19 received by the authority within the thirty days, the
7 20 authority shall hold a public hearing. Following the hearing,
7 21 the authority shall make a final determination of eligibility.
7 22 Any person or governmental entity participating in the hearing
7 23 may appeal the final determination by filing a notice of
7 24 appeal with the district court.

7 25 c. Gas and electric public utilities, transmission
7 26 operators, and other persons willing and able to provide money
7 27 for, acquire, maintain, and operate one or more eligible
7 28 facilities described in the notice shall have the following
7 29 time period to notify the authority of the intention and
7 30 ability to provide money for, acquire, maintain, and operate
7 31 the eligible facilities described in the notice:

7 32 (1) Within ninety days of the date of the last publication
7 33 of the initial notice if no challenge is received pursuant to
7 34 paragraph "b".

7 35 (2) Within ninety days of the date of the notice of



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8 1 determination if a challenge is received pursuant to paragraph
8 2 "b".

8 3 d. In the absence of notification by a public utility,
8 4 transmission operator, or other person pursuant to paragraph
8 5 "c", or if a person, having given notice of intention to
8 6 provide money for, acquire, maintain, and operate one or more
8 7 eligible facilities contemplated by the authority, fails to
8 8 make a good faith effort to commence the same within twelve
8 9 months from the date of notification by the authority of its
8 10 intention, the authority may proceed to finance or plan,
8 11 acquire, maintain, and operate the eligible facilities
8 12 originally contemplated, provided that a person that, within
8 13 the time required, has made necessary applications to acquire
8 14 federal, state, local or private permits, certificates, or
8 15 other approvals necessary to acquire the eligible facilities
8 16 shall be deemed to have commenced the same as long as the
8 17 person diligently pursues the permits, certificates, or other
8 18 approvals.

8 19 3. In soliciting and entering into contracts for the
8 20 transmission or storage of electricity, the authority and any
8 21 person leasing or operating one or more eligible facilities
8 22 financed or acquired by the authority shall, if practical,
8 23 give priority to those contracts that will transmit or store
8 24 electricity to be sold and consumed in this state.

8 25 4. The authority and any eligible facilities acquired by
8 26 the authority are not subject to the supervision, regulation,
8 27 control, or jurisdiction of the utilities division of the
8 28 department of commerce, provided this subsection shall not be
8 29 interpreted to allow a public utility to include the cost of
8 30 using eligible facilities in its rate base without the
8 31 approval of the utilities division.

8 32 5. A gas or electric public utility subject to rate
8 33 regulation pursuant to chapter 476 may recover the capital
8 34 cost of a project undertaken pursuant to this chapter from its
8 35 retail customers only if the project has received a



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9 1 certificate of public convenience and necessity pursuant to
9 2 section 476A.6. A municipal utility or a rural electric
9 3 cooperative or association exempt from rate regulation may
9 4 recover such costs only if the project has been approved by
9 5 the governing body of the municipality or political
9 6 subdivision or subdivision within the utility's service area.
9 7 Costs associated with a project undertaken pursuant to this
9 8 chapter are not recoverable from retail utility customers
9 9 except to the extent the costs are prudently incurred and the
9 10 project is used and useful in serving those customers as
9 11 determined by the utilities division.

9 12 Sec. 5. NEW SECTION. 471.5 RENEWABLE ENERGY TRANSMISSION
9 13 BONDS == APPROPRIATION OF PROCEEDS.

9 14 1. The authority is authorized to issue and sell revenue
9 15 bonds, known as renewable energy transmission bonds, payable
9 16 solely from the renewable energy transmission bonding fund for
9 17 the purpose of entering into a project when the authority
9 18 determines that the project is needed.

9 19 2. The net proceeds from the bonds are appropriated to the
9 20 authority for the purpose of financing or acquiring one or
9 21 more eligible facilities.

9 22 Sec. 6. NEW SECTION. 471.6 RENEWABLE ENERGY TRANSMISSION
9 23 BONDING FUND CREATED == MONEYS IN THE FUND PLEDGED.

9 24 1. The renewable energy transmission bonding fund is
9 25 created in the state treasury under the control of the
9 26 authority. The fund shall consist of revenues received by the
9 27 authority from operating or leasing eligible facilities, fees
9 28 and service charges collected, and, if the authority has
9 29 provided financing for eligible facilities, money from
9 30 payments of principal and interest on loans. Notwithstanding
9 31 section 12C.7, subsection 2, interest or earnings on moneys
9 32 deposited in the fund shall be credited to the fund.
9 33 Notwithstanding section 8.33, moneys remaining in the fund at
9 34 the end of a fiscal year shall not revert to the general fund
9 35 of the state.



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10 1 2. Moneys in the renewable energy transmission bonding
10 2 fund are pledged for the payment of principal and interest on
10 3 all bonds issued pursuant to this chapter. Moneys in the fund
10 4 are appropriated to the authority for the purpose of paying
10 5 debt service, including redemption premiums, on the bonds and
10 6 the expenses incurred in the issuance, payment, and
10 7 administration of the bonds.

10 8 3. On June 30 annually, the authority shall estimate the
10 9 amount needed to make debt service and other payments during
10 10 the next twelve months from the renewable energy transmission
10 11 bonding fund on the bonds plus the amount that may be needed
10 12 for any required reserves. The authority shall transfer to
10 13 the renewable energy transmission authority operational fund
10 14 created in section 471.13 any balance in the renewable energy
10 15 transmission bonding fund above the estimated amounts.

10 16 4. Bonds issued pursuant to this chapter shall be payable
10 17 solely from the renewable energy transmission bonding fund or,
10 18 with the approval of the bondholders, such other special funds
10 19 as may be provided by law and do not create an obligation or
10 20 indebtedness of this state. A breach of any contractual
10 21 obligation incurred pursuant to this chapter shall not impose
10 22 a pecuniary liability or a charge upon the general credit or
10 23 taxing power of this state, and the bonds are not general
10 24 obligations for which this state's full faith and credit is
10 25 pledged.

10 26 5. The renewable energy transmission bonding fund shall be
10 27 used only for the purposes specified in this section and
10 28 pledged first to pay the debt service on the bonds issued
10 29 pursuant to this chapter. Any law requiring the deposit of
10 30 revenues in the fund or authorizing expenditures from the fund
10 31 shall not be amended or repealed or otherwise modified so as
10 32 to impair the bonds to which the fund is dedicated as provided
10 33 in this section.

10 34 Sec. 7. NEW SECTION. 471.7 AUTHORITY TO REFUND BONDS.

10 35 The authority may issue and sell at public or private sale



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11 1 bonds to refund outstanding renewable energy transmission
11 2 bonds by exchange, immediate or prospective redemption,
11 3 cancellation, or escrow, including the escrow of debt service
11 4 funds accumulated for payment of outstanding bonds, or any
11 5 combination thereof, when, in its opinion, such action will be
11 6 beneficial to this state.

11 7 Sec. 8. NEW SECTION. 471.8 RENEWABLE ENERGY TRANSMISSION
11 8 BONDS == FORM == EXECUTION.

11 9 1. The authority, except as otherwise specifically
11 10 provided in this chapter shall determine at its discretion the
11 11 terms, covenants, and conditions of the bonds, including but
11 12 not limited to date of issue, denominations, maturities, rate
11 13 or rates of interest, call features, call premiums,
11 14 registration, refund ability and other covenants covering the
11 15 general and technical aspects of the issuance of the bonds.

11 16 2. The bonds shall be in such form as the authority may
11 17 determine, and successive issues shall be identified by
11 18 alphabetical, numerical, or other proper series designation.

11 19 3. Bonds shall be signed and attested by the executive
11 20 director of the authority and shall be executed with the
11 21 facsimile signature of the chairperson of the authority and
11 22 the facsimile seal of the authority, except for bonds issued
11 23 in book entry or similar form without the delivery of physical
11 24 securities. Any interest coupons attached to the bonds shall
11 25 bear the facsimile signature of the executive director of the
11 26 authority, which officer, by the execution of the bonds, shall
11 27 adopt as the executive director's own signature the facsimile
11 28 thereof appearing on the coupons.

11 29 Sec. 9. NEW SECTION. 471.9 PROCEDURE FOR SALE OF
11 30 RENEWABLE ENERGY TRANSMISSION BONDS.

11 31 1. Bonds shall be sold by the authority at such times and
11 32 in such manner as the authority may elect, either at private
11 33 sale for a negotiated price or to the highest bidder at public
11 34 sale for cash at not less than par and accrued interest.

11 35 2. In connection with any public sale of the bonds, the



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12 1 authority shall publish a notice of the time and place of sale
12 2 in a newspaper of general circulation in this state and also
12 3 in a recognized financial journal outside this state. The
12 4 publication shall be made once each week for two consecutive
12 5 weeks prior to the date fixed for such sale, the last
12 6 publication to be two business days prior to the date of sale.
12 7 The notice shall specify the amount, denomination, maturity,
12 8 and description of the bonds to be offered for sale and the
12 9 place, day, and hour at which sealed bids therefor shall be
12 10 received. All bids, except those of this state, shall be
12 11 accompanied by a deposit of two percent of the principal
12 12 amount of the bonds. Deposits of unsuccessful bidders shall
12 13 be returned upon rejection of the bids. At the time and place
12 14 specified in such notice, the authority shall open the bids in
12 15 public and shall award the bonds, or any part thereof, to the
12 16 bidder or bidders offering the best price. The authority may
12 17 reject any or all bids and readvertise.

12 18 3. The authority may sell a bond issue, or any part
12 19 thereof, to this state or to one or more investment bankers or
12 20 institutional investors at private sale.

12 21 Sec. 10. NEW SECTION. 471.10 AUTHORITY FOR ISSUANCE OF
12 22 BONDS == LEGAL INVESTMENTS.

12 23 1. This chapter constitutes full authority for the
12 24 issuance and sale of renewable energy transmission bonds,
12 25 which bonds shall have all the qualities of investment
12 26 securities under the uniform commercial code, chapter 554, and
12 27 shall not be invalid for any irregularity or defect or be
12 28 contestable in the hands of bona fide purchasers or holders
12 29 thereof for value.

12 30 2. The bonds are legal investments for any person or board
12 31 charged with the investment of any public funds and are
12 32 acceptable as security for any deposit of public money.

12 33 Sec. 11. NEW SECTION. 471.11 SUIT MAY BE BROUGHT TO
12 34 COMPEL PERFORMANCE OF OFFICERS.

12 35 Any holder of bonds or any person or officer being a party



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13 1 in interest may sue to enforce and compel the performance of
13 2 the provisions of this chapter.

13 3 Sec. 12. NEW SECTION. 471.12 RENEWABLE ENERGY
13 4 TRANSMISSION BONDS TAX EXEMPT.

13 5 All renewable energy transmission bonds are exempt from
13 6 taxation by this state or any political subdivision of this
13 7 state.

13 8 Sec. 13. NEW SECTION. 471.13 RENEWABLE ENERGY
13 9 TRANSMISSION AUTHORITY OPERATIONAL FUND.

13 10 The renewable energy transmission authority operational
13 11 fund is created in the state treasury under the control of the
13 12 authority. The fund shall consist of moneys appropriated to
13 13 the fund or transferred to the fund from any other source.
13 14 Moneys in the fund are appropriated to the authority for the
13 15 purpose of carrying out the provisions of this chapter.
13 16 Notwithstanding section 12C.7, subsection 2, interest or
13 17 earnings on moneys deposited in the fund shall be credited to
13 18 the fund. Notwithstanding section 8.33, moneys remaining in
13 19 the fund at the end of a fiscal year shall not revert to the
13 20 general fund of the state.

13 21 Sec. 14. NEW SECTION. 471.14 ANNUAL REPORT.

13 22 The authority shall submit a report of its activities to
13 23 the governor and the general assembly not later than December
13 24 1 annually. The report shall set forth a complete operating
13 25 and financial statement covering the authority's operations
13 26 for the previous fiscal year.

13 27 EXPLANATION

13 28 This bill creates a renewable energy transmission authority
13 29 to promote the establishment of electric transmission and
13 30 interconnected storage facilities and related structures and
13 31 infrastructure with at least 30 percent of the facility's
13 32 electric energy originating from renewable energy sources.
13 33 The authority shall be comprised of eleven members, including
13 34 the director of the office of energy independence or designee,
13 35 the state treasurer or designee, three members appointed by



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14 1 the governor, and two members appointed by the president of
14 2 the senate, and the speaker of the house of representatives,
14 3 respectively. One appointed member of the authority shall
14 4 possess expertise in financial matters involving the financing
14 5 of major electrical transmission projects, and the remaining
14 6 appointed members shall have special knowledge or expertise
14 7 relating to the public utility industry, with no member owning
14 8 or operating a facility or representing a person that owns or
14 9 operates such a facility. The bill specifies procedures
14 10 relating to appointment, member reimbursement, and designation
14 11 of a chairperson.

14 12 The bill specifies several duties and powers of the
14 13 authority. The duties include identifying and establishing
14 14 corridors for the transmission of electricity within the
14 15 state, negotiating with entities within and outside the state
14 16 for establishing interstate transmission corridors, financing
14 17 or planning, acquiring, maintaining, and operating electric
14 18 transmission and interconnected storage facilities and related
14 19 structures and infrastructure with at least 30 percent of the
14 20 facility's electric energy originating from renewable energy
14 21 sources, receiving specified forms of funding, issuing bonds
14 22 as necessary to undertake a project, and entering into
14 23 contracts for the lease and operation of electric transmission
14 24 facilities. Procedures are specified regarding notice to gas
14 25 and electric public utilities, the Iowa utilities board, and
14 26 in newspapers of general circulation and via the internet of
14 27 proposed projects that the authority is contemplating,
14 28 including a detailed description of existing or anticipated
14 29 renewable energy sources that justify the determination that
14 30 the proposed project meets the 30 percent renewable energy
14 31 threshold. Opportunity is provided for public utilities,
14 32 transmission operators as defined in the bill, or other
14 33 persons to challenge that threshold determination, and to
14 34 notify the authority of an intention to finance, acquire,
14 35 maintain, and operate the proposed facility. The bill



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15 1 provides that in the absence of such notification, or failure
15 2 to perform, the authority may proceed to finance or plan,
15 3 acquire, maintain, and operate the facility.
15 4 The bill specifies restrictions on the ability of the
15 5 authority to own or control transmission facilities, specifies
15 6 procedures for cost recovery by utilities for projects subject
15 7 to restrictions set forth in the bill, and provides for
15 8 bonding authority, procedures relating thereto, and
15 9 appropriation of the net proceeds from the bonds to the
15 10 authority for the purpose of financing or acquiring
15 11 transmission facilities. Additionally, the bill establishes a
15 12 renewable energy transmission bonding fund consisting of
15 13 specified sources of revenue, authorizes the authority to
15 14 refund bonds, and creates a renewable energy transmission
15 15 authority operational fund to assist the authority in carrying
15 16 out its duties. The bill directs the authority to submit a
15 17 report to the governor and general assembly by December 1
15 18 annually regarding its operations.
15 19 LSB 1291DP 83
15 20 rn/rj/14.1



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House Study Bill 240

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 nonsubstantive Code corrections and providing
- 2 effective dates and for retroactive applicability.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2129HC 83
- 5 lh/rj/5



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PAG LIN

1 1 DIVISION I
1 2 MISCELLANEOUS CHANGES
1 3 Section 1. Section 1.1, Code 2009, is amended to read as
1 4 follows:
1 5 1.1 STATE BOUNDARIES.
1 6 The boundaries of the state are as defined in the preamble
1 7 of the Constitution of the State of Iowa.
1 8 Sec. 2. Section 2.32A, subsection 1, Code 2009, is amended
1 9 to read as follows:
1 10 1. A member of the general assembly who is charged with
1 11 making an appointment to a statutory board, commission,
1 12 council, or committee shall make the appointment prior to the
1 13 fourth Monday in January of the first regular session of each
1 14 general assembly and in accordance with section 69.16B. If
1 15 multiple appointing members are charged with making
1 16 appointments of public members to the same board, commission,
1 17 council, or committee, including as provided in section
1 18 333A.2, the appointing members shall consult with one another
1 19 in making the appointments. If the senate appointing member
1 20 for a legislative appointment is the president, majority
1 21 leader, or the minority leader, the appointing ~~authority~~
1 22 member shall consult with the other two leaders in making the
1 23 appointment. If the house of representatives appointing
1 24 member is the speaker, majority leader, or minority leader,
1 25 the appointing member shall consult with the other two leaders
1 26 in making the appointment.
1 27 Sec. 3. Section 7C.13, subsection 2, Code 2009, is amended
1 28 to read as follows:
1 29 2. ANNUAL REPORT AND AUDIT. The qualified student loan
1 30 bond issuer shall submit an annual report to the governor,
1 31 general assembly, and the auditor of state by January 15
1 32 setting forth its operations and activities conducted and
1 33 newly implemented in the previous fiscal year related to use
1 34 of the allocation of the state ceiling in accordance with this
1 35 chapter and the outlook for the future. The report shall



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2 1 describe how the operations and activities serve students and
2 2 parents. The annual audit of the qualified student loan bond
2 3 issuer shall be filed with the office of auditor of state.

2 4 Sec. 4. Section 7E.5, subsection 1, paragraph s, Code
2 5 2009, is amended to read as follows:

2 6 s. The department of human rights, created in section
2 7 216A.1, which has primary responsibility for services relating
2 8 to Latino persons, women, persons with disabilities, community
2 9 action agencies, criminal and juvenile justice planning, ~~the~~
~~2 10 status of African-Americans~~ African Americans, deaf and
2 11 hard-of-hearing persons, ~~status of Iowans~~ persons of Asian and
2 12 Pacific Islander heritage, and ~~Native-Americans~~ Native
2 13 Americans.

2 14 Sec. 5. Section 8.6, subsection 9, unnumbered paragraph 1,
2 15 Code 2009, is amended to read as follows:

2 16 BUDGET REPORT. ~~The director shall~~ To prepare and file in
2 17 the department of management, on or before the first day of
2 18 December of each year, a state budget report, which shall show
2 19 in detail the following:

2 20 Sec. 6. Section 8.11, subsection 2, paragraph b, Code
2 21 2009, is amended to read as follows:

2 22 b. "Minority persons" includes individuals who are women,
2 23 persons with a disability, ~~Blacks~~ African Americans, Latinos,
2 24 Asians or Pacific Islanders, American Indians, and Alaskan
2 25 Native Americans.

2 26 Sec. 7. Section 9D.3, subsection 4, paragraph a, Code
2 27 2009, is amended to read as follows:

2 28 a. File with the secretary proof of professional liability
2 29 and errors and omissions insurance in an amount of at least
2 30 one million dollars annually.

2 31 Sec. 8. Section 9G.7, Code 2009, is amended to read as
2 32 follows:

2 33 9G.7 CORRECTIONS.

2 34 The secretary of state is authorized and required to
2 35 correct all clerical errors of the secretary's office in name



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3 1 of grantee and description of tract of land conveyed by the
3 2 state, found upon the records of such office; ~~the~~. The
3 3 secretary shall attach an official certificate to each
3 4 conveyance so corrected, giving the reasons therefor; record
3 5 the same with the record of the original conveyance, and make
3 6 the necessary corrections in the tract and plat books of the
3 7 secretary's office. Such corrections, when made in accordance
3 8 with ~~the foregoing provisions~~ this section, shall have the
3 9 force and effect of a deed originally correct, subject to
3 10 prior rights accrued without notice.

3 11 Sec. 9. Section 9H.4, subsection 1, paragraph b,
3 12 subparagraph (3), subparagraph division (a), unnumbered
3 13 paragraph 1 and subparagraph subdivisions (i) and (iv), Code
3 14 2009, are amended to read as follows:

3 15 The agricultural land is used by a corporation or limited
3 16 liability company, including any trade or business which is
3 17 under common control, as provided in 26 U.S.C. } 414 for the
3 18 primary purpose of testing, developing, or producing animals
3 19 for sale or resale to farmers as breeding stock. However,
3 20 after July 1, 1989, to qualify under this subparagraph
3 21 ~~subdivision~~ division, the following conditions must be
3 22 satisfied:

3 23 (i) The corporation or limited liability company must not
3 24 hold the agricultural land other than as a lessee. The term
3 25 of the lease must be for not more than twelve years. The
3 26 corporation or limited liability company shall not renew a
3 27 lease. The corporation or limited liability company shall not
3 28 enter into a lease under this subparagraph subdivision ~~part~~,
3 29 if the corporation or limited liability company has ever
3 30 entered into another lease under this subparagraph (3),
3 31 whether or not the lease is in effect. However, this
3 32 subparagraph does not apply to a domestic corporation
3 33 organized under chapter 504, Code 1989, or current chapter
3 34 504.

3 35 (iv) The corporation or limited liability company must



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4 1 deliver a copy of the lease to the secretary of state. The
4 2 secretary of state shall notify the lessee of receipt of the
4 3 copy of the lease. However, this subparagraph ~~subdivision~~
4 4 division does not apply to a domestic corporation organized
4 5 under chapter 504, Code 1989, or current chapter 504.

4 6 Sec. 10. Section 12A.7, subsections 1, 2, and 7, Code
4 7 2009, are amended to read as follows:

4 8 1. ~~Pledging~~ Pledges or assigning assignments of the
4 9 revenue of a project with respect to which the bonds are to be
4 10 issued or the revenue of other property or facilities.

4 11 2. ~~Setting~~ The setting aside of reserves or sinking funds,
4 12 and their regulation, investment, and disposition.

4 13 7. ~~Defining~~ Definitions of the acts or omissions to act
4 14 which constitute a default in the duties of the issuer to
4 15 holders of bonds, specifying any rights and remedies of the
4 16 holders in the event of a default, and restricting the
4 17 individual right of action by holders.

4 18 Sec. 11. Section 15.102, subsection 7, paragraph b,
4 19 subparagraph (3), Code 2009, is amended to read as follows:

4 20 (3) "Minority person" means an individual who is ~~a Black~~
4 21 an African American, Latino, Asian or Pacific Islander,
4 22 American Indian, or Alaskan native American.

4 23 Sec. 12. Section 15.247, subsection 8, paragraph b,
4 24 subparagraph (2), Code 2009, is amended to read as follows:

4 25 (2) ~~Black~~ African American.

4 26 Sec. 13. Section 15.316, Code 2009, is amended to read as
4 27 follows:

4 28 15.316 PURPOSE.

4 29 The purpose of this ~~program part~~ is to assist communities
4 30 and rural areas of the state with their economic development
4 31 efforts and to increase employment opportunities for Iowans by
4 32 increasing the level of economic activity and development
4 33 within the state.

4 34 Sec. 14. Section 15.317, subsection 1, unnumbered
4 35 paragraph 1, Code 2009, is amended to read as follows:



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5 1 The department shall establish a community economic
5 2 betterment program to effectuate the purposes of this part by
5 3 providing financial assistance for small business gap
5 4 financing, new business opportunities, and new product and
5 5 entrepreneurial development. These purposes may be
5 6 accomplished by providing the following types of assistance:
5 7 Sec. 15. Section 15.339, subsection 2, Code 2009, is
5 8 amended to read as follows:
5 9 2. The department shall establish ~~a~~ an entrepreneurial
5 10 ventures assistance program to provide financial and technical
5 11 assistance to early-stage industry companies and
5 12 entrepreneurs. The purpose of the program is to encourage the
5 13 development of entrepreneurial venture planning and managerial
5 14 skills in conjunction with the delivery of a financial
5 15 assistance program for business start-ups and expansions. An
5 16 applicant eligible for the program includes an individual who
5 17 is participating in or has successfully completed a recognized
5 18 entrepreneurial venture development curriculum, or a business
5 19 whose principal participants have successfully completed a
5 20 recognized entrepreneurial venture development curriculum.
5 21 Sec. 16. Section 15E.63, subsection 2, Code 2009, is
5 22 amended to read as follows:
5 23 2. The board shall consist of five voting members and four
5 24 nonvoting advisory members who are members of the general
5 25 assembly. Members shall be selected based upon demonstrated
5 26 expertise and competence in the supervision of investment
5 27 managers, in the fiduciary management of investment funds, or
5 28 in the management and administration of tax credit allocation
5 29 programs. Members shall not have an interest in any person to
5 30 whom a tax credit is allocated and issued by the board.
5 31 a. The five voting members shall be appointed by the
5 32 governor and confirmed by the senate pursuant to section 2.32.
5 33 ~~The five voting members shall be appointed to five-year~~
~~5 34 staggered terms that shall be structured to allow the term of~~
~~5 35 one member to expire each year.~~ One nonvoting member shall be



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6 1 appointed by the majority leader of the senate after
6 2 consultation with the president of the senate and one
6 3 nonvoting member shall be appointed by the minority leader of
6 4 the senate. One nonvoting member shall be appointed by the
6 5 speaker of the house of representatives after consultation
6 6 with the majority leader of the house of representatives and
6 7 one nonvoting member shall be appointed by the minority leader
6 8 of the house of representatives.

6 9 b. The five voting members shall be appointed to five-year
6 10 staggered terms that shall be structured to allow the term of
6 11 one member to expire each year. The nonvoting members shall
6 12 serve terms as provided in section 69.16B. Vacancies shall be
6 13 filled in the same manner as the appointment of the original
6 14 members.

6 15 c. Members shall be compensated by the board for direct
6 16 expenses and mileage but members shall not receive a
6 17 director's fee, per diem, or salary for service on the board.
6 18 ~~Members shall be selected based upon demonstrated expertise~~
6 19 ~~and competence in the supervision of investment managers, in~~
6 20 ~~the fiduciary management of investment funds, or in the~~
6 21 ~~management and administration of tax credit allocation~~
6 22 ~~programs. Members shall not have an interest in any person to~~
6 23 ~~whom a tax credit is allocated and issued by the board.~~

6 24 Sec. 17. Section 15G.201A, Code 2009, is amended to read
6 25 as follows:

6 26 15G.201A CLASSIFICATION OF RENEWABLE FUEL.

6 27 For purposes of this ~~division~~ subchapter, ethanol blended
6 28 fuel and biodiesel fuel shall be classified in the same manner
6 29 as provided in section 214A.2.

6 30 Sec. 18. Section 15G.205, subsection 3, Code 2009, is
6 31 amended to read as follows:

6 32 3. Moneys in the renewable fuel infrastructure fund are
6 33 appropriated to the department exclusively to support and
6 34 market the renewable fuel infrastructure programs as provided
6 35 in sections 15G.203 and 15G.204, and as allocated in financial



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7 1 incentives by the renewable fuel infrastructure board created
7 2 in section 15G.202. Up to fifty thousand dollars shall be
7 3 allocated each fiscal year to the department to support the
7 4 administration of the programs. The department may use up to
7 5 one and one-half percent of the program funds to market the
7 6 ~~program~~ programs. Otherwise the moneys shall not be
7 7 transferred, used, obligated, appropriated, or otherwise
7 8 encumbered except to allocate as financial incentives under
7 9 the programs.

7 10 Sec. 19. Section 16.5, subsection 1, paragraph f, Code
7 11 2009, is amended to read as follows:

7 12 f. By rule, ~~the authority shall~~ adopt procedures relating
7 13 to competitive bidding, including the identification of those
7 14 circumstances under which competitive bidding by the
7 15 authority, either formally or informally, shall be required.
7 16 In any bidding process, the authority may administer its own
7 17 bidding and procurement or may utilize the services of the
7 18 department of administrative services or any other agency.
7 19 Except when such rules apply, the authority and all contracts
7 20 made by it in carrying out its public and essential
7 21 governmental functions with respect to any of its programs
7 22 shall be exempt from the provisions and requirements of all
7 23 laws or rules of the state which require competitive bids in
7 24 connection with the letting of such contracts.

7 25 Sec. 20. Section 16.100A, subsection 6, paragraph b, Code
7 26 2009, is amended to read as follows:

7 27 b. The council shall elect a chairperson and vice
7 28 chairperson from the membership of the council. The
7 29 chairperson and vice chairperson shall each serve two-year
7 30 terms. The positions of chairperson and vice chairperson
7 31 shall not ~~both~~ be held by members who are both either general
7 32 public members or agency directors. The position of
7 33 chairperson shall rotate between agency director members and
7 34 general public members.

7 35 Sec. 21. Section 23A.2, subsection 10, paragraph e, Code



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8 1 2009, is amended to read as follows:

8 2 e. The operation of a county enterprise, as defined in
8 3 section 331.461, subsection 1, or ~~331.461, subsection 2.~~

8 4 Sec. 22. Section 29A.33, Code 2009, is amended to read as
8 5 follows:

8 6 29A.33 PER CAPITA ALLOWANCE TO UNIT.

8 7 Each unit of the national guard showing attendance and
8 8 actual drill of those present for such drills as are
8 9 prescribed in compliance with the National Defense Act or its
8 10 amendments and such regulations as prescribed by the secretary
8 11 of defense, shall receive an annual allowance for military
8 12 purposes, in the sum of five dollars per capita, to be paid in
8 13 semiannual installments on the basis of two dollars and fifty
8 14 cents per capita. For the purpose of computing each
8 15 semiannual installment the per capita strength shall be the
8 16 average enlisted strength of the unit, for that semiannual
8 17 period; however, if the average attendance of any unit during
8 18 any semiannual period falls below fifty percent of the average
8 19 enlisted strength of such unit in that period, the allowance
8 20 shall not be paid for that period. The semiannual periods
8 21 shall begin January 1 and July 1. The allowance shall be paid
8 22 from the funds appropriated for the support and maintenance of
8 23 the national guard, and the adjutant general shall prescribe
8 24 regulations requiring an itemized statement of the allowance
8 25 and governing its expenditure. The allowance shall be used
8 26 for morale purposes and for the welfare of the troops. The
8 27 allowance shall not be used to purchase an alcoholic beverage
8 28 or beer.

8 29 Sec. 23. Section 29B.17, Code 2009, is amended to read as
8 30 follows:

8 31 29B.17 JURISDICTION OF GENERAL COURTS=MARTIAL.

8 32 Subject to section 29B.16, general courts=martial have
8 33 jurisdiction to try persons subject to this code for any
8 34 offense made punishable by this code and may, under such
8 35 limitations as the adjutant general may prescribe, adjudge any



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9 1 one or a combination of the following punishments:

9 2 1. A fine of not more than five thousand dollars~~+~~.

9 3 2. Forfeiture of not more than twenty days' pay and
9 4 allowances~~+~~.

9 5 3. A reprimand~~+~~.

9 6 4. Dismissal or dishonorable discharge~~+~~.

9 7 5. Reduction of a noncommissioned officer to the ranks~~+~~

~~9 8 or.~~

~~9 9 6. Any combination of these punishments.~~

9 10 Sec. 24. Section 48A.27, subsection 2, paragraph b, Code
9 11 2009, is amended to read as follows:

9 12 b. If a registered voter submits a change of name,
9 13 telephone number, or address under this subsection, the
9 14 commissioner shall not change the political party or nonparty
9 15 political organization affiliation in the registered voter's
9 16 prior registration ~~other than that~~ unless otherwise indicated
9 17 by the registered voter.

9 18 Sec. 25. Section 49.13, subsection 5, paragraph a,
9 19 subparagraph (3), Code 2009, is amended to read as follows:

9 20 (3) Receive credit in at least four subjects, each of one
9 21 period or hour, or the equivalent thereof, at all times. The
9 22 eligible subjects are language arts, social studies,
9 23 mathematics, science, health, physical education, fine arts,
9 24 foreign language, and vocational education. Coursework taken
9 25 as a postsecondary enrollment option for which a school
9 26 district or accredited nonpublic school grants academic credit
9 27 toward high school graduation shall be used in determining
9 28 eligibility. A student shall not be denied eligibility if the
9 29 student's school program deviates from the traditional
9 30 two-semester school year. Each student wishing to participate
9 31 under this subsection shall be passing all coursework for
9 32 which credit is given and shall be making adequate progress
9 33 toward graduation requirements at the end of each grading
9 34 period. At the end of a grading period that is the final
9 35 grading period in a school year, a student who receives a



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11 1 b. Except as set out in ~~section~~ subsection 2, published
11 2 material designed to expressly advocate the nomination,
11 3 election, or defeat of a candidate for public office or the
11 4 passage or defeat of a ballot issue shall include on the
11 5 published material an attribution statement disclosing who is
11 6 responsible for the published material.

11 7 Sec. 28. Section 68A.503, subsection 2, paragraph a, Code
11 8 2009, is amended to read as follows:

11 9 a. Except as provided in subsection 3, it is unlawful for
11 10 a member, employee, or representative of a committee, ~~or its~~
~~11 11 employee or representative, except other than a ballot issue~~
11 12 candidate, or for a candidate or a representative of a
11 13 candidate for office or the representative of the candidate,
11 14 to solicit, request, or knowingly receive from an insurance
11 15 company, savings and loan association, bank, credit union, or
11 16 corporation organized pursuant to the laws of this state, the
11 17 United States, or any other state, territory, or foreign
11 18 country, whether for profit or not, or ~~its~~ from an officer,
11 19 agent, or representative, any money, property, or thing of
11 20 value belonging to the insurance company, savings and loan
11 21 association, bank, credit union, or corporation for ~~campaign~~
11 22 either of the following purposes:

11 23 (1) Campaign expenses, or to.

11 24 (2) To expressly advocate that the vote of an elector be
11 25 used to nominate, elect, or defeat a candidate for public
11 26 office.

11 27 Sec. 29. Section 84A.1A, subsection 1, Code 2009, is
11 28 amended to read as follows:

11 29 1. An Iowa workforce development board is created,
11 30 consisting of nine voting members appointed by the governor
11 31 and eight ex officio, nonvoting members.

11 32 a. The governor shall appoint the nine voting members of
11 33 the workforce development board for a term of four years
11 34 beginning and ending as provided by section 69.19, subject to
11 35 confirmation by the senate, and the governor's appointments



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12 1 shall include persons knowledgeable in the area of workforce
12 2 development. Of the nine voting members, one member shall
12 3 represent a nonprofit organization involved in workforce
12 4 development services, four members shall represent employers,
12 5 and four members shall represent nonsupervisory employees. Of
12 6 the members appointed by the governor to represent
12 7 nonsupervisory employees, two members shall be from statewide
12 8 labor organizations, one member shall be an employee
12 9 representative of a labor management council, and one member
12 10 shall be a person with experience in worker training programs.
12 11 The governor shall consider recommendations from statewide
12 12 labor organizations for the members representing
12 13 nonsupervisory employees. Not more than five of the voting
12 14 members shall be from the same political party.
12 15 b. The ex officio, nonvoting members are four legislative
12 16 members; one president, or the president's designee, of the
12 17 university of northern Iowa, the university of Iowa, or Iowa
12 18 state university of science and technology, designated by the
12 19 state board of regents on a rotating basis; one representative
12 20 from the largest statewide public employees' organization
12 21 representing state employees; one president, or the
12 22 president's designee, of an independent Iowa college,
12 23 appointed by the Iowa association of independent colleges and
12 24 universities; and one superintendent, or the superintendent's
12 25 designee, of a community college, appointed by the Iowa
12 26 association of community college presidents. The legislative
12 27 members are two state senators, one appointed by the president
12 28 of the senate after consultation with the majority leader of
12 29 the senate, and one appointed by the minority leader of the
12 30 senate from their respective parties; and two state
12 31 representatives, one appointed by the speaker of the house of
12 32 representatives after consultation with the majority leader of
12 33 the house of representatives, and one appointed by the
12 34 minority leader of the house of representatives from their
12 35 respective parties. The legislative members shall serve for



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13 1 terms as provided in section 69.16B. ~~Not more than five of~~
13 2 ~~the voting members shall be from the same political party. Of~~
13 3 ~~the nine voting members, one member shall represent a~~
13 4 ~~nonprofit organization involved in workforce development~~
13 5 ~~services, four members shall represent employers, and four~~
13 6 ~~members shall represent nonsupervisory employees. Of the~~
13 7 ~~members appointed by the governor to represent nonsupervisory~~
13 8 ~~employees, two members shall be from statewide labor~~
13 9 ~~organizations, one member shall be an employee representative~~
13 10 ~~of a labor management council, and one member shall be a~~
13 11 ~~person with experience in worker training programs. The~~
13 12 ~~governor shall consider recommendations from statewide labor~~
13 13 ~~organizations for the members representing nonsupervisory~~
13 14 ~~employees. The governor shall appoint the nine voting members~~
13 15 ~~of the workforce development board for a term of four years~~
13 16 ~~beginning and ending as provided by section 69.19, subject to~~
13 17 ~~confirmation by the senate, and the governor's appointments~~
13 18 ~~shall include persons knowledgeable in the area of workforce~~
13 19 ~~development.~~

13 20 Sec. 30. Section 96.9, subsection 1, paragraph e, Code
13 21 2009, is amended to read as follows:

13 22 e. All money credited to this state's account in the
13 23 unemployment trust fund pursuant to section 903 of the Social
13 24 Security Act ~~{42, codified at 42 U.S.C. } 501=503,~~
13 25 ~~1103=1105, 1321=1324} 1321=1324. All moneys in the~~
13 26 unemployment compensation fund shall be mingled and undivided.

13 27 Sec. 31. Section 100C.1, subsection 2, Code 2009, is
13 28 amended to read as follows:

13 29 2. "Alarm system contractor" means a person engaging in or
13 30 representing ~~oneself as~~ that the person is engaging in the
13 31 business of layout, installation, repair, alteration,
13 32 addition, maintenance, or maintenance inspection of alarm
13 33 systems in this state.

13 34 Sec. 32. Section 103A.1, Code 2009, is amended to read as
13 35 follows:



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14 1 103A.1 ESTABLISHMENT.

14 2 This ~~chapter~~ division shall be known as the "State Building
14 3 Code Act".

14 4 Sec. 33. Section 103A.8A, Code 2009, is amended to read as
14 5 follows:

14 6 103A.8A ENERGY CONSERVATION REQUIREMENTS.

14 7 The state building code commissioner shall adopt as a part
14 8 of the state building code a requirement that new
14 9 single-family or two-family residential construction shall
14 10 comply with energy conservation requirements. The
14 11 requirements adopted by the commissioner shall be based upon a
14 12 nationally recognized standard or code for energy
14 13 conservation. The requirements shall only apply to
14 14 single-family or two-family residential construction commenced
14 15 after the adoption of the requirements. Notwithstanding any
14 16 other provision of this chapter to the contrary, the energy
14 17 conservation requirements adopted by the commissioner and
14 18 approved by the council shall apply to new single-family or
14 19 two-family residential construction commenced on or after July
14 20 1, 2008, and shall supersede and replace any minimum
14 21 requirements for energy conservation adopted or enacted by ~~the~~
14 22 a governmental subdivision prior to that date applicable to
14 23 such construction. The state building code commissioner may
14 24 provide training to builders, contractors, and other
14 25 interested persons on the adopted energy conservation
14 26 requirements.

14 27 Sec. 34. Section 124.203, Code 2009, is amended to read as
14 28 follows:

14 29 124.203 SUBSTANCES LISTED IN SCHEDULE I == CRITERIA.

14 30 1. The board shall recommend to the general assembly that
14 31 ~~it~~ the general assembly place a substance in schedule I ~~any if~~
14 32 the substance is not already included therein ~~if~~ and the board
14 33 finds that the substance:

14 34 ~~1.~~ a. Has high potential for abuse; and

14 35 ~~2.~~ b. Has no accepted medical use in treatment in the



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15 1 United States; or lacks accepted safety for use in treatment
15 2 under medical supervision.

15 3 2. If the board finds that any substance included in
15 4 schedule I does not meet these criteria, ~~it~~ the board shall
15 5 recommend that the general assembly place the substance in a
15 6 different schedule or remove ~~it~~ the substance from the list of
15 7 controlled substances, as appropriate.

15 8 Sec. 35. Section 124.205, Code 2009, is amended to read as
15 9 follows:

15 10 124.205 SUBSTANCES LISTED IN SCHEDULE II == CRITERIA.

15 11 1. The board shall recommend to the general assembly that
15 12 ~~it~~ the general assembly place a substance in schedule II ~~any~~
15 13 if the substance is not already included therein ~~if~~ and the
15 14 board finds that:

15 15 ~~1.~~ a. The substance has high potential for abuse;

15 16 ~~2.~~ b. The substance has currently accepted medical use in
15 17 treatment in the United States, or currently accepted medical
15 18 use with severe restrictions; and

15 19 ~~3.~~ c. Abuse of the substance may lead to severe psychic
15 20 or physical dependence.

15 21 2. If the board finds that any substance included in
15 22 schedule II does not meet these criteria, ~~it~~ the board shall
15 23 recommend that the general assembly place the substance in a
15 24 different schedule or remove ~~it~~ the substance from the list of
15 25 controlled substances, as appropriate.

15 26 Sec. 36. Section 124.207, Code 2009, is amended to read as
15 27 follows:

15 28 124.207 SUBSTANCES LISTED IN SCHEDULE III == CRITERIA.

15 29 1. The board shall recommend to the general assembly that
15 30 ~~it~~ the general assembly place a substance in schedule III ~~any~~
15 31 if the substance is not already included therein ~~if~~ and the
15 32 board finds that:

15 33 ~~1.~~ a. The substance has a potential for abuse which is
15 34 less than that of the substances listed in schedules I and II;

15 35 ~~2.~~ b. The substance has currently accepted medical use in



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16 1 treatment in the United States; and
16 2 ~~3.~~ c. Abuse of the substance may lead to moderate or low
16 3 physical dependence or high psychological dependence.
16 4 2. If the board finds that any substance included in
16 5 schedule III does not meet these criteria, ~~it~~ the board shall
16 6 recommend that the general assembly place the substance in a
16 7 different schedule or remove ~~it~~ the substance from the list of
16 8 controlled substances, as appropriate.
16 9 Sec. 37. Section 124.209, Code 2009, is amended to read as
16 10 follows:
16 11 124.209 SUBSTANCES LISTED IN SCHEDULE IV == CRITERIA.
16 12 1. The board shall recommend to the general assembly that
16 13 ~~it~~ the general assembly place a substance in schedule IV ~~any~~
16 14 if the substance is not already included therein ~~if~~ and the
16 15 board finds that:
16 16 ~~1.~~ a. The substance has a low potential for abuse
16 17 ~~relative to when compared with~~ the substances listed in
16 18 schedule III;
16 19 ~~2.~~ b. The substance has currently accepted medical use in
16 20 treatment in the United States; and
16 21 ~~3.~~ c. Abuse of the substance may lead to limited physical
16 22 dependence or psychological dependence ~~relative to when~~
16 23 compared with the substances listed in schedule III.
16 24 2. If the board finds that any substance included in
16 25 schedule IV does not meet these criteria, ~~it~~ the board shall
16 26 recommend that the general assembly place the substance in a
16 27 different schedule or remove ~~it~~ the substance from the list of
16 28 controlled substances, as appropriate.
16 29 Sec. 38. Section 124.211, Code 2009, is amended to read as
16 30 follows:
16 31 124.211 SCHEDULE V == CRITERIA.
16 32 1. The board shall recommend to the general assembly that
16 33 ~~it~~ the general assembly place a substance in schedule V ~~any~~ if
16 34 any substance is not already included therein ~~if~~ and the board
16 35 finds that:



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17 1 ~~1-~~ a. The substance has a low potential for abuse
17 2 ~~relative to~~ when compared with the substances listed in
17 3 schedule IV;
17 4 ~~2-~~ b. The substance has currently accepted medical use in
17 5 treatment in the United States; and
17 6 ~~3-~~ c. The substance has limited physical dependence or
17 7 psychological dependence liability ~~relative to~~ when compared
17 8 with the controlled substances listed in schedule IV.
17 9 2. If the board finds that any substance included in
17 10 schedule V does not meet these criteria, ~~it~~ the board shall
17 11 recommend that the general assembly place the substance in a
17 12 different schedule or remove ~~it~~ the substance from the list of
17 13 controlled substances, as appropriate.
17 14 Sec. 39. Section 135.17, subsection 3, Code 2009, is
17 15 amended to read as follows:
17 16 3. By June 30 annually, each local board shall furnish the
17 17 department with evidence that each ~~person~~ student enrolled in
17 18 any public or nonpublic school within the local board's
17 19 jurisdiction has met the dental screening requirement in this
17 20 section.
17 21 Sec. 40. Section 135.62, subsection 2, Code 2009, are
17 22 amended to read as follows:
17 23 2. There is established a state health facilities council
17 24 consisting of five persons appointed by the governor. The
17 25 council shall be within the department for administrative and
17 26 budgetary purposes.
17 27 a. QUALIFICATIONS. The members of the council shall be
17 28 chosen so that the council as a whole is broadly
17 29 representative of various geographical areas of the state, and
17 30 no more than three of its members are affiliated with the same
17 31 political party. Each council member shall be a person who
17 32 has demonstrated by prior activities an informed concern for
17 33 the planning and delivery of health services. ~~No~~ A member of
17 34 the council, ~~nor~~ and any spouse of a member, shall not, during
17 35 the time that member is serving on the council, do either of



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18 1 the following:

18 2 (1) Be a health care provider nor be otherwise directly or
18 3 indirectly engaged in the delivery of health care services nor
18 4 have a material financial interest in the providing or
18 5 delivery of health services; ~~nor.~~

18 6 (2) Serve as a member of any board or other policymaking
18 7 or advisory body of an institutional health facility, a health
18 8 maintenance organization, or any health or hospital insurer.

18 9 b. APPOINTMENTS. Terms of council members shall be six
18 10 years, beginning and ending as provided in section 69.19. A
18 11 member shall be appointed in each odd-numbered year to succeed
18 12 each member whose term expires in that year. Vacancies shall
18 13 be filled by the governor for the balance of the unexpired
18 14 term. Each appointment to the council is subject to
18 15 confirmation by the senate. A council member is ineligible
18 16 for appointment to a second consecutive term, unless first
18 17 appointed to an unexpired term of three years or less.

18 18 c. CHAIRPERSON. The governor shall designate one of the
18 19 council members as chairperson. That designation may be
18 20 changed not later than July 1 of any odd-numbered year,
18 21 effective on the date of the organizational meeting held in
18 22 that year under paragraph ~~"e" of this subsection~~ "d".

18 23 ~~e.~~ d. MEETINGS. The council shall hold an organizational
18 24 meeting in July of each odd-numbered year, or as soon
18 25 thereafter as the new appointee or appointees are confirmed
18 26 and have qualified. Other meetings shall be held as necessary
18 27 to enable the council to expeditiously discharge its duties.
18 28 Meeting dates shall be set upon adjournment or by call of the
18 29 chairperson upon five days' notice to the other members.

18 30 e. COMPENSATION. Each member of the council shall receive
18 31 a per diem as specified in section 7E.6 and reimbursement for
18 32 actual expenses while engaged in official duties.

18 33 ~~e.~~ f. DUTIES. The council shall do all of the following:

18 34 (1) Make the final decision, as required by section
18 35 135.69, with respect to each application for a certificate of



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19 1 need accepted by the department.
19 2 (2) Determine and adopt such policies as are authorized by
19 3 law and are deemed necessary to the efficient discharge of its
19 4 duties under this division.
19 5 (3) Have authority to direct staff personnel of the
19 6 department assigned to conduct formal or summary reviews of
19 7 applications for certificates of need.
19 8 (4) Advise and counsel with the director concerning the
19 9 provisions of this division, and the policies and procedures
19 10 adopted by the department pursuant to this division.
19 11 (5) Review and approve, prior to promulgation, all rules
19 12 adopted by the department under this division.
19 13 Sec. 41. Section 135.107, Code 2009, is amended to read as
19 14 follows:
19 15 135.107 CENTER FOR RURAL HEALTH AND PRIMARY CARE
19 16 ESTABLISHED == DUTIES.
19 17 1. The center for rural health and primary care is
19 18 established within the department. ~~There is established an~~
~~19 19 advisory committee to the center for rural health and primary~~
~~19 20 care consisting of one representative, approved by the~~
~~19 21 respective agency, of each of the following agencies: the~~
~~19 22 department of agriculture and land stewardship, the Iowa~~
~~19 23 department of public health, the department of inspections and~~
~~19 24 appeals, the national institute for rural health policy, the~~
~~19 25 rural health resource center, the institute of agricultural~~
~~19 26 medicine and occupational health, and the Iowa state~~
~~19 27 association of counties. The governor shall appoint two~~
~~19 28 representatives of consumer groups active in rural health~~
~~19 29 issues and a representative of each of two farm organizations~~
~~19 30 active within the state, a representative of an agricultural~~
~~19 31 business in the state, a practicing rural family physician, a~~
~~19 32 practicing rural physician assistant, a practicing rural~~
~~19 33 advanced registered nurse practitioner, and a rural health~~
~~19 34 practitioner who is not a physician, physician assistant, or~~
~~19 35 advanced registered nurse practitioner, as members of the~~



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~~20 1 advisory committee. The advisory committee shall also include~~
~~20 2 as members two state representatives, one appointed by the~~
~~20 3 speaker of the house of representatives and one by the~~
~~20 4 minority leader of the house, and two state senators, one~~
~~20 5 appointed by the majority leader of the senate and one by the~~
~~20 6 minority leader of the senate.~~

~~20 7 The advisory committee shall regularly meet with the~~
~~20 8 administrative head of the center as well as the director of~~
~~20 9 the center for agricultural health and safety established~~
~~20 10 under section 262.78. The head of the center and the director~~
~~20 11 of the center for agricultural health and safety shall consult~~
~~20 12 with the advisory committee and provide the committee with~~
~~20 13 relevant information regarding their agencies.~~

~~20 14 A simple majority of the membership of the advisory~~
~~20 15 committee shall constitute a quorum. Action may be taken by~~
~~20 16 the affirmative vote of a majority of the advisory committee~~
~~20 17 membership.~~

20 18 2. The center for rural health and primary care shall do
20 19 all of the following:

20 20 a. Provide technical planning assistance to rural
20 21 communities and counties exploring innovative means of
20 22 delivering rural health services through community health
20 23 services assessment, planning, and implementation, including
20 24 but not limited to hospital conversions, cooperative
20 25 agreements among hospitals, physician and health practitioner
20 26 support, recruitment and retention of primary health care
20 27 providers, public health services, emergency medical services,
20 28 medical assistance facilities, rural health care clinics, and
20 29 alternative means which may be included in the long-term
20 30 community health services assessment and developmental plan.
20 31 The center for rural health and primary care shall encourage
20 32 collaborative efforts of the local boards of health, hospital
20 33 governing boards, and other public and private entities
20 34 located in rural communities to adopt a long-term community
20 35 health services assessment and developmental plan pursuant to



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21 1 rules adopted by the department and perform the duties
21 2 required of the Iowa department of public health in section
21 3 135B.33.
21 4 b. Provide technical assistance to assist rural
21 5 communities in improving Medicare reimbursements through the
21 6 establishment of rural health clinics, defined pursuant to 42
21 7 U.S.C. } 1395(x), and distinct part skilled nursing facility
21 8 beds.
21 9 c. Coordinate services to provide research for the
21 10 following items:
21 11 (1) Examination of the prevalence of rural occupational
21 12 health injuries in the state.
21 13 (2) Assessment of training and continuing education
21 14 available through local hospitals and others relating to
21 15 diagnosis and treatment of diseases associated with rural
21 16 occupational health hazards.
21 17 (3) Determination of continuing education support
21 18 necessary for rural health practitioners to diagnose and treat
21 19 illnesses caused by exposure to rural occupational health
21 20 hazards.
21 21 (4) Determination of the types of actions that can help
21 22 prevent agricultural accidents.
21 23 (5) Surveillance and reporting of disabilities suffered by
21 24 persons engaged in agriculture resulting from diseases or
21 25 injuries, including identifying the amount and severity of
21 26 agricultural-related injuries and diseases in the state,
21 27 identifying causal factors associated with
21 28 agricultural-related injuries and diseases, and indicating the
21 29 effectiveness of intervention programs designed to reduce
21 30 injuries and diseases.
21 31 d. Cooperate with the center for agricultural health and
21 32 safety established under section 262.78, the center for health
21 33 effects of environmental contamination established under
21 34 section 263.17, and the department of agriculture and land
21 35 stewardship. The agencies shall coordinate programs to the



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22 1 extent practicable.
22 2 e. Administer grants for farm safety education efforts
22 3 directed to rural families for the purpose of preventing
22 4 farm-related injuries to children.
22 5 3. The center for rural health and primary care shall
22 6 establish a primary care provider recruitment and retention
22 7 endeavor, to be known as PRIMECARRE. The endeavor shall
22 8 include a community grant program, a primary care provider
22 9 loan repayment program, and a primary care provider community
22 10 scholarship program. The endeavor shall be developed and
22 11 implemented in a manner to promote and accommodate local
22 12 creativity in efforts to recruit and retain health care
22 13 professionals to provide services in the locality. The focus
22 14 of the endeavor shall be to promote and assist local efforts
22 15 in developing health care provider recruitment and retention
22 16 programs. ~~Eligibility under any of the programs established~~
~~22 17 under the primary care provider recruitment and retention~~
~~22 18 endeavor shall be based upon a community health services~~
~~22 19 assessment completed under subsection 2, paragraph "a". A~~
~~22 20 community or region, as applicable, shall submit a letter of~~
~~22 21 intent to conduct a community health services assessment and~~
~~22 22 to apply for assistance under this subsection. The letter~~
~~22 23 shall be in a form and contain information as determined by~~
~~22 24 the center. A letter of intent shall be submitted to the~~
~~22 25 center by January 1 preceding the fiscal year for which an~~
~~22 26 application for assistance is to be made. Assistance under~~
~~22 27 this subsection shall not be granted until such time as the~~
~~22 28 community or region making application has completed the~~
~~22 29 community health services assessment and adopted a long-term~~
~~22 30 community health services assessment and developmental plan.~~
~~22 31 In addition to any other requirements, a developmental plan~~
~~22 32 shall include a clear commitment to informing high school~~
~~22 33 students of the health care opportunities which may be~~
~~22 34 available to such students.~~
22 35 The center for rural health and primary care shall seek



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~~23 1 additional assistance and resources from other state
23 2 departments and agencies, federal agencies and grant programs,
23 3 private organizations, and any other person, as appropriate.
23 4 The center is authorized and directed to accept on behalf of
23 5 the state any grant or contribution, federal or otherwise,
23 6 made to assist in meeting the cost of carrying out the purpose
23 7 of this subsection. All federal grants to and the federal
23 8 receipts of the center are appropriated for the purpose set
23 9 forth in such federal grants or receipts. Funds appropriated
23 10 by the general assembly to the center for implementation of
23 11 this subsection shall first be used for securing any available
23 12 federal funds requiring a state match, with remaining funds
23 13 being used for the community grant program.~~

~~23 14 The center for rural health and primary care may, to
23 15 further the purposes of this subsection, provide financial
23 16 assistance in the form of grants to support the effort of a
23 17 community which is clearly part of the community's long-term
23 18 community health services assessment and developmental plan.
23 19 Efforts for which such grants may be awarded include, but are
23 20 not limited to, the procurement of clinical equipment,
23 21 clinical facilities, and telecommunications facilities, and
23 22 the support of locum tenens arrangements and primary care
23 23 provider mentor programs.~~

23 24 a. COMMUNITY GRANT PROGRAM.

23 25 (1) The center for rural health and primary care shall
23 26 adopt rules establishing an application process to be used by
23 27 the center to establish a grant assistance program as provided
23 28 in this paragraph, and establishing the criteria to be used in
23 29 evaluating the applications. Selection criteria shall include
23 30 a method for prioritizing grant applications based on
23 31 illustrated efforts to meet the health care provider needs of
23 32 the locality and surrounding area. Such assistance may be in
23 33 the form of a forgivable loan, grant, or other nonfinancial
23 34 assistance as deemed appropriate by the center. An
23 35 application submitted shall contain a commitment of at least a



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24 1 dollar-for-dollar match of the grant assistance. Application
24 2 may be made for assistance by a single community or group of
24 3 communities.

24 4 (2) Grants awarded under the program shall be subject to
24 5 the following limitations:

24 6 ~~(1)~~ (a) Ten thousand dollars for a single community or
24 7 region with a population of ten thousand or less. An award
24 8 shall not be made under this program to a community with a
24 9 population of more than ten thousand.

24 10 ~~(2)~~ (b) An amount not to exceed one dollar per capita for
24 11 a region in which the population exceeds ten thousand. For
24 12 purposes of determining the amount of a grant for a region,
24 13 the population of the region shall not include the population
24 14 of any community with a population of more than ten thousand
24 15 located in the region.

24 16 b. PRIMARY CARE PROVIDER LOAN REPAYMENT PROGRAM.

24 17 (1) A primary care provider loan repayment program is
24 18 established to increase the number of health professionals
24 19 practicing primary care in federally designated health
24 20 professional shortage areas of the state. Under the program,
24 21 loan repayment may be made to a recipient for educational
24 22 expenses incurred while completing an accredited health
24 23 education program directly related to obtaining credentials
24 24 necessary to practice the recipient's health profession.

24 25 (2) The center for rural health and primary care shall
24 26 adopt rules relating to the establishment and administration
24 27 of the primary care provider loan repayment program. Rules
24 28 adopted pursuant to this paragraph shall provide, at a
24 29 minimum, for all of the following:

24 30 (a) Determination of eligibility requirements and
24 31 qualifications of an applicant to receive loan repayment under
24 32 the program, including but not limited to years of obligated
24 33 service, clinical practice requirements, and residency
24 34 requirements. One year of obligated service shall be provided
24 35 by the applicant in exchange for each year of loan repayment,



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25 1 unless federal requirements otherwise require. Loan repayment
25 2 under the program shall not be approved for a health provider
25 3 whose license or certification is restricted by a medical
25 4 regulatory authority of any jurisdiction of the United States,
25 5 other nations, or territories.

25 6 (b) Identification of federally designated health
25 7 professional shortage areas of the state and prioritization of
25 8 such areas according to need.

25 9 (c) Determination of the amount and duration of the loan
25 10 repayment an applicant may receive, giving consideration to
25 11 the availability of funds under the program, and the
25 12 applicant's outstanding educational loans and professional
25 13 credentials.

25 14 (d) Determination of the conditions of loan repayment
25 15 applicable to an applicant.

25 16 (e) Enforcement of the state's rights under a loan
25 17 repayment program contract, including the commencement of any
25 18 court action.

25 19 (f) Cancellation of a loan repayment program contract for
25 20 reasonable cause.

25 21 (g) Participation in federal programs supporting repayment
25 22 of loans of health care providers and acceptance of gifts,
25 23 grants, and other aid or amounts from any person, association,
25 24 foundation, trust, corporation, governmental agency, or other
25 25 entity for the purposes of the program.

25 26 (h) Upon availability of state funds, determine
25 27 eligibility criteria and qualifications for participating
25 28 communities and applicants not located in federally designated
25 29 shortage areas.

25 30 (i) Other rules as necessary.

25 31 (3) The center for rural health and primary care may enter
25 32 into an agreement under chapter 28E with the college student
25 33 aid commission for the administration of this program.

25 34 c. PRIMARY CARE PROVIDER COMMUNITY SCHOLARSHIP PROGRAM.

25 35 (1) A primary care provider community scholarship program



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26 1 is established to recruit and to provide scholarships to train
26 2 primary health care practitioners in federally designated
26 3 health professional shortage areas of the state. Under the
26 4 program, scholarships may be awarded to a recipient for
26 5 educational expenses incurred while completing an accredited
26 6 health education program directly related to obtaining the
26 7 credentials necessary to practice the recipient's health
26 8 profession.

26 9 (2) The department shall adopt rules relating to the
26 10 establishment and administration of the primary care provider
26 11 community scholarship program. Rules adopted pursuant to this
26 12 paragraph shall provide, at a minimum, for all of the
26 13 following:

26 14 (a) Determination of eligibility requirements and
26 15 qualifications of an applicant to receive scholarships under
26 16 the program, including but not limited to years of obligated
26 17 service, clinical practice requirements, and residency
26 18 requirements. One year of obligated service shall be provided
26 19 by the applicant in exchange for each year of scholarship
26 20 receipt, unless federal requirements otherwise require.

26 21 (b) Identification of federally designated health
26 22 professional shortage areas of the state and prioritization of
26 23 such areas according to need.

26 24 (c) Determination of the amount of the scholarship an
26 25 applicant may receive.

26 26 (d) Determination of the conditions of scholarship to be
26 27 awarded to an applicant.

26 28 (e) Enforcement of the state's rights under a scholarship
26 29 contract, including the commencement of any court action.

26 30 (f) Cancellation of a scholarship contract for reasonable
26 31 cause.

26 32 (g) Participation in federal programs supporting
26 33 scholarships for health care providers and acceptance of
26 34 gifts, grants, and other aid or amounts from any person,
26 35 association, foundation, trust, corporation, governmental



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27 1 agency, or other entity for the purposes of the program.

27 2 (h) Upon availability of state funds, determination of
27 3 eligibility criteria and qualifications for participating
27 4 communities and applicants not located in federally designated
27 5 shortage areas.

27 6 (i) Other rules as necessary.

27 7 (3) The center for rural health and primary care may enter
27 8 into an agreement under chapter 28E with the college student
27 9 aid commission for the administration of this program.

27 10 4. a. Eligibility under any of the programs established
27 11 under the primary care provider recruitment and retention
27 12 endeavor shall be based upon a community health services
27 13 assessment completed under subsection 2, paragraph "a". A
27 14 community or region, as applicable, shall submit a letter of
27 15 intent to conduct a community health services assessment and
27 16 to apply for assistance under this subsection. The letter
27 17 shall be in a form and contain information as determined by
27 18 the center. A letter of intent shall be submitted to the
27 19 center by January 1 preceding the fiscal year for which an
27 20 application for assistance is to be made.

27 21 b. Assistance under this subsection shall not be granted
27 22 until such time as the community or region making application
27 23 has completed the community health services assessment and
27 24 adopted a long-term community health services assessment and
27 25 developmental plan. In addition to any other requirements, a
27 26 developmental plan shall include a clear commitment to
27 27 informing high school students of the health care
27 28 opportunities which may be available to such students.

27 29 c. The center for rural health and primary care shall seek
27 30 additional assistance and resources from other state
27 31 departments and agencies, federal agencies and grant programs,
27 32 private organizations, and any other person, as appropriate.
27 33 The center is authorized and directed to accept on behalf of
27 34 the state any grant or contribution, federal or otherwise,
27 35 made to assist in meeting the cost of carrying out the purpose



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28 1 of this subsection. All federal grants to and the federal
28 2 receipts of the center are appropriated for the purpose set
28 3 forth in such federal grants or receipts. Funds appropriated
28 4 by the general assembly to the center for implementation of
28 5 this subsection shall first be used for securing any available
28 6 federal funds requiring a state match, with remaining funds
28 7 being used for the community grant program.

28 8 d. The center for rural health and primary care may, to
28 9 further the purposes of this subsection, provide financial
28 10 assistance in the form of grants to support the effort of a
28 11 community which is clearly part of the community's long-term
28 12 community health services assessment and developmental plan.
28 13 Efforts for which such grants may be awarded include but are
28 14 not limited to the procurement of clinical equipment, clinical
28 15 facilities, and telecommunications facilities, and the support
28 16 of locum tenens arrangements and primary care provider mentor
28 17 programs.

28 18 5. a. There is established an advisory committee to the
28 19 center for rural health and primary care consisting of one
28 20 representative, approved by the respective agency, of each of
28 21 the following agencies: the department of agriculture and
28 22 land stewardship, the Iowa department of public health, the
28 23 department of inspections and appeals, the national institute
28 24 for rural health policy, the rural health resource center, the
28 25 institute of agricultural medicine and occupational health,
28 26 and the Iowa state association of counties. The governor
28 27 shall appoint two representatives of consumer groups active in
28 28 rural health issues and a representative of each of two farm
28 29 organizations active within the state, a representative of an
28 30 agricultural business in the state, a practicing rural family
28 31 physician, a practicing rural physician assistant, a
28 32 practicing rural advanced registered nurse practitioner, and a
28 33 rural health practitioner who is not a physician, physician
28 34 assistant, or advanced registered nurse practitioner, as
28 35 members of the advisory committee. The advisory committee



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29 1 shall also include as members two state representatives, one
29 2 appointed by the speaker of the house of representatives and
29 3 one by the minority leader of the house, and two state
29 4 senators, one appointed by the majority leader of the senate
29 5 and one by the minority leader of the senate.

29 6 b. The advisory committee shall regularly meet with the
29 7 administrative head of the center as well as the director of
29 8 the center for agricultural health and safety established
29 9 under section 262.78. The head of the center and the director
29 10 of the center for agricultural health and safety shall consult
29 11 with the advisory committee and provide the committee with
29 12 relevant information regarding their agencies.

29 13 c. A simple majority of the membership of the advisory
29 14 committee shall constitute a quorum. Action may be taken by
29 15 the affirmative vote of a majority of the advisory committee
29 16 membership.

29 17 Sec. 42. Section 135.141, subsection 2, paragraph j, Code
29 18 2009, is amended to read as follows:

29 19 j. Adopt rules pursuant to chapter 17A for the
29 20 administration of this division of this chapter including
29 21 rules adopted in cooperation with the Iowa pharmacy
29 22 association and the Iowa hospital association for the
29 23 development of a surveillance system to monitor supplies of
29 24 drugs, antidotes, and vaccines to assist in detecting a
29 25 potential public health disaster. Prior to adoption, the
29 26 rules shall be approved by the state board of health and the
29 27 administrator of the homeland security and emergency
29 28 management division of the department of public defense.

~~29 29 Prior to adoption, the rules shall be approved by the state~~
~~29 30 board of health and the administrator of the homeland security~~
~~29 31 and emergency management division of the department of public~~
~~29 32 defense.~~

29 33 Sec. 43. Section 135.157, unnumbered paragraph 1, Code
29 34 2009, is amended to read as follows:

29 35 As used in this ~~chapter~~ division, unless the context



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30 1 otherwise requires:

30 2 Sec. 44. Section 135.159, subsection 3, paragraph i, Code
30 3 2009, is amended to read as follows:

30 4 i. For children, coordinate with and integrate guidelines,
30 5 data, and information from existing newborn and child health
30 6 programs and entities, including but not limited to the
30 7 healthy opportunities for parents to experience success ==
30 8 healthy families Iowa program, the community empowerment
30 9 program, the center for congenital and inherited disorders
30 10 screening and health care programs, standards of care for
30 11 pediatric health guidelines, the office of multicultural
30 12 health established in section 135.12, the oral health bureau
30 13 established in section 135.15, and other similar programs and
30 14 services.

30 15 Sec. 45. Section 135B.7, Code 2009, is amended to read as
30 16 follows:

30 17 135B.7 RULES AND ENFORCEMENT.

30 18 1. a. The department, with the advice and approval of the
30 19 hospital licensing board and approval of the state board of
30 20 health, shall adopt rules setting out the standards for the
30 21 different types of hospitals to be licensed under this
30 22 chapter. The department shall enforce the rules.

30 23 b. Rules or standards shall not be adopted or enforced
30 24 which would have the effect of denying a license to a hospital
30 25 or other institution required to be licensed, solely by reason
30 26 of the school or system of practice employed or permitted to
30 27 be employed by physicians in the hospital, if the school or
30 28 system of practice is recognized by the laws of this state.

30 29 2. a. The rules shall state that a hospital shall not
30 30 deny clinical privileges to physicians and surgeons, podiatric
30 31 physicians, osteopathic physicians and surgeons, dentists,
30 32 certified health service providers in psychology, physician
30 33 assistants, or advanced registered nurse practitioners
30 34 licensed under chapter 148, 148C, 149, 152, or 153, or section
30 35 154B.7, solely by reason of the license held by the



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31 1 practitioner or solely by reason of the school or institution
31 2 in which the practitioner received medical schooling or
31 3 postgraduate training if the medical schooling or postgraduate
31 4 training was accredited by an organization recognized by the
31 5 council on postsecondary accreditation or an accrediting group
31 6 recognized by the United States department of education.

31 7 b. A hospital may establish procedures for interaction
31 8 between a patient and a practitioner. The rules shall not
31 9 prohibit a hospital from limiting, restricting, or revoking
31 10 clinical privileges of a practitioner for violation of
31 11 hospital rules, regulations, or procedures established under
31 12 this paragraph, when applied in good faith and in a
31 13 nondiscriminatory manner.

31 14 c. This ~~paragraph~~ subsection shall not require a hospital
31 15 to expand the hospital's current scope of service delivery
31 16 solely to offer the services of a class of providers not
31 17 currently providing services at the hospital. This section
31 18 shall not be construed to require a hospital to establish
31 19 rules which are inconsistent with the scope of practice
31 20 established for licensure of practitioners to whom this
31 21 ~~paragraph~~ subsection applies.

31 22 d. This section shall not be construed to authorize the
31 23 denial of clinical privileges to a practitioner or class of
31 24 practitioners solely because a hospital has as employees of
31 25 the hospital identically licensed practitioners providing the
31 26 same or similar services.

31 27 3. The rules shall require that a hospital establish and
31 28 implement written criteria for the granting of clinical
31 29 privileges. The written criteria shall include but are not
31 30 limited to consideration of all of the following:

31 31 a. The ability of an applicant for privileges to provide
31 32 patient care services independently and appropriately in the
31 33 hospital; ~~the~~.

31 34 b. The license held by the applicant to practice; ~~the~~.

31 35 c. The training, experience, and competence of the



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32 1 applicant; ~~and the.~~

32 2 d. The relationship between the applicant's request for
32 3 the granting of privileges and the hospital's current scope of
32 4 patient care services, as well as the hospital's determination
32 5 of the necessity to grant privileges to a practitioner
32 6 authorized to provide comprehensive, appropriate, and
32 7 cost-effective services.

32 8 4. The department shall also adopt rules requiring
32 9 hospitals to establish and implement protocols for responding
32 10 to the needs of patients who are victims of domestic abuse, as
32 11 defined in section 236.2.

32 12 Sec. 46. Section 135B.28, Code 2009, is amended to read as
32 13 follows:

32 14 135B.28 HOSPITAL BILL.

32 15 1. The hospital bill shall properly include the charges
32 16 for pathology and radiology services as long as the name of
32 17 the doctor is stated and it fairly appears that the charge is
32 18 for medical services.

32 19 2. The ~~said~~ hospital bill shall also contain a statement
32 20 substantially in the following form:

32 21 "The pathology and radiology charges are for medical
32 22 services rendered by or under the direction of the doctor
32 23 listed above and are collected by the hospital on behalf of
32 24 the doctor, from which charges an agreed sum will be retained
32 25 by the hospital in accordance with an existing agreement to
32 26 which retention you consented at the time of your admission to
32 27 the hospital."

32 28 3. Upon the effective date of regulations which may be
32 29 adopted by the United States department of health and human
32 30 services prohibiting combined billing by hospitals and
32 31 hospital-based physicians under Title XVIII of the federal
32 32 Social Security Act, the charges for all pathology and
32 33 radiology services in a hospital, may upon the mutual
32 34 agreement of the hospital, physician and third-party payer, be
32 35 billed separately, the hospital component of the charges being



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33 1 included in the hospital bill and the doctor component being
33 2 billed by the doctor.

33 3 Sec. 47. Section 135C.16, subsection 2, Code 2009, is
33 4 amended to read as follows:

33 5 2. a. The department shall prescribe by rule that any
33 6 licensee or applicant for license desiring to make specific
33 7 types of physical or functional alterations or additions to
33 8 its facility or to construct new facilities shall, before
33 9 commencing the alteration or additions or new construction,
33 10 submit plans and specifications to the department for
33 11 preliminary inspection and approval or recommendations with
33 12 respect to compliance with the department's rules and
33 13 standards.

33 14 b. When the plans and specifications have been properly
33 15 approved by the department or other appropriate state agency,
33 16 for a period of at least five years from completion of the
33 17 construction or alteration, the facility or the portion of the
33 18 facility constructed or altered in accord with the plans and
33 19 specifications shall not ~~for a period of at least five years~~
~~33 20 from completion of the construction or alteration~~ be
33 21 considered deficient or ineligible for licensing by reason of
33 22 failure to meet any rule or standard established subsequent to
33 23 approval of the plans and specifications.

33 24 c. When construction or alteration of a facility or
33 25 portion of a facility has been completed in accord with plans
33 26 and specifications submitted as required by this subsection
33 27 and properly approved by the department or other appropriate
33 28 state agency, and it is discovered that the facility or
33 29 portion of a facility is not in compliance with a requirement
33 30 of this chapter or of the rules or standards adopted pursuant
33 31 to it and in effect at the time the plans and specifications
33 32 were submitted, and the deficiency was apparent from the plans
33 33 and specifications submitted but was not noted or objected to
33 34 by the department or other appropriate state agency, the
33 35 department or agency responsible for the oversight shall



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34 1 either waive the requirement or reimburse the licensee or
34 2 applicant for any costs which are necessary to bring the new
34 3 or reconstructed facility or portion of a facility into
34 4 compliance with the requirement and which the licensee or
34 5 applicant would not have incurred if the facility or portion
34 6 of the facility had been constructed in compliance with the
34 7 requirements of this chapter or of the rules or standards
34 8 adopted pursuant to it and in effect at the time the plans and
34 9 specifications were submitted.

34 10 d. If within two years from the completion of the
34 11 construction or alteration of the facility or portion thereof,
34 12 a department or agency of the state orders that the new or
34 13 reconstructed facility or portion thereof be brought into
34 14 compliance with the requirements of this chapter or the rules
34 15 or standards adopted pursuant to it and in effect at the time
34 16 the plans and specifications were submitted, the state shall
34 17 have a claim for damages to the extent of any reimbursement
34 18 paid to the licensee or applicant against any person who
34 19 designed the facility or portion thereof for negligence in the
34 20 preparation of the plans and specifications therefor, subject
34 21 to all defenses based upon the negligence of the state in
34 22 reviewing and approving those plans and specifications, but
34 23 not thereafter.

34 24 e. The provisions of this subsection shall not apply where
34 25 the deficiency presents a clear and present danger to the
34 26 safety of the residents of the facility.

34 27 Sec. 48. Section 136B.2, Code 2009, is amended to read as
34 28 follows:

34 29 136B.2 RADON TESTING INFORMATION == DISCLOSURE.

34 30 1. a. A person certified or credentialed pursuant to
34 31 section 136B.1 shall, within thirty days of the provision of
34 32 any radon testing services or abatement measures or at the
34 33 request of the department prior to testing or abatement,
34 34 disclose to the department the address or location of the
34 35 building, the name of the owner of the building where the



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35 1 services or measures were or will be provided, and the results
35 2 of any tests or abatement measures performed.

35 3 b. A person shall not disclose to any other person, except
35 4 to the department, the address or owner of a nonpublic
35 5 building that the person tested for the presence of radon gas
35 6 and radon progeny, unless the owner of the building waives, in
35 7 writing, this right of confidentiality. Any test results
35 8 disclosed shall be results of a test performed within the five
35 9 years prior to the date of the disclosure.

35 10 2. a. Notwithstanding the requirements of this section,
35 11 disclosure to any person of the results of a test performed on
35 12 a nonpublic building for the presence of radon gas and radon
35 13 progeny is not required if the results do not exceed the
35 14 currently established United States environmental protection
35 15 agency action guidelines.

35 16 b. A person who tests a nonpublic building which the
35 17 person owns is not required to disclose to any person the
35 18 results of a test for the presence of radon gas or progeny if
35 19 the test is performed by the person who owns the nonpublic
35 20 building.

~~35 21 2. A person certified or credentialed pursuant to section~~
~~35 22 136B.1 shall, within thirty days of the provision of any radon~~
~~35 23 testing services or abatement measures or at the request of~~
~~35 24 the department prior to testing or abatement, disclose to the~~
~~35 25 department the address or location of the building, the name~~
~~35 26 of the owner of the building where the services or measures~~
~~35 27 were or will be provided, and the results of any tests or~~
~~35 28 abatement measures performed.~~

35 29 Sec. 49. Section 139A.21, subsection 7, Code 2009, is
35 30 amended to read as follows:

35 31 7. The department shall adopt rules specifying the
35 32 requirements for the operation of an emergency information
35 33 system operated by a registrant pursuant to section 206.12,
35 34 subsection ~~2~~ 3, paragraph "c", which shall not exceed
35 35 requirements adopted by a poison control center as defined in



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36 1 section 206.2. The rules shall specify the qualifications of
36 2 individuals staffing an emergency information system and shall
36 3 specify the maximum amount of time that a registrant may take
36 4 to provide the information to a poison control center or an
36 5 attending physician treating a patient exposed to the
36 6 registrant's product.

36 7 Sec. 50. Section 147.8, Code 2009, is amended to read as
36 8 follows:

36 9 147.8 RECORD OF LICENSES.

36 10 A board shall keep the following information available for
36 11 public inspection for each person licensed by the board:

36 12 ~~name, address~~

36 13 1. Name.

36 14 2. Address of record, ~~the~~.

36 15 3. The number of the license, ~~and the~~.

36 16 4. The date of issuance of the license.

36 17 Sec. 51. Section 147.11, subsection 1, Code 2009, is
36 18 amended to read as follows:

36 19 1. A licensee who allows the license to become inactive or
36 20 lapsed by failing to renew the license, as provided in section
36 21 147.10, may ~~be reactivated~~ reactivate the license upon payment
36 22 of a reactivation fee and compliance with other terms
36 23 established by board rule.

36 24 Sec. 52. Section 147.13, subsection 18, Code 2009, is
36 25 amended to read as follows:

36 26 18. For respiratory care ~~therapy~~, the board of respiratory
36 27 care.

36 28 Sec. 53. Section 147.87, Code 2009, is amended to read as
36 29 follows:

36 30 147.87 ENFORCEMENT.

36 31 A board shall enforce the provisions of this chapter and
36 32 ~~its~~ the board's enabling statute and for that purpose may
36 33 request the department of inspections and appeals to make
36 34 necessary investigations. Every licensee and member of a
36 35 board shall furnish the board or the department of inspections



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37 1 and appeals such evidence as the member or licensee may have
37 2 relative to any alleged violation which is being investigated.

37 3 Sec. 54. Section 147.89, Code 2009, is amended to read as
37 4 follows:

37 5 147.89 REPORT OF VIOLATORS.

37 6 Every licensee and member of a board shall report to ~~its~~
~~37 7~~ ~~respective~~ the board the name of any person, without the
37 8 required license if the licensee or member of the board has
37 9 reason to believe the person is practicing the profession
37 10 without a license.

37 11 Sec. 55. Section 148.3, subsection 1, paragraph a,
37 12 unnumbered paragraph 1, Code 2009, is amended to read as
37 13 follows:

37 14 A diploma issued by a medical college or college of
37 15 osteopathic medicine and surgery approved by the board, or
37 16 ~~present~~ other evidence of equivalent medical education
37 17 approved by the board. The board may accept, in lieu of a
37 18 diploma from a medical college approved by the board, all of
37 19 the following:

37 20 Sec. 56. Section 153.36, subsection 1, Code 2009, is
37 21 amended to read as follows:

37 22 1. Sections 147.44 ~~to 147.71, except section 147.57,~~
37 23 147.48, 147.49, 147.53, and 147.55, and sections 147.87 ~~to~~
37 24 through 147.92 shall not apply to the practice of dentistry.

37 25 Sec. 57. Section 159.5, subsections 12 and 13, Code 2009,
37 26 are amended to read as follows:

37 27 12. a. Establish a swine tuberculosis eradication program
37 28 including, ~~but not limited to~~ all of the following:

37 29 ~~a.~~ (1) The inspection of swine herds in this state when
37 30 the department finds that an animal from a swine herd has, or
37 31 is believed to have, tuberculosis~~±.~~

37 32 ~~b.~~ (2) Ear tagging or otherwise physically marking all
37 33 swine reacting positively to tests for tuberculosis~~±.~~

37 34 ~~c.~~ (3) Condemning any swine which has tuberculosis~~±.~~

37 35 ~~d.~~ (4) Depopulating any swine herd where tuberculosis is



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38 1 found to be generally present; ~~and.~~
38 2 e. (5) Compensate the owners of condemned swine as
38 3 provided under section 165.18, following the general
38 4 procedures for filing claims and paying indemnities as
38 5 provided in chapter 165.
38 6 b. If the department finds that the source of the
38 7 tuberculosis in a swine herd is from another species of
38 8 animal, except bovine, located on or near the premises on
38 9 which the affected swine herd is located, the department may
38 10 destroy those animals and indemnify the owners of the
38 11 condemned animals as provided in chapter 163.
38 12 13. Establish and maintain a division of soil
38 13 conservation. The division administrator shall be appointed
38 14 by the secretary from a list of names of persons recommended
38 15 by the soil conservation committee, pursuant to section
38 16 161A.4, subsection ~~2~~ 6, paragraph "c", and shall serve at the
38 17 pleasure of the secretary.
38 18 Sec. 58. Section 159.20, subsection 2, Code 2009, is
38 19 amended to read as follows:
38 20 2. As used in this subchapter, ~~"agricultural:~~
38 21 a. "Agricultural commodity" means any unprocessed
38 22 agricultural product, including animals, agricultural crops,
38 23 and forestry products grown, raised, produced, or fed in Iowa
38 24 for sale in commercial channels. ~~"Commercial~~
38 25 b. "Commercial channels" means the processes ~~of~~ for sale
38 26 of an agricultural commodity or unprocessed product from the
38 27 agricultural commodity to any person, public or private, who
38 28 resells the agricultural commodity for breeding, processing,
38 29 slaughter, or distribution.
38 30 Sec. 59. Section 161A.4, Code 2009, is amended to read as
38 31 follows:
38 32 161A.4 SOIL CONSERVATION DIVISION == COMMITTEE.
38 33 1. The soil conservation division is established within
38 34 the department to perform the functions conferred upon it in
38 35 this chapter and chapters 161C, 161E, 161F, 207, and 208. The



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39 1 division shall be administered in accordance with the policies
39 2 of the state soil conservation committee, which shall advise
39 3 the division and which shall approve administrative rules
39 4 proposed by the division for the administration of this
39 5 chapter and chapters 161C, 161E, 161F, 207, and 208 before the
39 6 rules are adopted pursuant to section 17A.5. If a difference
39 7 exists between the committee and secretary regarding the
39 8 content of a proposed rule, the secretary shall notify the
39 9 chairperson of the committee of the difference within thirty
39 10 days from the committee's action on the rule. The secretary
39 11 and the committee shall meet to resolve the difference within
39 12 thirty days after the secretary provides the committee with
39 13 notice of the difference.

39 14 ~~The state soil conservation committee consists of a~~
~~39 15 chairperson and eight other voting members. The following~~
~~39 16 shall serve as ex officio nonvoting members of the committee:~~
~~39 17 the director of the Iowa cooperative extension service in~~
~~39 18 agriculture and home economics, or the director's designee;~~
~~39 19 and the director of the department of natural resources or the~~
~~39 20 director's designee. Nine voting members shall be appointed~~
~~39 21 by the governor subject to confirmation by the senate. Six of~~
~~39 22 the appointive members shall be persons engaged in actual~~
~~39 23 farming operations, one of whom shall be a resident of each of~~
~~39 24 six geographic regions in the state, including northwest,~~
~~39 25 southwest, north central, south central, northeast, and~~
~~39 26 southeast Iowa, and no more than one of whom shall be a~~
~~39 27 resident of any one county. The boundaries of the geographic~~
~~39 28 regions shall be established by rule. The seventh, eighth,~~
~~39 29 and ninth appointive members shall be chosen by the governor~~
~~39 30 from the state at large with one appointed to be a~~
~~39 31 representative of cities, one appointed to be a representative~~
~~39 32 of the mining industry, and one appointee who is a farmer~~
~~39 33 actively engaged in tree farming. The committee may invite~~
~~39 34 the secretary of agriculture of the United States to appoint~~
~~39 35 one person to serve with the other members, and the president~~



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~~40 1 of the Iowa county engineers association may designate a~~
~~40 2 member of the association to serve in the same manner, but~~
~~40 3 these persons have no vote and shall serve in an advisory~~
~~40 4 capacity only. The committee may perform acts, hold public~~
~~40 5 hearings, and propose and approve rules pursuant to chapter~~
~~40 6 17A as necessary for the execution of its functions.~~
40 7 2. The committee shall recommend three persons to the
~~40 8 secretary of agriculture who shall appoint from the persons~~
~~40 9 recommended an administrative director to head the division~~
~~40 10 who shall serve at the pleasure of the secretary. After~~
~~40 11 reviewing the names submitted, the secretary may request the~~
~~40 12 soil conservation committee to submit additional names for~~
~~40 13 consideration. The committee shall recommend to the secretary~~
~~40 14 each year a budget for the division. The secretary, at the~~
~~40 15 earliest opportunity and prior to formulating a budget, shall~~
~~40 16 meet with representatives of the committee to discuss the~~
~~40 17 committee's recommendation. The committee or division may~~
~~40 18 call upon the attorney general of the state for necessary~~
~~40 19 legal services. The committee may delegate to its~~
~~40 20 chairperson, to one or more of its members, or to one or more~~
~~40 21 agents or employees, powers and duties as it deems proper.~~
~~40 22 Upon request of the committee, for the purpose of carrying out~~
~~40 23 any of the functions assigned the committee or the department~~
~~40 24 by law, the supervising officer of any state agency, or of any~~
~~40 25 state institution of learning shall, insofar as possible under~~
~~40 26 available appropriations, and having due regard to the needs~~
~~40 27 of the agency to which the request is directed, assign or~~
~~40 28 detail the request to the staff or personnel of the agency or~~
~~40 29 institution of learning, and make the special reports,~~
~~40 30 surveys, or studies as the committee requests.~~
40 31 3. The committee shall designate its chairperson, and may
~~40 32 change the designation. The members appointed by the governor~~
~~40 33 shall serve for a period of six years. Members shall be~~
~~40 34 appointed in each odd-numbered year to succeed members whose~~
~~40 35 terms expire as provided by section 69.19. Appointments may~~



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~~41 1 be made at other times and for other periods as necessary to~~
~~41 2 fill vacancies on the committee. Members shall not be~~
~~41 3 appointed to serve more than two complete six-year terms.~~
~~41 4 Members designated to represent the director of the department~~
~~41 5 of natural resources and the director of the Iowa cooperative~~
~~41 6 extension service in agriculture and home economics shall~~
~~41 7 serve at the pleasure of the officer making the designation.~~
~~41 8 A majority of the voting members of the committee constitutes~~
~~41 9 a quorum, and the concurrence of a majority of the voting~~
~~41 10 members of the committee in any matter within their duties is~~
~~41 11 required for its determination. Members are entitled to~~
~~41 12 actual expenses necessarily incurred in the discharge of their~~
~~41 13 duties as members of the committee. The expenses paid to the~~
~~41 14 committee members shall be paid from funds appropriated to the~~
~~41 15 department. Each member of the committee may also be eligible~~
~~41 16 to receive compensation as provided in section 7E.6. The~~
~~41 17 committee shall provide for the execution of surety bonds for~~
~~41 18 all employees and officers who are entrusted with funds or~~
~~41 19 property, shall provide for the keeping of a full and accurate~~
~~41 20 record of all proceedings and of all resolutions and orders~~
~~41 21 issued or adopted, and shall provide for an annual audit of~~
~~41 22 the accounts of receipts and disbursements.~~

41 23 4. 2. In addition to other duties and powers conferred
41 24 upon the division of soil conservation, the division has the
41 25 following duties and powers:
41 26 a. To offer assistance as appropriate to the commissioners
41 27 of soil and water conservation districts in carrying out any
41 28 of their powers and programs.
41 29 b. To take notice of each district's long-range resource
41 30 conservation plan established under section 161A.7, in order
41 31 to keep the commissioners of each of the several districts
41 32 informed of the activities and experience of all other
41 33 districts, and to facilitate an interchange of advice and
41 34 experience between such districts and cooperation between
41 35 them.



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42 1 c. To coordinate the programs of the soil and water
42 2 conservation districts so far as this may be done by advice
42 3 and consultation.
42 4 d. To secure the cooperation and assistance of the United
42 5 States and any of its agencies, and of agencies of this state,
42 6 in the work of such districts.
42 7 e. To disseminate information throughout the state
42 8 concerning the activities and program of the soil and water
42 9 conservation districts.
42 10 f. To render financial aid and assistance to soil and
42 11 water conservation districts for the purpose of carrying out
42 12 the policy stated in this chapter.
42 13 g. To assist each soil and water conservation district in
42 14 developing a district soil and water resource conservation
42 15 plan as provided under section 161A.7. The plan shall be
42 16 developed according to rules adopted by the division to
42 17 preserve and protect the public interest in the soil and water
42 18 resources of this state for future generations and for this
42 19 purpose to encourage, promote, facilitate, and where such
42 20 public interest requires, to mandate the conservation and
42 21 proper control of and use of the soil and water resources of
42 22 this state, by measures including, but not limited to, the
42 23 control of floods, the control of erosion by water or by wind,
42 24 the preservation of the quality of water for its optimum use
42 25 for agricultural, irrigation, recreational, industrial, and
42 26 domestic purposes, all of which shall be presumed to be
42 27 conducive to the public health, convenience, and welfare, both
42 28 present and future.
42 29 h. To file the district soil and water resource
42 30 conservation plans as part of a state soil and water resource
42 31 conservation plan. The state plan shall contain on a
42 32 statewide basis the information required for a district plan
42 33 under this section.
42 34 i. To establish a position of state drainage coordinator
42 35 for drainage districts and drainage and levee districts which



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43 1 will keep the management of those districts informed of the
43 2 activities and experience of all other such districts and
43 3 facilitate an interchange of advice, experience and
43 4 cooperation among the districts, coordinate by advice and
43 5 consultation the programs of the districts, secure the
43 6 cooperation and assistance of the United States and its
43 7 agencies and of the agencies of this state and other states in
43 8 the work of the districts, disseminate information throughout
43 9 the state concerning the activities and programs of the
43 10 districts and provide other appropriate assistance to the
43 11 districts.

43 12 ~~5.~~ 3. The division, in consultation with the
43 13 commissioners of the soil and water conservation districts,
43 14 shall conduct a biennial review to survey the availability of
43 15 private soil and water conservation control contractors in
43 16 each district. A report containing the results of the review
43 17 shall be prepared and posted on the department's internet
43 18 site.

43 19 4. A state soil conservation committee is established
43 20 within the department.

43 21 a. The nine voting members of the committee shall be
43 22 appointed by the governor subject to confirmation by the
43 23 senate pursuant to section 2.32, and shall include the
43 24 following:

43 25 (1) Six of the members shall be persons engaged in actual
43 26 farming operations, one of whom shall be a resident of each of
43 27 six geographic regions in the state, including northwest,
43 28 southwest, north central, south central, northeast, and
43 29 southeast Iowa, and no more than one of whom shall be a
43 30 resident of any one county. The boundaries of the geographic
43 31 regions shall be established by rule.

43 32 (2) The seventh, eighth, and ninth appointive members
43 33 shall be chosen by the governor from the state at large, with
43 34 one appointed to be a representative of cities, one appointed
43 35 to be a representative of the mining industry, and one



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44 1 appointee who is a farmer actively engaged in tree farming.
44 2 b. The committee may invite the secretary of agriculture
44 3 of the United States to appoint one person to serve with the
44 4 other members, and the president of the Iowa county engineers
44 5 association may designate a member of the association to serve
44 6 in the same manner, but these persons have no vote and shall
44 7 serve in an advisory capacity only.
44 8 c. The following shall serve as ex officio nonvoting
44 9 members of the committee:
44 10 (1) The director of the Iowa cooperative extension service
44 11 in agriculture and home economics, or the director's designee.
44 12 (2) The director of the department of natural resources or
44 13 the director's designee.
44 14 5. a. The committee shall designate its chairperson, and
44 15 may change the designation. The members appointed by the
44 16 governor shall serve for a period of six years. Members shall
44 17 be appointed in each odd-numbered year to succeed members
44 18 whose terms expire as provided by section 69.19. Appointments
44 19 may be made at other times and for other periods as necessary
44 20 to fill vacancies on the committee. Members shall not be
44 21 appointed to serve more than two complete six-year terms.
44 22 Members designated to represent the director of the department
44 23 of natural resources and the director of the Iowa cooperative
44 24 extension service in agriculture and home economics shall
44 25 serve at the pleasure of the officer making the designation.
44 26 b. A majority of the voting members of the committee
44 27 constitutes a quorum, and the concurrence of a majority of the
44 28 voting members of the committee in any matter within their
44 29 duties is required for its determination.
44 30 c. Members are entitled to actual expenses necessarily
44 31 incurred in the discharge of their duties as members of the
44 32 committee. The expenses paid to the committee members shall
44 33 be paid from funds appropriated to the department. Each
44 34 member of the committee may also be eligible to receive
44 35 compensation as provided in section 7E.6. The committee shall



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45 1 provide for the execution of surety bonds for all employees
45 2 and officers who are entrusted with funds or property, shall
45 3 provide for the keeping of a full and accurate record of all
45 4 proceedings and of all resolutions and orders issued or
45 5 adopted, and shall provide for an annual audit of the accounts
45 6 of receipts and disbursements.

45 7 6. a. The committee may perform acts, hold public
45 8 hearings, and propose and approve rules pursuant to chapter
45 9 17A as necessary for the execution of its functions.

45 10 b. The committee shall recommend to the secretary each
45 11 year a budget for the division. The secretary, at the
45 12 earliest opportunity and prior to formulating a budget, shall
45 13 meet with representatives of the committee to discuss the
45 14 committee's recommendation.

45 15 c. The committee shall recommend three persons to the
45 16 secretary of agriculture who shall appoint from the persons
45 17 recommended an administrative director to head the division
45 18 and serve at the pleasure of the secretary. After reviewing
45 19 the names submitted, the secretary may request that the soil
45 20 conservation committee submit additional names for
45 21 consideration.

45 22 7. The committee or division may call upon the attorney
45 23 general of the state for necessary legal services. The
45 24 committee may delegate to its chairperson, to one or more of
45 25 its members, or to one or more agents or employees, powers and
45 26 duties as it deems proper. Upon request of the committee, for
45 27 the purpose of carrying out any of the functions assigned the
45 28 committee or the department by law, the supervising officer of
45 29 any state agency, or of any state institution of learning
45 30 shall, insofar as possible under available appropriations, and
45 31 having due regard to the needs of the agency to which the
45 32 request is directed, assign or detail the request to the staff
45 33 or personnel of the agency or institution of learning, and
45 34 make the special reports, surveys, or studies as the committee
45 35 requests.



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46 1 Sec. 60. Section 161A.7, Code 2009, is amended to read as
46 2 follows:

46 3 161A.7 POWERS OF DISTRICTS AND COMMISSIONERS.

46 4 1. A soil and water conservation district organized under
46 5 this chapter has the following powers, in addition to others
46 6 granted in other sections of this chapter:

46 7 ~~1.~~ a. To conduct surveys, investigations, and research
46 8 relating to the character of soil erosion and erosion,
46 9 floodwater, and sediment damages, and the preventive and
46 10 control measures needed, to publish the results of such
46 11 surveys, investigations or research, and to disseminate
46 12 information concerning such preventive and control measures;
46 13 provided, however, that in order to avoid duplication of
46 14 research activities, no district shall initiate any research
46 15 program except in cooperation with the Iowa agricultural
46 16 experiment station located at Ames, Iowa, and pursuant to a
46 17 cooperative agreement entered into between the Iowa
46 18 agricultural experiment station and such district.

46 19 ~~2.~~ b. To conduct demonstrational projects within the
46 20 district on lands owned or controlled by this state or any of
46 21 its agencies, with the consent and cooperation of the agency
46 22 administering and having jurisdiction thereof, and on any
46 23 other lands within the district upon obtaining the consent of
46 24 the owner or occupier of such lands or the necessary rights or
46 25 interests in such lands, in order to demonstrate by example
46 26 the means, methods, and measures by which soil and soil
46 27 resources may be conserved, and soil erosion in the form of
46 28 soil blowing and soil washing may be prevented and controlled;
46 29 provided, however, that in order to avoid duplication of
46 30 agricultural extension activities, no district shall initiate
46 31 any demonstrational projects, except in cooperation with the
46 32 Iowa agricultural extension service whose offices are located
46 33 at Ames, Iowa, and pursuant to a cooperative agreement entered
46 34 into between the Iowa agricultural extension service and such
46 35 district.



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47 1 ~~3.~~ c. To carry out preventive and control measures within
47 2 the district, including, but not limited to, crop rotations,
47 3 engineering operations, methods of cultivation, the growing of
47 4 vegetation, changes in use of land, and the measures listed in
47 5 section 161A.2, on lands owned or controlled by this state or
47 6 any of its agencies, with the consent and cooperation of the
47 7 agency administering and having jurisdiction thereof, and on
47 8 any other lands within the district, upon obtaining the
47 9 consent of the owner or occupier of such lands or the
47 10 necessary rights or interests in such lands. Any approval or
47 11 permits from the council required under other provisions of
47 12 law shall be obtained by the district prior to initiation of
47 13 any construction activity.

47 14 ~~4.~~ d. To cooperate, or enter into agreements with, and
47 15 within the limits of appropriations duly made available to it
47 16 by law, to furnish financial or other aid to any agency,
47 17 governmental or otherwise, or any owner or occupier of lands
47 18 within the district, in the carrying on of erosion-control and
47 19 watershed protection and flood prevention operations within
47 20 the district, subject to such conditions as the commissioners
47 21 may deem necessary to advance the purposes of this chapter.

47 22 ~~5.~~ e. To obtain options upon and to acquire, by purchase,
47 23 exchange, lease, gift, grant, bequest, devise or otherwise,
47 24 any property, real or personal, or rights or interests
47 25 therein; to maintain, administer, and improve any properties
47 26 acquired, to receive income from such properties and to expend
47 27 such income in carrying out the purposes and provisions of
47 28 this chapter; and to sell, lease or otherwise dispose of any
47 29 of its property or interests therein in furtherance of the
47 30 purposes and provisions of this chapter.

47 31 ~~6.~~ f. To make available on such terms as it shall
47 32 prescribe, to landowners or occupiers within the district,
47 33 agricultural and engineering machinery and equipment,
47 34 fertilizer, lime, and such other material or equipment as will
47 35 assist such landowners or occupiers to carry on operations



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48 1 upon their lands for the conservation of soil resources and
48 2 for the prevention and control of soil erosion and for the
48 3 prevention of erosion, floodwater, and sediment damages.
48 4 ~~7.~~ g. To construct, improve, and maintain such structures
48 5 as may be necessary or convenient for the performance of any
48 6 of the operations authorized in this chapter. Any approval or
48 7 permits from the council required under other provisions of
48 8 law shall be obtained by the district prior to initiation of
48 9 any construction activity.
48 10 ~~8.~~ h. To develop comprehensive plans for the conservation
48 11 of soil resources and for the control and prevention of soil
48 12 erosion and for the prevention of erosion, floodwater, and
48 13 sediment damages within the district, which plans shall
48 14 specify in such detail as may be possible, the acts,
48 15 procedures, performances, and avoidances which are necessary
48 16 or desirable for the effectuation of such plans, including the
48 17 specification of engineering operations, methods of
48 18 cultivation, the growing of vegetation, cropping programs,
48 19 tillage practices, and changes in use of land; and to publish
48 20 such plans and information and bring them to the attention of
48 21 owners and occupiers of lands within the district.
48 22 ~~9.~~ i. To sue and be sued in the name of the district; to
48 23 have a seal, which seal shall be judicially noticed; to have
48 24 perpetual succession unless terminated as hereinafter
48 25 provided; to make and execute contracts and other instruments,
48 26 necessary or convenient to the exercise of its powers; to
48 27 make, and from time to time amend and repeal, rules not
48 28 inconsistent with this chapter, to carry into effect its
48 29 purposes and powers.
48 30 ~~10.~~ j. To accept donations, gifts, and contributions in
48 31 money, services, materials, or otherwise, from the United
48 32 States or any of its agencies, or from this state or any of
48 33 its agencies, and to use or expend such moneys, services,
48 34 materials, or other contributions in carrying on its
48 35 operations.



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49 1 11. ~~As a condition to the extending of any benefits under~~
49 2 ~~this chapter to, or the performance of work upon, any lands~~
49 3 ~~not owned or controlled by this state or any of its agencies,~~
49 4 ~~the commissioners may require contributions in money,~~
49 5 ~~services, materials, or otherwise to any operations conferring~~
49 6 ~~such benefits, and may require landowners or occupiers to~~
49 7 ~~enter into and perform such agreements or covenants as to the~~
49 8 ~~permanent use of such lands as will tend to prevent or control~~
49 9 ~~erosion thereon.~~

49 10 12. ~~No provisions with respect to the acquisition,~~
49 11 ~~operation, or disposition of property by other public bodies~~
49 12 ~~shall be applicable to a district organized hereunder unless~~
49 13 ~~the legislature shall specifically so state.~~

49 14 13. ~~After the formation of any district under the~~
49 15 ~~provisions of this chapter, all participation hereunder shall~~
49 16 ~~be purely voluntary, except as specifically stated herein.~~

49 17 14. k. Subject to the approval of the state soil
49 18 conservation committee, to change the name of the soil and
49 19 water conservation district.

49 20 15. 1. To provide for the restoration of permanent soil
49 21 and water conservation practices which are damaged or
49 22 destroyed because of a disaster emergency as provided in
49 23 section 161A.75.

49 24 16. ~~The commissioners shall, as a condition for the~~
49 25 ~~receipt of any state cost-sharing funds for permanent soil~~
49 26 ~~conservation practices, require the owner of the land on which~~
49 27 ~~the practices are to be established to covenant and file, in~~
49 28 ~~the office of the soil and water conservation district of the~~
49 29 ~~county in which the land is located, an agreement identifying~~
49 30 ~~the particular lands upon which the practices for which state~~
49 31 ~~cost-sharing funds are to be received will be established, and~~
49 32 ~~providing that the project will not be removed, altered, or~~
49 33 ~~modified so as to lessen its effectiveness without the consent~~
49 34 ~~of the commissioners, obtained in advance and based on~~
49 35 ~~guidelines drawn up by the state soil conservation committee,~~



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~~50 1 for a period of twenty years after the date of receiving
50 2 payment. The commissioners shall assist the division in the
50 3 enforcement of this subsection. The agreement does not create
50 4 a lien on the land, but is a charge personally against the
50 5 owner of the land at the time of removal, alteration, or
50 6 modification if an administrative order is made under section
50 7 161A.61, subsection 3.~~

50 8 ~~17.~~ m. To encourage local school districts to provide
50 9 instruction in the importance of and in some of the basic
50 10 methods of soil conservation, as a part of course work
50 11 relating to conservation of natural resources and
50 12 environmental awareness required in rules adopted by the state
50 13 board of education pursuant to section 256.11, subsections 3
50 14 and 4, and to offer technical assistance to schools in
50 15 developing such instructional programs.

50 16 ~~18.~~ n. To develop a soil and water resource conservation
50 17 plan for the district.

50 18 ~~a.~~ (1) The district plan shall contain a comprehensive
50 19 long-range assessment of soil and surface water resources in
50 20 the district consistent with rules approved by the committee
50 21 under section 161A.4. In developing the plan the district may
50 22 receive technical support from the United States department of
50 23 agriculture natural resources conservation service and the
50 24 county board of supervisors in the county where the district
50 25 is located. The division and the Iowa cooperative extension
50 26 service in agriculture and home economics may provide
50 27 technical support to the district. The support may include,
50 28 but is not limited to, the following: ~~assessing~~

50 29 (a) Assessing the condition of soil and surface water in
50 30 the district, including an evaluation of the type, amount, and
50 31 quality of soil and water, the threat of soil erosion and
50 32 erosion, floodwater, and sediment damages, and necessary
50 33 preventative and control measures; ~~developing.~~

50 34 (b) Developing methods to maintain or improve soil and
50 35 water condition; ~~and cooperating.~~



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51 1 (c) Cooperating with other state and federal agencies to
51 2 carry out this support.
51 3 ~~b.~~ (2) The title page of the district plan and a
51 4 notification stating where the plan may be reviewed shall be
51 5 recorded with the recorder in the county in which the district
51 6 is located, and updated as necessary, after the committee
51 7 approves and the administrator of the division signs the
51 8 district plan. The commissioners shall provide notice of the
51 9 recording and may provide a copy of the approved district plan
51 10 to the county board of supervisors in the county where the
51 11 district is located. The district plan shall be filed with
51 12 the division as part of the state soil and water resource
51 13 conservation plan provided in section 161A.4.
51 14 ~~19.~~ o. To enter into agreements pursuant to chapter 161C
51 15 with the owner or occupier of land within the district or
51 16 cooperating districts, or any other private entity or public
51 17 agency, in carrying out water protection practices, including
51 18 district and multidistrict projects to protect this state's
51 19 groundwater and surface water from point and nonpoint sources
51 20 of contamination, including but not limited to agricultural
51 21 drainage wells, sinkholes, sedimentation, and chemical
51 22 pollutants.
51 23 2. As a condition to the extending of any benefits under
51 24 this chapter to, or the performance of work upon, any lands
51 25 not owned or controlled by this state or any of its agencies,
51 26 the commissioners may require contributions in money,
51 27 services, materials, or otherwise to any operations conferring
51 28 such benefits, and may require landowners or occupiers to
51 29 enter into and perform such agreements or covenants as to the
51 30 permanent use of such lands as will tend to prevent or control
51 31 erosion thereon.
51 32 3. The commissioners shall, as a condition for the receipt
51 33 of any state cost-sharing funds for permanent soil
51 34 conservation practices, require the owner of the land on which
51 35 the practices are to be established to covenant and file, in



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52 1 the office of the soil and water conservation district of the
52 2 county in which the land is located, an agreement identifying
52 3 the particular lands upon which the practices for which state
52 4 cost-sharing funds are to be received will be established, and
52 5 providing that the project will not be removed, altered, or
52 6 modified so as to lessen its effectiveness without the consent
52 7 of the commissioners, obtained in advance and based on
52 8 guidelines drawn up by the state soil conservation committee,
52 9 for a period of twenty years after the date of receiving
52 10 payment. The commissioners shall assist the division in the
52 11 enforcement of this subsection. The agreement does not create
52 12 a lien on the land, but is a charge personally against the
52 13 owner of the land at the time of removal, alteration, or
52 14 modification if an administrative order is made under section
52 15 161A.61, subsection 3.

52 16 4. No provisions with respect to the acquisition,
52 17 operation, or disposition of property by other public bodies
52 18 shall be applicable to a district organized hereunder unless
52 19 the general assembly shall specifically so state.

52 20 5. After the formation of any district under the
52 21 provisions of this chapter, all participation hereunder shall
52 22 be purely voluntary, except as specifically stated herein.

52 23 Sec. 61. Section 161A.61, subsection 3, Code 2009, is
52 24 amended to read as follows:

52 25 3. The commissioners may also cause an inspection of land
52 26 within the district on which they have reasonable grounds to
52 27 believe that a permanent soil and water conservation practice
52 28 established with public cost-sharing funds is not being
52 29 properly maintained or is being altered in violation of
52 30 section 161A.7, subsection ~~16~~ 3. If the commissioners find
52 31 that the practices are not being maintained or have been
52 32 altered in violation of section 161A.7, subsection ~~16~~ 3, the
52 33 commissioners shall issue an administrative order to the
52 34 landowner who made the unauthorized removal, alteration or
52 35 modification to maintain, repair, or reconstruct the permanent



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53 1 soil and water conservation practices. The requirement for
53 2 maintenance and repair is for the length of life as defined in
53 3 section 161A.7, subsection ~~4~~ 3. Public cost-sharing funds
53 4 are not available for the work under this order. If the
53 5 landowner fails to comply with the administrative order, the
53 6 commissioners may petition the district court for an order
53 7 compelling compliance with the order. Upon receiving
53 8 satisfactory proof, the court shall issue an order directing
53 9 compliance with the administrative order and may modify the
53 10 administrative order. The provisions of section 161A.50
53 11 relating to notice, appeals and contempt of court shall apply
53 12 to proceedings under this subsection.

53 13 Sec. 62. Section 161C.4, Code 2009, is amended to read as
53 14 follows:

53 15 161C.4 WATER PROTECTION FUND.

53 16 1. A water protection fund is created within the division.
53 17 The fund is composed of money appropriated by the general
53 18 assembly for that purpose, and moneys available to and
53 19 obtained or accepted by the state soil conservation committee
53 20 from the United States or private sources for placement in the
53 21 fund. The fund shall be a revolving fund from which moneys
53 22 may be used for loans, grants, administrative costs, and
53 23 cost-sharing.

53 24 2. The fund shall be divided into two accounts, the water
53 25 quality protection projects account and the water protection
53 26 practices account. The first account shall be used to carry
53 27 out water quality protection projects to protect the state's
53 28 surface and groundwater from point and nonpoint sources of
53 29 contamination. The second account shall be used to establish
53 30 water protection practices with individual landowners
53 31 including but not limited to woodland establishment and
53 32 protection, establishment of native grasses and forbs,
53 33 sinkhole management, agricultural drainage well management,
53 34 streambank stabilization, grass waterway establishment, stream
53 35 buffer strip establishment, and erosion control structure



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54 1 construction. Twenty-five percent of funds appropriated to
54 2 the water protection practices account shall be used for
54 3 woodland establishment and protection, and establishment of
54 4 native grasses and forbs. Soil and water conservation
54 5 district commissioners shall give priority to applications for
54 6 practices that implement their soil and water resource
54 7 conservation plan. ~~The fund shall be a revolving fund from~~
~~54 8 which moneys may be used for loans, grants, administrative~~
~~54 9 costs, and cost-sharing.~~

54 10 3. In administering the fund the division may:

54 11 ~~1.~~ a. Contract, sue and be sued, and adopt rules
54 12 necessary to carry out the provisions of this section, but the
54 13 division or committee shall not in any manner directly or
54 14 indirectly pledge the credit of this state.

54 15 2. b. Authorize payment from the water protection fund
54 16 and from fees for costs, commissions, and other reasonable
54 17 expenses.

54 18 Sec. 63. Section 169.8, Code 2009, is amended to read as
54 19 follows:

54 20 169.8 QUALIFICATIONS.

54 21 1. a. Any person desiring a license to practice
54 22 veterinary medicine in this state shall make written
54 23 application to the board on a form approved by the board. The
54 24 application shall show that the applicant is a graduate of an
54 25 accredited or approved college of veterinary medicine or the
54 26 holder of an ECFVG certificate. The application shall also
54 27 show such other information and proof as the board may require
54 28 by rule. The application shall be accompanied by a fee in the
54 29 amount established and published by the board.

54 30 b. If the board determines that the applicant possesses
54 31 the proper qualifications, it shall admit the applicant to the
54 32 next examination, or if the applicant is eligible for license
54 33 without examination under section 169.10, the board may grant
54 34 a license to the applicant.

54 35 c. If an applicant is found not qualified to take the



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55 1 examination or for a license without examination, the
55 2 secretary of the board shall immediately notify the applicant
55 3 in writing of such finding and the grounds therefor. An
55 4 applicant found unqualified may request a hearing on the
55 5 question of the applicant's qualification under the procedure
55 6 set forth in section 169.14. Any applicant who is found not
55 7 qualified shall be allowed the return of the application fee.
55 8 d. Based upon an applicant's education, experience, and
55 9 training, the board may grant a limited license to an
55 10 applicant to perform a restricted range of activities within
55 11 the practice of veterinary medicine, as specified by the
55 12 board.

~~55 13 Every individual licensed under this chapter shall keep the
55 14 license displayed in the place at which an office is
55 15 maintained.~~

55 16 2. a. The name, location, number of years of practice of
55 17 the person to whom a license is issued, the number of the
55 18 certificate, and the date of registration thereof shall be
55 19 entered in a book kept in the office of the department of
55 20 agriculture and land stewardship, to be known as the "registry
55 21 book", and the same shall be open to public inspection.

55 22 b. When any person licensed to practice under this chapter
55 23 changes residence, the board shall be notified within thirty
55 24 days and such change shall be noted in the registry book.

~~55 25 3. Every individual licensed under this chapter shall keep
55 26 the license displayed in the place at which an office is
55 27 maintained.~~

55 28 Sec. 64. Section 169.13, Code 2009, is amended to read as
55 29 follows:

55 30 169.13 DISCIPLINE OF LICENSEES.

55 31 1. The board of veterinary medicine, after due notice and
55 32 hearing, may revoke or suspend a license to practice
55 33 veterinary medicine if it determines that a veterinarian
55 34 licensed to practice veterinary medicine is guilty of any of
55 35 the following acts or offenses:



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56 1 ~~1.~~ a. Knowingly making misleading, deceptive, untrue, or
56 2 fraudulent representation in the practice of the profession.
56 3 ~~2.~~ b. Being convicted of a felony in the courts of this
56 4 state or another state, territory, or country. Conviction as
56 5 used in this paragraph includes a conviction of an offense
56 6 which if committed in this state would be deemed a felony
56 7 without regard to its designation elsewhere, or a criminal
56 8 proceeding in which a finding or verdict of guilt is made or
56 9 returned, but the adjudication or guilt is either withheld or
56 10 not entered. A certified copy of the final order or judgment
56 11 of conviction or plea of guilty in this state or in another
56 12 state is conclusive evidence.
56 13 ~~3.~~ c. Violating a statute or law of this state, another
56 14 state, or the United States, without regard to its designation
56 15 as either felony or misdemeanor, which statute or law relates
56 16 to the practice of veterinary medicine.
56 17 ~~4.~~ d. Having the person's license to practice veterinary
56 18 medicine revoked or suspended, or having other disciplinary
56 19 action taken by a licensing authority of another state,
56 20 territory, or country. A certified copy of the record or
56 21 order of suspension, revocation, or disciplinary action is
56 22 conclusive or prima facie evidence.
56 23 ~~5.~~ e. Knowingly aiding, assisting, procuring, or advising
56 24 a person to unlawfully practice veterinary medicine.
56 25 ~~6.~~ f. Being adjudged mentally incompetent by a court of
56 26 competent jurisdiction. The adjudication shall automatically
56 27 suspend a license for the duration of the license unless the
56 28 board orders otherwise.
56 29 ~~7.~~ g. Being guilty of a willful or repeated departure
56 30 from, or the failure to conform to, the minimal standard of
56 31 acceptable and prevailing practice of veterinary medicine as
56 32 defined in rules adopted by the board, in which proceeding
56 33 actual injury to an animal need not be established; or the
56 34 committing by a veterinarian of an act contrary to honesty,
56 35 justice, or good morals, whether the act is committed in the



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57 1 course of the practice or otherwise, and whether committed
57 2 within or without this state.

57 3 ~~8. h.~~ Inability to practice veterinary medicine with
57 4 reasonable skill and safety by reason of illness, drunkenness,
57 5 excessive use of drugs, narcotics, chemicals, or other type of
57 6 material or as a result of a mental or physical condition.
57 7 ~~The board, upon probable cause, may compel a veterinarian to~~
~~57 8 submit to a mental or physical examination by designated~~
~~57 9 physicians. Failure of a veterinarian to submit to an~~
~~57 10 examination constitutes an admission to the allegations made~~
~~57 11 against that veterinarian and the finding of fact and decision~~
~~57 12 of the board may be entered without the taking of testimony or~~
~~57 13 presentation of evidence. At reasonable intervals, a~~
~~57 14 veterinarian shall be afforded an opportunity to demonstrate~~
~~57 15 that the veterinarian can resume the competent practice of~~
~~57 16 veterinary medicine with reasonable skill and safety to~~
~~57 17 animals.~~

57 18 ~~A person licensed to practice veterinary medicine who makes~~
~~57 19 application for the renewal of the person's license as~~
~~57 20 required by section 169.12 gives consent to submit to a mental~~
~~57 21 or physical examination as provided by this paragraph when~~
~~57 22 directed in writing by the board. All objections shall be~~
~~57 23 waived as to the admissibility of the examining physician's~~
~~57 24 testimony or examination reports on the grounds that they~~
~~57 25 constitute privileged communication. The medical testimony or~~
~~57 26 examination reports shall not be used against a veterinarian~~
~~57 27 in another proceeding and are confidential except for other~~
~~57 28 actions filed against a veterinarian to revoke or suspend that~~
~~57 29 person's license.~~

57 30 ~~9. i.~~ Willful or repeated violation of lawful rules
57 31 adopted by the board or violation of a lawful order of the
57 32 board, previously entered by the board in a disciplinary
57 33 hearing.

57 34 2. a. The board, upon probable cause, may compel a
57 35 veterinarian to submit to a mental or physical examination by



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58 1 designated physicians. Failure of a veterinarian to submit to
58 2 an examination constitutes an admission to the allegations
58 3 made against that veterinarian and the finding of fact and
58 4 decision of the board may be entered without the taking of
58 5 testimony or presentation of evidence. At reasonable
58 6 intervals, a veterinarian shall be afforded an opportunity to
58 7 demonstrate that the veterinarian can resume the competent
58 8 practice of veterinary medicine with reasonable skill and
58 9 safety to animals.

58 10 b. A person licensed to practice veterinary medicine who
58 11 makes application for the renewal of the person's license as
58 12 required by section 169.12 gives consent to submit to a mental
58 13 or physical examination as provided by this paragraph when
58 14 directed in writing by the board. All objections shall be
58 15 waived as to the admissibility of the examining physician's
58 16 testimony or examination reports on the grounds that they
58 17 constitute privileged communication. The medical testimony or
58 18 examination reports shall not be used against a veterinarian
58 19 in another proceeding and are confidential except for other
58 20 actions filed against a veterinarian to revoke or suspend that
58 21 person's license.

58 22 Sec. 65. Section 172A.4, Code 2009, is amended to read as
58 23 follows:

58 24 172A.4 PROOF OF FINANCIAL RESPONSIBILITY REQUIRED.

58 25 1. ~~No~~ A license shall not be issued by the secretary to a
58 26 dealer or broker until the applicant has furnished proof of
58 27 financial responsibility as provided in this section. The
58 28 proof may be in the following forms:

58 29 ~~1-~~ a. (1) A bond of a surety company authorized to do
58 30 business in the state of Iowa in the form prescribed by and to
58 31 the satisfaction of the secretary, conditioned for the payment
58 32 of a judgment against the applicant furnishing the bond
58 33 because of nonpayment of obligations in connection with the
58 34 purchase of animals.

58 35 ~~a-~~ (a) The amount of bond for an established dealer or



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59 1 broker who does not maintain a business location in this state
59 2 shall be not less than the nearest multiple of five thousand
59 3 dollars above twice the average daily value of purchases of
59 4 livestock originating in this state, handled by such applicant
59 5 during the preceding twelve months or such parts thereof as
59 6 the applicant was purchasing livestock. The bond of a person
59 7 who does not maintain a business location in this state shall
59 8 be conditioned for the payment only of those claims which
59 9 arise from purchases of livestock originating in this state.

59 10 ~~b.~~ (b) The amount of bond for an established dealer or
59 11 broker who maintains one or more business locations in this
59 12 state shall be not less than the nearest multiple of five
59 13 thousand dollars above twice the average daily value of
59 14 purchases of livestock originating in this state handled by
59 15 the applicant during the preceding twelve months or such parts
59 16 thereof as the applicant was purchasing livestock. The bond
59 17 of a person who maintains one or more business locations in
59 18 this state shall be conditioned for the payment only of those
59 19 claims which arise from purchases of livestock originating in
59 20 this state.

59 21 ~~c.~~ (c) If a new dealer or broker not previously covered
59 22 by this chapter applies for a license, the amount of bond
59 23 shall be based on twice the estimated average daily value of
59 24 purchases of livestock originating in this state.

59 25 ~~d.~~ (d) For the purpose of computing average daily value,
59 26 two hundred sixty is deemed the number of business days in a
59 27 year.

59 28 ~~e.~~ (e) Whenever a dealer or broker's weekly purchases
59 29 exceed one hundred fifty percent of the dealer's or broker's
59 30 average weekly volume, the department shall require additional
59 31 bond in an amount determined by the department.

59 32 ~~f.~~ (2) The licensee and surety of the bond shall be held
59 33 and firmly bound unto the secretary as trustee for all persons
59 34 who may be damaged because of nonpayment of obligations in
59 35 connection with the purchase of animals originating in this



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60 1 state. Any person damaged because of such nonpayment may
60 2 maintain suit in the person's own behalf to recover on the
60 3 bond, even though not named as a party to the bond.

60 4 ~~g.~~ (3) For purposes of ~~subsection 1~~ this paragraph "a",
60 5 "purchases of livestock originating in this state" shall not
60 6 include purchases by dealers or brokers from their
60 7 subsidiaries.

60 8 ~~z.~~ b. A bond equivalent may be filed in lieu of a bond.
60 9 The bond equivalent shall be in the form of a trust agreement
60 10 and the fund of the trust shall be in the form of fully
60 11 negotiable obligations of the United States or certificates of
60 12 deposit insured by the Federal Deposit Insurance Corporation
60 13 or the Federal Savings and Loan Insurance Corporation.

60 14 (1) The trust agreement shall be in the form prescribed by
60 15 the secretary and executed to the satisfaction of the
60 16 secretary. The trustee of the trust agreement shall be an
60 17 institution located in this state in which the funds are
60 18 invested or deposited.

60 19 (2) The trust agreement shall provide as beneficiary, the
60 20 secretary for the benefit of those persons damaged because of
60 21 nonpayment of obligations in connection with the purchase of
60 22 animals originating in this state. The fund in trust shall be
60 23 an amount calculated in the exact manner as provided in
60 24 ~~subsection 1~~ paragraph "a". The fund in trust shall not be
60 25 subject to attachment for any other claim, or to levy of
60 26 execution upon a judgment based on any other claim.

60 27 ~~3. Any person damaged by nonpayment of obligations or by~~
~~60 28 any misrepresentation or fraud on the part of a broker or~~
~~60 29 dealer may maintain an action against the broker or dealer,~~
~~60 30 and the sureties on the bonds or the trustee of a trust fund.~~
~~60 31 The aggregate liability of the sureties or the trust for all~~
~~60 32 such damage shall not exceed the amount of the bond or trust.~~
~~60 33 In the event that the aggregate claims exceed the total amount~~
~~60 34 of the bond or trust, the amount payable on account of any~~
~~60 35 claim shall be in the same proportion to the amount of the~~



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~~61 1 bond or trust as the individual claim bears to the aggregate
61 2 claims.~~

~~61 3 Unless the person damaged files claim with the dealer or
61 4 broker, and with the sureties or trustee, and with the
61 5 department within ninety days after the date of the
61 6 transaction on which the claim is based, the claimant shall be
61 7 barred from maintaining an action on the bond or trust and
61 8 from receiving any proceeds from the bond or trust.~~

~~61 9 4. Whenever the secretary determines that the business
61 10 volume of the applicant or licensee is such as to render the
61 11 bond or trust inadequate, the amount of the bond or trust
61 12 shall be, upon notice, adjusted.~~

~~61 13 5. All bonds and trust agreements shall contain a
61 14 provision requiring that at least thirty days' prior notice in
61 15 writing be given to the secretary by the party terminating the
61 16 bond or trust agreement as a condition precedent to
61 17 termination.~~

~~61 18 Whenever a bond or a trust agreement is to be terminated by
61 19 a cancellation by the surety or trustee, the secretary shall
61 20 cause to be published notices of the proposed cancellation not
61 21 less than ten days prior to the date the cancellation is
61 22 effective. The notices shall be published as follows:~~

~~61 23 a. In the Iowa administrative code.~~

~~61 24 b. In a newspaper of general circulation in the county in
61 25 which the licensee maintains a business location, or if the
61 26 licensee maintains no business location in this state, then in
61 27 the county where the licensee transacts a substantial part of
61 28 the licensee's business.~~

~~61 29 e. By general news release to all news media. Failure by
61 30 the secretary to cause the publication of notice as required
61 31 by this paragraph shall not be deemed to prevent or delay the
61 32 cancellation.~~

~~61 33 The termination of a bond or a trust agreement shall not
61 34 release the parties from any liability arising out of the
61 35 facts or transactions occurring prior to the termination date.~~



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~~62 1 Trust funds shall not be withdrawn from trust by a licensee
62 2 until the expiration of ninety days after the date of
62 3 termination of the trust, and then only if no claims secured
62 4 by the agreement have been filed with the secretary. If any
62 5 claims have been filed with the secretary, the withdrawal of
62 6 funds by the licensee shall not be permitted until the claims
62 7 have been satisfied or released and evidence of the
62 8 satisfaction or release filed with the secretary.~~

62 9 ~~6.~~ c. A person who is not a resident of this state and
62 10 who either maintains no business location in this state or
62 11 maintains one or more business locations in this state, and a
62 12 person who is a resident of this state and who maintains more
62 13 than one business location in this state, may submit a
62 14 consolidated proof of financial responsibility. The
62 15 consolidated proof of financial responsibility shall consist
62 16 of a bond or a trust agreement meeting all of the requirements
62 17 of this section, except that the calculation of the amount of
62 18 the bond or the amount of the trust fund shall be based on the
62 19 average daily value of all purchases of livestock originating
62 20 in this state. A person who submits consolidated proof of
62 21 financial responsibility shall maintain separate records for
62 22 each business location, and shall maintain such other records
62 23 respecting purchases of livestock as the secretary by rule
62 24 shall prescribe.

62 25 2. a. Any person damaged by nonpayment of obligations or
62 26 by any misrepresentation or fraud on the part of a broker or
62 27 dealer may maintain an action against the broker or dealer,
62 28 and the sureties on the bonds or the trustee of a trust fund.
62 29 The aggregate liability of the sureties or the trust for all
62 30 such damage shall not exceed the amount of the bond or trust.
62 31 In the event that the aggregate claims exceed the total amount
62 32 of the bond or trust, the amount payable on account of any
62 33 claim shall be in the same proportion to the amount of the
62 34 bond or trust as the individual claim bears to the aggregate
62 35 claims.



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63 1 b. Unless the person damaged files claim with the dealer
63 2 or broker, and with the sureties or trustee, and with the
63 3 department within ninety days after the date of the
63 4 transaction on which the claim is based, the claimant shall be
63 5 barred from maintaining an action on the bond or trust and
63 6 from receiving any proceeds from the bond or trust.

63 7 3. Whenever the secretary determines that the business
63 8 volume of the applicant or licensee is such as to render the
63 9 bond or trust inadequate, the amount of the bond or trust
63 10 shall be, upon notice, adjusted.

63 11 4. All bonds and trust agreements shall contain a
63 12 provision requiring that at least thirty days' prior notice in
63 13 writing be given to the secretary by the party terminating the
63 14 bond or trust agreement as a condition precedent to
63 15 termination.

63 16 5. a. Whenever a bond or a trust agreement is to be
63 17 terminated by a cancellation by the surety or trustee, the
63 18 secretary shall cause to be published notices of the proposed
63 19 cancellation not less than ten days prior to the date the
63 20 cancellation is effective. The notices shall be published as
63 21 follows:

63 22 (1) In the Iowa administrative code.

63 23 (2) In a newspaper of general circulation in the county in
63 24 which the licensee maintains a business location, or if the
63 25 licensee maintains no business location in this state, then in
63 26 the county where the licensee transacts a substantial part of
63 27 the licensee's business.

63 28 (3) By general news release to all news media. Failure by
63 29 the secretary to cause the publication of notice as required
63 30 by this subparagraph shall not be deemed to prevent or delay
63 31 the cancellation.

63 32 b. The termination of a bond or a trust agreement shall
63 33 not release the parties from any liability arising out of the
63 34 facts or transactions occurring prior to the termination date.

63 35 c. Trust funds shall not be withdrawn from trust by a



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64 1 licensee until the expiration of ninety days after the date of
64 2 termination of the trust, and then only if no claims secured
64 3 by the agreement have been filed with the secretary. If any
64 4 claims have been filed with the secretary, the withdrawal of
64 5 funds by the licensee shall not be permitted until the claims
64 6 have been satisfied or released and evidence of the
64 7 satisfaction or release filed with the secretary.

64 8 Sec. 66. Section 175.28, Code 2009, is amended to read as
64 9 follows:

64 10 175.28 TRUST ASSETS.

64 11 The authority shall make application to and receive from
64 12 the secretary of agriculture of the United States, or any
64 13 other proper federal official, pursuant and subject to the
64 14 provisions of Pub. L. No. ~~499~~ 81=499, 64 Stat. 152 (1950),
64 15 ~~(formerly formerly codified at 40 U.S.C. } 440 et seq. (1976))~~
64 16 (1976), all of the trust assets held by the United States in
64 17 trust for the Iowa rural rehabilitation corporation now
64 18 dissolved.

64 19 Sec. 67. Section 175.29, Code 2009, is amended to read as
64 20 follows:

64 21 175.29 AGREEMENTS.

64 22 The authority may enter into agreements with the secretary
64 23 of agriculture of the United States pursuant to Pub. L. No.
64 24 ~~499 s. 81=499~~ } 2(f) (1950) upon terms and conditions and for
64 25 periods of time as mutually agreeable, authorizing the
64 26 authority to accept, administer, expend and use in the state
64 27 of Iowa all or any part of the trust assets or other funds in
64 28 the state of Iowa which have been appropriated for use in
64 29 carrying out the purposes of the Bankhead=Jones Farm Tenant
64 30 Act and to do any and all things necessary to effectuate and
64 31 carry out the purposes of said agreements.

64 32 Sec. 68. Section 175.30, Code 2009, is amended to read as
64 33 follows:

64 34 175.30 USE OF ASSETS == INSURED OR GUARANTEED LOANS TO
64 35 BEGINNING OR DISPLACED FARMERS.



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65 1 1. As used in this section:

65 2 a. "Beginning farmer" includes an individual or
65 3 partnership with a low or moderate net worth that became
65 4 engaged in farming on or after January 1, 1982.

65 5 b. "Displaced farmer" means a person who discontinued
65 6 farming on or after January 1, 1982, due to foreclosure or
65 7 voluntary liquidation for financial reasons, and who was
65 8 actively engaged in farming for at least one year prior to
65 9 discontinuing farming.

65 10 2. The trust assets received under the application made
65 11 pursuant to section 175.28 other than cash shall be taken on
65 12 proper transfer or assignment from the department of human
65 13 services to the authority and administered as provided in this
65 14 chapter. These funds may be used for any of the purposes of
65 15 this chapter, including but not limited to costs of
65 16 administration and insuring or guaranteeing payment of all or
65 17 a portion of loans made pursuant to this chapter.

65 18 3. a. Beginning August 11, 1983, the authority shall
65 19 establish an insurance or guarantee loan program with those
65 20 funds received pursuant to section 175.28 to the extent those
65 21 funds were not committed under a program authorized by this
65 22 chapter on August 11, 1983. This program shall provide for
65 23 the insuring or guaranteeing of seventy-five percent of the
65 24 amount of an agricultural loan, not in excess of twenty-five
65 25 thousand dollars, made to a beginning or displaced farmer to
65 26 provide operating moneys for farming purposes in this state.

65 27 b. The authority shall insure or guarantee only one such
65 28 loan for each beginning or displaced farmer. The authority
65 29 shall insure or guarantee a loan for only one year but with
65 30 the option to extend the insurance or guarantee once for an
65 31 additional year. The authority shall not insure or guarantee
65 32 a loan where the ratio of the beginning or displaced farmer's
65 33 liabilities, excluding the amount of the loan, to assets is
65 34 greater than three to one.

65 35 c. Provision shall be made in the insuring or guaranteeing



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66 1 of a loan that only those funds set aside for this program as
66 2 provided in this ~~paragraph~~ subsection shall be used for the
66 3 payment of all or a portion of the loan insured or guaranteed.
66 4 Provision shall also be made that the authority shall pay
66 5 under its insurance or guarantee seventy-five percent of the
66 6 actual amount of the default.

66 7 d. A mortgage lender which seeks to have a loan of the
66 8 lender insured or guaranteed under this program shall apply to
66 9 the authority for the insurance or guarantee pursuant to rules
66 10 established by the authority for this purpose. This program
66 11 shall not obligate the state, authority, or other agency
66 12 except to the extent provided in this ~~paragraph~~ subsection.

66 13 e. The authority shall define by rule what constitutes a
66 14 loan made to provide operating moneys which definition shall
66 15 not include a loan made for acquisition of agricultural land
66 16 or agricultural improvements, or the refinancing of an
66 17 existing loan even if made for operating purposes. ~~As used in~~
~~66 18 this section, "displaced farmer" means a person who~~
~~66 19 discontinued farming on or after January 1, 1982 due to~~
~~66 20 foreclosure or voluntary liquidation for financial reasons,~~
~~66 21 and who was actively engaged in farming for at least one year~~
~~66 22 prior to discontinuing farming. For the purposes of this~~
~~66 23 section, "beginning farmer" includes an individual or~~
~~66 24 partnership with a low or moderate net worth that became~~
~~66 25 engaged in farming on or after January 1, 1982.~~

66 26 Sec. 69. Section 176A.3, Code 2009, is amended to read as
66 27 follows:

66 28 176A.3 DEFINITION OF TERMS.

66 29 Whenever used or referred to in this chapter, unless a
66 30 different meaning clearly appears from the context (~~1~~)

~~66 31 "county:~~

66 32 1. "County agricultural extension council" hereinafter
66 33 referred to as "extension council" means the agency created
66 34 and constituted as provided in section 176A.5.

66 35 2. "County agricultural extension district" hereinafter



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67 1 referred to as "extension district" means a governmental
67 2 subdivision of this state, and a public body corporate
67 3 organized in accordance with the provisions of this chapter
67 4 for the purposes, with the powers, and subject to the
67 5 restrictions hereinafter set forth; ~~(2) "county agricultural~~
~~67 6 extension council" hereinafter referred to as "extension~~
~~67 7 council" means the agency created and constituted as provided~~
~~67 8 in section 176A.5; (3) in this chapter.~~
67 9 3. "Director of extension" means the "director of Iowa
67 10 state university of science and technology extension service",
67 11 and shall hereinafter be referred to as "director of
67 12 extension".
67 13 4. "Extension service" means the "cooperative extension
67 14 service in agriculture and home economics of Iowa state
67 15 university", and shall hereinafter be referred to as
67 16 "extension service".
67 17 5. "Iowa state university" means the "Iowa state
67 18 university of science and technology", and shall hereinafter
67 19 be referred to as "Iowa state university";~~(4) "extension~~
~~67 20 service" means the "co-operative extension service in~~
~~67 21 agriculture and home economics of Iowa state university", and~~
~~67 22 shall hereinafter be referred to as "extension service"; (5)~~
~~67 23 "director of extension" means the "director of Iowa state~~
~~67 24 university of science and technology extension service", and~~
~~67 25 shall hereinafter be referred to as "director of extension".~~
67 26 Sec. 70. Section 176A.8, subsection 3, Code 2009, is
67 27 amended to read as follows:
67 28 3. a. To and shall, at least ninety days prior to the
67 29 date fixed for the election of council members, appoint a
67 30 nominating committee consisting of four persons who are not
67 31 council members and designate the chairperson. The membership
67 32 of the nominating committee shall be gender balanced. The
67 33 nominating committee shall consider the geographic
67 34 distribution of potential nominees in nominating one or more
67 35 resident registered voters of the extension district as



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68 1 candidates for election to each office to be filled at the
68 2 election. To qualify for the election ballot, each nominee
68 3 shall file a nominating petition signed by at least
68 4 twenty-five eligible electors of the district with the county
68 5 commissioner of elections at least sixty-nine days before the
68 6 date of election.

68 7 b. The council To and shall also provide for the
68 8 nomination by petition of candidates for election to
68 9 membership on the extension council. A nominating petition
68 10 shall be signed by at least twenty-five eligible electors of
68 11 the extension district and shall be filed with the county
68 12 commissioner of elections at least sixty-nine days before the
68 13 date of the election.

68 14 Sec. 71. Section 177.2, subsection 4, Code 2009, is
68 15 amended to read as follows:

68 16 4. Conduct, in cooperation with Iowa state university
68 17 college of agriculture and life sciences, testing and
68 18 ~~disseminating~~ disseminate information regarding the adaptation
68 19 and performance of crop cultivars.

68 20 Sec. 72. Section 177.3, subsection 2, paragraph b,
68 21 unnumbered paragraph 1, Code 2009, is amended to read as
68 22 follows:

68 23 The following persons representing the college of
68 24 agriculture and life sciences at Iowa state university:

68 25 Sec. 73. Section 177A.6, Code 2009, is amended to read as
68 26 follows:

68 27 177A.6 RULES.

68 28 1. The state entomologist shall, from time to time, ~~make~~
68 29 adopt rules for carrying out the provisions and requirements
68 30 of this chapter, including rules under which the inspectors
68 31 and other employees shall:

68 32 ~~1.~~ a. Inspect places, plants and plant products, and
68 33 things and substances used or connected therewith,

68 34 ~~2.~~ b. Investigate, control, eradicate and prevent the
68 35 dissemination of insect pests and diseases, and



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69 1 ~~3.~~ c. Supervise or cause the treatment, cutting and
69 2 destruction of plants and plant products infested or infected
69 3 therewith.

69 4 2. The state entomologist, the entomologist's inspectors,
69 5 employees, or other authorized agents shall have authority to
69 6 enforce these rules which shall be published in the same
69 7 manner as are the other rules of the department.

69 8 3. ~~No~~ A nursery stock dealer shall not sell, offer for
69 9 sale, or distribute nursery products by any method, or under
69 10 any circumstances or condition, which ~~have~~ has the capacity
69 11 and tendency or effect of deceiving purchasers or prospective
69 12 customers as to quantity, size, grade, kind, species, age,
69 13 maturity, viability, condition, vigor, hardiness, number of
69 14 times transplanted, growth ability, growth characteristics,
69 15 rate of growth or time required before flowering or fruiting,
69 16 price, origin or place where grown, or in any other material
69 17 respect.

69 18 4. When under the provisions of this section it becomes
69 19 necessary for the state entomologist to verify sizes and
69 20 grades of nursery stock, or either of them, the entomologist
69 21 shall use as a guide the "American Standard for Nursery Stock"
69 22 as revised and approved by the American standards association,
69 23 inc.

69 24 Sec. 74. Section 186.1, Code 2009, is amended to read as
69 25 follows:

69 26 186.1 MEETINGS AND ORGANIZATION OF SOCIETY.

69 27 The Iowa state ~~horticultural~~ horticulture society shall
69 28 hold meetings each year, at times as it may fix, for the
69 29 transaction of business. The officers and board of directors
69 30 of the society shall be chosen as provided for in the
69 31 constitution of the society, for the period and in the manner
69 32 prescribed therein, but the secretary of agriculture or the
69 33 secretary's designee shall be a member of the board of
69 34 directors and of the executive committee. Any vacancy in the
69 35 offices filled by the society may be filled by the executive



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70 1 committee for the unexpired portion of the term.

70 2 Sec. 75. Section 186.5, Code 2009, is amended to read as
70 3 follows:

70 4 186.5 APPROPRIATIONS.

70 5 All money appropriated by the state for the use of the Iowa
70 6 state ~~horticultural~~ horticulture society shall be paid on the
70 7 warrant of the director of the department of administrative
70 8 services, upon the order of the president and secretary of
70 9 said society, in such sums and at such times as may be for the
70 10 interests of said society. All expenditures from state funds
70 11 for the use of the Iowa state ~~horticultural~~ horticulture
70 12 society are to be approved by the secretary of agriculture.

70 13 Sec. 76. Section 190A.3, subsection 1, Code 2009, is
70 14 amended to read as follows:

70 15 1. The farm-to-school program ~~seeks~~ shall seek to link
70 16 elementary and secondary public and nonpublic schools in this
70 17 state with Iowa farms to provide schools with fresh and
70 18 minimally processed food for inclusion in school meals and
70 19 snacks, encourage children to develop healthy eating habits,
70 20 and provide Iowa farmers access to consumer markets.

70 21 Sec. 77. Section 190C.5, subsection 1, Code 2009, is
70 22 amended to read as follows:

70 23 1. ~~a.~~ The department acting as a state certifying agent
70 24 shall establish a schedule of fees by rule. ~~The fees shall be~~
~~70 25 charged to persons who are certified under this chapter,~~
~~70 26 including production operations and handling operations, in a~~
~~70 27 manner that is consistent with the national organic program.~~

70 28 a. The department shall establish the rate of fees based
70 29 on an estimate of the amount of revenues from the fees
70 30 required by the department to administer and enforce this
70 31 chapter.

70 32 b. The department shall annually review the estimate and
70 33 may change the rate of fees. The fees must be adjusted in
70 34 order to comply with this subsection.

70 35 c. The fees shall be charged to persons who are certified



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71 1 under this chapter, including production operations and
71 2 handling operations, in a manner that is consistent with the
71 3 national organic program.

71 4 Sec. 78. Section 198.4, Code 2009, is amended to read as
71 5 follows:

71 6 198.4 LICENSES.

71 7 1. This section shall apply to any person:

71 8 a. Who manufactures a commercial feed within the state.

71 9 b. Who distributes a commercial feed in or into the state.

71 10 c. Whose name appears on the label of a commercial feed as
71 11 guarantor.

71 12 2. ~~The~~ A person shall obtain a license, for each facility
71 13 which distributes in or into the state, authorizing the person
71 14 to manufacture or distribute commercial feed before the person
71 15 engages in such activity. Any person who makes only retail
71 16 sales of commercial feed which bears labeling or other
71 17 approved indication that the commercial feed is from a
71 18 licensed manufacturer, guarantor, or distributor who has
71 19 assumed full responsibility for the tonnage inspection fee due
71 20 under section 198.9 is not required to obtain a license.

71 21 3. A broker shall not distribute a commercial feed in this
71 22 state without first obtaining a license from the secretary
71 23 issued on forms provided by the secretary. The forms must
71 24 identify the broker's name and place of business.

71 25 ~~2.~~ 4. A person obtaining a license under this section
71 26 shall pay to the secretary a license fee of ten dollars. Fees
71 27 relating to the issuance of licenses shall be paid by July 1
71 28 of each year.

71 29 Sec. 79. Section 202B.201, subsection 1, paragraph b,
71 30 subparagraph (1), Code 2009, is amended to read as follows:

71 31 (1) (a) (i) Directly or indirectly own, control, or
71 32 operate a swine operation in this state.

71 33 ~~(b)~~ (ii) Finance a swine operation in this state or
71 34 finance a person who directly or indirectly contracts for the
71 35 care and feeding of swine in this state.



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72 1 ~~For purposes of subparagraph subdivision (a) and this~~
~~72 2 subparagraph subdivision, all of the following apply:~~
72 3 (i) "Finance" means an action by a processor to directly
~~72 4 or indirectly loan money or to guarantee or otherwise act as a~~
~~72 5 surety.~~
72 6 (ii) "Finance" or "control" does not include executing a
~~72 7 contract for the purchase of swine by a processor, including~~
~~72 8 but not limited to a contract that contains an unsecured~~
~~72 9 ledger balance or other price risk sharing arrangement.~~
~~72 10 "Finance" also does not include providing an unsecured open~~
~~72 11 account or an unsecured loan, if the unsecured open account or~~
~~72 12 unsecured loan is used for the purchase of feed for the swine~~
~~72 13 and the outstanding amount due by the debtor does not exceed~~
~~72 14 five hundred thousand dollars. However, the outstanding~~
~~72 15 amount due to support a single swine operation shall not~~
~~72 16 exceed two hundred fifty thousand dollars.~~
72 17 (e) (iii) Obtain a benefit of production associated with
72 18 feeding or otherwise maintaining swine, by directly or
72 19 indirectly assuming a morbidity or mortality production risk,
72 20 if the swine are fed or otherwise maintained as part of a
72 21 swine operation in this state or by a person who contracts for
72 22 the care and feeding of swine in this state.
72 23 (d) (iv) Directly or indirectly receive the net revenue
72 24 derived from a swine operation in this state or from a person
72 25 who contracts for the care and feeding of swine in this state.
72 26 (b) For purposes of subparagraph division (a),
72 27 subparagraph subdivisions (i) and (ii), both of the following
72 28 apply:
72 29 (i) "Finance" means an action by a processor to directly
72 30 or indirectly loan money or to guarantee or otherwise act as a
72 31 surety.
72 32 (ii) "Finance" or "control" does not include executing a
72 33 contract for the purchase of swine by a processor, including
72 34 but not limited to a contract that contains an unsecured
72 35 ledger balance or other price risk sharing arrangement.



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73 1 "Finance" also does not include providing an unsecured open
73 2 account or an unsecured loan, if the unsecured open account or
73 3 unsecured loan is used for the purchase of feed for the swine
73 4 and the outstanding amount due by the debtor does not exceed
73 5 five hundred thousand dollars. However, the outstanding
73 6 amount due to support a single swine operation shall not
73 7 exceed two hundred fifty thousand dollars.

73 8 Sec. 80. Section 203.15, subsection 4, paragraph c, Code
73 9 2009, is amended to read as follows:

73 10 c. (1) A grain dealer must meet at least either of the
73 11 following conditions:

73 12 ~~(1)~~ (a) The grain dealer's last financial statement
73 13 required to be submitted to the department pursuant to section
73 14 203.3 is accompanied by an unqualified opinion based upon an
73 15 audit performed by a certified public accountant licensed in
73 16 this state.

73 17 ~~(2)~~ (b) The grain dealer files a bond with the department
73 18 in the amount of one hundred thousand dollars payable to the
73 19 department.

73 20 (2) (a) The bond filed with the department under this
73 21 paragraph shall be used to indemnify sellers for losses
73 22 resulting from a breach of a credit-sale contract as provided
73 23 by rules adopted by the department. The rules shall include,
73 24 but are not limited to, procedures and criteria for providing
73 25 notice, filing claims, valuing losses, and paying claims. The
73 26 bond provided in this paragraph shall be in addition to any
73 27 other bond required in this chapter.

73 28 (b) ~~A The bond filed with the department under this~~
~~73 29 paragraph shall not be canceled by the issuer on less than~~
73 30 ninety days notice by certified mail to the department and the
73 31 principal. However, if an adequate replacement bond is filed
73 32 with the department, the department may authorize the
73 33 cancellation of the original bond before the end of the
73 34 ninety-day period.

73 35 (c) If an adequate replacement bond is not received by the



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74 1 department within sixty days of the issuance of the notice of
74 2 cancellation, the department shall automatically suspend the
74 3 grain dealer's license. The department shall cause an
74 4 inspection of the licensed grain dealer immediately at the end
74 5 of the sixty-day period. If a replacement bond is not filed
74 6 within another thirty days following the suspension, the grain
74 7 dealer license shall be automatically revoked.

74 8 (3) When a license is revoked, the department shall
74 9 provide notice of the revocation by ordinary mail to the last
74 10 known address of each holder of an outstanding credit-sale
74 11 contract and all known sellers.

74 12 Sec. 81. Section 203D.1, subsection 4, Code 2009, is
74 13 amended to read as follows:

74 14 4. "First point of sale" means the initial transfer of
74 15 title to grain from a person who has produced the grain or
74 16 caused the grain to be produced ~~the grain~~ to the first
74 17 purchaser of the grain for consideration, conditional or
74 18 otherwise, in any manner or by any means.

74 19 Sec. 82. Section 203D.6, subsection 1, Code 2009, is
74 20 amended to read as follows:

74 21 1. PERSONS WHO MAY FILE CLAIMS == TIME OF FILING.

74 22 a. A depositor or seller may file a claim with the
74 23 department for indemnification of a loss from the grain
74 24 depositors and sellers indemnity fund. A claim shall be filed
74 25 in the manner prescribed by the board.

74 26 b. (1) A claim shall not be filed prior to the incurrence
74 27 date, which is the earlier of the following:

74 28 ~~a.~~ (a) The revocation, termination, or cancellation of
74 29 the license of the grain dealer or warehouse operator.

74 30 ~~b.~~ (b) The filing of a petition in bankruptcy by a
74 31 licensed grain dealer or licensed warehouse operator.

74 32 (2) To be timely, a claim shall be filed within one
74 33 hundred twenty days of the incurrence date.

74 34 Sec. 83. Section 206.5, subsections 2, 3, and 7, Code
74 35 2009, are amended to read as follows:



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75 1 ~~2. The secretary shall adopt, by rule, requirements for~~
~~75 2 the examination, reexamination, and certification of~~
~~75 3 applicants.~~

75 4 ~~3.~~ 2. a. A commercial applicator shall choose between a
75 5 one-year certification for which the applicator shall pay a
75 6 thirty dollar fee or a three-year certification for which the
75 7 applicator shall pay a seventy-five dollar fee. A public
75 8 applicator shall choose between a one-year certification for
75 9 which the applicator shall pay a ten dollar fee or a
75 10 three-year certification for which the applicator shall pay a
75 11 fifteen dollar fee. A private applicator shall pay a fifteen
75 12 dollar fee for a three-year certification.

75 13 b. To be initially certified as a commercial, public, or
75 14 private applicator, a person must complete an educational
75 15 program which shall consist of an examination required to be
75 16 passed by the person. After initial certification the
75 17 commercial, public, or private applicator must renew the
75 18 certification by completing the educational program which
75 19 shall consist of either an examination or continuing
75 20 instructional courses. The commercial, public, or private
75 21 applicator must pass the examination each third year following
75 22 initial certification or may elect to attend two hours of
75 23 continuing instructional courses each year.

75 24 ~~The department shall adopt rules providing for the program~~
~~75 25 requirements which shall at least include the safe handling,~~
~~75 26 application, and storage of pesticides, the correct~~
~~75 27 calibration of equipment used for the application of~~
~~75 28 pesticides, and the effects of pesticides upon the~~
~~75 29 groundwater. The department shall adopt by rule criteria for~~
~~75 30 allowing a person required to be certified to complete either~~
~~75 31 a written or oral examination. The department shall~~
~~75 32 administer the instructional courses, by either teaching the~~
~~75 33 courses or selecting persons to teach the courses, according~~
~~75 34 to criteria as provided by rules adopted by the department.~~
~~75 35 The department shall, to the extent possible, select persons~~



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~~76 1 to teach the courses in each county. The department is not
76 2 required to compensate persons selected to teach the courses.
76 3 In selecting persons, the department shall rely upon
76 4 organizations interested in the application of pesticides,
76 5 including associations representing pesticide applicators and
76 6 associations representing agricultural producers. The Iowa
76 7 cooperative extension service in agriculture and home
76 8 economics of Iowa state university of science and technology
76 9 shall cooperate with the department in administering the
76 10 instructional courses. The Iowa cooperative extension service
76 11 may teach courses, train persons selected to teach courses, or
76 12 distribute informational materials to persons teaching the
76 13 courses.~~

76 14 ~~e.~~ 3. A commercial, public, or private applicator is not
76 15 required to be certified to apply pesticides for a period of
76 16 twenty-one days from the date of initial employment if the
76 17 commercial, public, or private applicator is under the direct
76 18 supervision of a certified applicator. For the purposes of
76 19 this section, "under the direct supervision of" means that the
76 20 application of a pesticide is made by a competent person
76 21 acting under the instructions and control of a certified
76 22 applicator who is physically present, by being in sight or
76 23 hearing distance of the supervised person.

76 24 7. a. The secretary shall adopt, by rule, requirements
76 25 for the examination, reexamination, and certification of
76 26 applicants.

76 27 b. The department shall adopt rules providing for the
76 28 program requirements which shall at least include the safe
76 29 handling, application, and storage of pesticides, the correct
76 30 calibration of equipment used for the application of
76 31 pesticides, and the effects of pesticides upon the
76 32 groundwater.

76 33 (1) The department shall adopt by rule criteria for
76 34 allowing a person required to be certified to complete either
76 35 a written or oral examination.



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77 1 (2) The department shall administer the instructional
77 2 courses, by either teaching the courses or selecting persons
77 3 to teach the courses, according to criteria as provided by
77 4 rules adopted by the department. The department shall, to the
77 5 extent possible, select persons to teach the courses in each
77 6 county. The department is not required to compensate persons
77 7 selected to teach the courses. In selecting persons, the
77 8 department shall rely upon organizations interested in the
77 9 application of pesticides, including associations representing
77 10 pesticide applicators and associations representing
77 11 agricultural producers.

77 12 (3) The Iowa cooperative extension service in agriculture
77 13 and home economics of Iowa state university of science and
77 14 technology shall cooperate with the department in
77 15 administering the instructional courses. The Iowa cooperative
77 16 extension service may teach courses, train persons selected to
77 17 teach courses, or distribute informational materials to
77 18 persons teaching the courses.

77 19 c. The secretary may adopt rules to provide for license
77 20 and certification adjustments, including fees, which may be
77 21 necessary to provide for an equitable transition for licenses
77 22 and certifications issued prior to January 1, 1989. The rules
77 23 shall also include a provision for renewal of certification
77 24 and for a thirty-day renewal grace period.

77 25 d. The secretary shall also adopt rules which allow for an
77 26 exemption from certification for a person who uses certain
77 27 services and is not solely a pesticide applicator, but who
77 28 uses the services as an incidental part of the person's
77 29 duties.

77 30 Sec. 84. Section 206.8, subsections 2 through 4, Code
77 31 2009, are amended to read as follows:

77 32 2. A pesticide dealer shall pay by June 30 of each year to
77 33 the department an annual license fee based on the gross retail
77 34 sales of all pesticides sold for use in this state by the
77 35 dealer in the previous year. The license fee shall be set as



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78 1 follows:

78 2 a. (1) A pesticide dealer with less than one hundred
78 3 thousand dollars in gross retail pesticide sales shall have
78 4 the option to pay a license fee based on one-tenth of one
78 5 percent of the gross retail pesticide sales in the previous
78 6 year or to pay a license fee according to the following:

78 7 ~~(1)~~ (a) Twenty-five dollars, if the annual gross retail
78 8 pesticide sales are less than twenty-five thousand dollars.

78 9 ~~(2)~~ (b) Fifty dollars, if the annual gross retail
78 10 pesticide sales are twenty-five thousand dollars or more but
78 11 less than fifty thousand dollars.

78 12 ~~(3)~~ (c) Seventy-five dollars, if the annual gross retail
78 13 pesticide sales are fifty thousand dollars or more but less
78 14 than seventy-five thousand dollars.

78 15 ~~(4)~~ (d) One hundred dollars, if the annual gross retail
78 16 pesticide sales are seventy-five thousand dollars or more but
78 17 less than one hundred thousand dollars.

78 18 (2) The secretary shall provide for a three-month grace
78 19 period for licensure and shall impose a late fee of ten
78 20 dollars upon the licensure of a dealer applying for licensure
78 21 during the month of October, a late fee of fifteen dollars
78 22 upon the licensure of a dealer applying for licensure during
78 23 the month of November, a late fee of twenty-five dollars upon
78 24 the licensure of a dealer applying for licensure during the
78 25 month of December, and a late fee of twenty-five dollars upon
78 26 the licensure of a dealer applying for licensure for each
78 27 month after the month of December.

78 28 b. (1) A pesticide dealer with one hundred thousand
78 29 dollars or more in gross retail pesticide sales shall pay a
78 30 license fee based on one-tenth of one percent of the gross
78 31 retail pesticide sales in the previous year.

78 32 (2) The secretary shall provide for a three-month grace
78 33 period for licensure and shall impose a late fee of two
78 34 percent of the license fee upon the licensure of a dealer
78 35 applying for licensure during the month of October, a late fee



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79 1 of four percent of the license fee upon the licensure of a
79 2 dealer applying for licensure during the month of November, a
79 3 late fee of five percent of the license fee upon the licensure
79 4 of a dealer applying for licensure during the month of
79 5 December, and a late fee of five percent upon the licensure of
79 6 a dealer applying for licensure for each month after the month
79 7 of December.

79 8 3. Up to twenty-five dollars of each annual license fee
79 9 shall be retained by the department for administration of the
79 10 program, and the remaining moneys collected shall be deposited
79 11 in the agriculture management account of the groundwater
79 12 protection fund.

79 13 ~~3. This section shall not apply to either of the~~
~~79 14 following:~~

~~79 15 a. A pesticide applicator who applies pesticides which are~~
~~79 16 owned and furnished to the pesticide applicator by another~~
~~79 17 person, if the pesticide applicator does not charge for the~~
~~79 18 sale of the pesticides.~~

~~79 19 b. A federal, state, county, or municipal governmental~~
~~79 20 entity which provides pesticides only for its own programs.~~

79 21 4. Application for a license required for manufacturers
79 22 and distributors who are not engaged in the retail sale of
79 23 pesticides shall be accompanied by a twenty-five dollar fee
79 24 for each business location within the state required to be
79 25 licensed, and shall be on a form prescribed by the secretary.

79 26 5. This section does not apply to either of the following:

79 27 a. A pesticide applicator who applies pesticides which are
79 28 owned and furnished to the pesticide applicator by another
79 29 person, if the pesticide applicator does not charge for the
79 30 sale of the pesticides.

79 31 b. A federal, state, county, or municipal governmental
79 32 entity which provides pesticides only for its own programs.

79 33 Sec. 85. Section 206.12, subsections 2 through 7, Code
79 34 2009, are amended to read as follows:

79 35 2. The registrant shall file with the department a



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80 1 statement containing:

80 2 a. The name and address of the registrant and the name and
80 3 address of the person whose name will appear on the label, if
80 4 other than the registrant.

80 5 b. The name of the pesticide.

80 6 c. An ingredient statement in which the accepted common
80 7 name and percentage by weight of each active ingredient is
80 8 listed as well as the percentage of inert ingredients in the
80 9 pesticides. A separate inert ingredient statement containing
80 10 the common name of each inert ingredient listed in rank order
80 11 according to weight of each inert ingredient in the pesticide
80 12 shall also be submitted to the secretary. Except as required
80 13 by subsection 4 5, the registrant is not required to state the
80 14 percentage composition or specific weight of any inert
80 15 ingredient within a pesticide. The information required by
80 16 this paragraph shall be submitted in a manner and according to
80 17 procedures specified by the secretary.

~~80 18 Upon written request by the director of the department of
80 19 natural resources, the secretary shall provide a copy of the
80 20 ingredient statement and inert ingredient statement to the
80 21 department. Upon written request by the director of the
80 22 center for health effects of environmental contamination, the
80 23 secretary shall provide a copy of the ingredient statement and
80 24 inert ingredient statement to the center.~~

~~80 25 From on and after July 1, 1990, to December 31, 1991, the
80 26 identity of an inert ingredient in a specific pesticide shall
80 27 be treated as a confidential trade secret which is not subject
80 28 to release under chapter 22.~~

~~80 29 On and after January 1, 1992, the identity of an inert
80 30 ingredient in a specific pesticide shall be treated as a
80 31 confidential trade secret if the following two conditions are
80 32 met: the registrant states, at the time of registration, that
80 33 the inert ingredient is a confidential trade secret; and the
80 34 registrant certifies one of the following:~~

80 35 (1) ~~The registrant has provided to any database system~~



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~~81 1 used by a poison control center operating in this state the
81 2 information required by an attending physician to treat a
81 3 patient for exposure or adverse reaction to the registrant's
81 4 product, including the identification of all ingredients which
81 5 are toxic to humans.~~

~~81 6 (2) The registrant operates an emergency information
81 7 system as provided in section 139A.21 that is available to
81 8 poison control centers twenty-four hours a day every day of
81 9 the year. The emergency information system must provide
81 10 information to medical professionals required for the sole
81 11 purpose of treating a specific patient for exposure or adverse
81 12 reaction to the registrant's product, including the
81 13 identification of all ingredients which are toxic to humans,
81 14 and toxicological and medical management information.~~

~~81 15 Poison control centers may share the information provided
81 16 by the registrant with an attending physician for the purpose
81 17 of treating a specific patient exposed to the registrant's
81 18 product. The secretary, the director of the department of
81 19 natural resources, and the director of the center for health
81 20 effects of environmental contamination shall treat the
81 21 presence of any inert ingredient in a particular pesticide
81 22 that meets the two conditions as a confidential trade secret
81 23 which is not subject to release under chapter 22. This
81 24 section does not prohibit research or monitoring of any aspect
81 25 of any inert ingredient. This section does not prohibit the
81 26 public disclosure of research, monitoring, published or
81 27 summary data relative to any inert ingredient so long as such
81 28 disclosure does not link an inert ingredient to a particular
81 29 brand of pesticide registered in this state.~~

~~81 30 This section shall not be construed to prohibit the release
81 31 of information independently obtained from a source other than
81 32 registrations filed under this chapter which links an inert
81 33 ingredient to a pesticide registered in this state.~~

~~81 34 d. A complete copy of the labeling accompanying the
81 35 pesticide and a statement of all claims made and to be made~~



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82 1 for it including directions for use.

82 2 e. A full description of the tests made and results
82 3 thereof upon which the claims are based, if requested by the
82 4 secretary. In the case of renewal or reregistration, a
82 5 statement may be required only with respect to information
82 6 which is different from that furnished when the pesticide was
82 7 registered or last reregistered.

82 8 3. a. Upon written request by the director of the
82 9 department of natural resources, the secretary shall provide a
82 10 copy of the ingredient statement and inert ingredient
82 11 statement to the department. Upon written request by the
82 12 director of the center for health effects of environmental
82 13 contamination, the secretary shall provide a copy of the
82 14 ingredient statement and inert ingredient statement to the
82 15 center.

82 16 b. From on and after July 1, 1990, to December 31, 1991,
82 17 the identity of an inert ingredient in a specific pesticide
82 18 shall be treated as a confidential trade secret which is not
82 19 subject to release under chapter 22.

82 20 c. On and after January 1, 1992, the identity of an inert
82 21 ingredient in a specific pesticide shall be treated as a
82 22 confidential trade secret if the following two conditions are
82 23 met: the registrant states, at the time of registration, that
82 24 the inert ingredient is a confidential trade secret; and the
82 25 registrant certifies one of the following:

82 26 (1) The registrant has provided to any database system
82 27 used by a poison control center operating in this state the
82 28 information required by an attending physician to treat a
82 29 patient for exposure or adverse reaction to the registrant's
82 30 product, including the identification of all ingredients which
82 31 are toxic to humans.

82 32 (2) The registrant operates an emergency information
82 33 system as provided in section 139A.21 that is available to
82 34 poison control centers twenty-four hours a day every day of
82 35 the year. The emergency information system must provide



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83 1 information to medical professionals required for the sole
83 2 purpose of treating a specific patient for exposure or adverse
83 3 reaction to the registrant's product, including the
83 4 identification of all ingredients which are toxic to humans,
83 5 and toxicological and medical management information.

83 6 d. Poison control centers may share the information
83 7 provided by the registrant with an attending physician for the
83 8 purpose of treating a specific patient exposed to the
83 9 registrant's product. The secretary, the director of the
83 10 department of natural resources, and the director of the
83 11 center for health effects of environmental contamination shall
83 12 treat the presence of any inert ingredient in a particular
83 13 pesticide that meets the two conditions as a confidential
83 14 trade secret which is not subject to release under chapter 22.
83 15 This section does not prohibit research or monitoring of any
83 16 aspect of any inert ingredient.

83 17 e. This section does not prohibit the public disclosure of
83 18 research, monitoring, published or summary data relative to
83 19 any inert ingredient so long as such disclosure does not link
83 20 an inert ingredient to a particular brand of pesticide
83 21 registered in this state.

83 22 f. This section shall not be construed to prohibit the
83 23 release of information independently obtained from a source
83 24 other than registrations filed under this chapter which links
83 25 an inert ingredient to a pesticide registered in this state.

83 26 ~~3.~~ 4. The registrant, before selling or offering for sale
83 27 any pesticide for use in this state, shall register each brand
83 28 and grade of such pesticide with the secretary upon forms
83 29 furnished by the secretary, and the secretary shall set the
83 30 registration fee annually at one-fifth of one percent of gross
83 31 sales within this state with a minimum fee of two hundred
83 32 fifty dollars and a maximum fee of three thousand dollars for
83 33 each and every brand and grade to be offered for sale in this
83 34 state except as otherwise provided. The annual registration
83 35 fee for products with gross annual sales in this state of less



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84 1 than one million five hundred thousand dollars shall be the
84 2 greater of two hundred fifty dollars or one-fifth of one
84 3 percent of the gross annual sales as established by affidavit
84 4 of the registrant. The secretary shall adopt by rule
84 5 exemptions to the minimum fee. Fifty dollars of each fee
84 6 collected shall be deposited in the general fund of the state,
84 7 shall be subject to the requirements of section 8.60, and
84 8 shall be used only for the purpose of enforcing the provisions
84 9 of this chapter and the remainder of each fee collected shall
84 10 be placed in the agriculture management account of the
84 11 groundwater protection fund.

84 12 ~~4.~~ 5. The secretary, whenever the secretary deems it
84 13 necessary in the administration of this chapter, may require
84 14 the submission of the complete formula of any pesticide. If
84 15 it appears to the secretary that the composition of the
84 16 article is such as to warrant the proposed claims for it and
84 17 if the article and its labeling and other material required to
84 18 be submitted comply with the requirements of this chapter, the
84 19 secretary shall register the article.

84 20 ~~5.~~ 6. If it does not appear to the secretary that the
84 21 article is such as to warrant the proposed claims for it or if
84 22 the article and its labeling and other material required to be
84 23 submitted do not comply with the provisions of this chapter,
84 24 the secretary shall notify the registrant of the manner in
84 25 which the article, labeling, or other material required to be
84 26 submitted fail to comply with this chapter so as to afford the
84 27 registrant an opportunity to make the necessary corrections.

84 28 ~~6.~~ 7. Notwithstanding any other provisions of this
84 29 chapter, registration is not required in the case of a
84 30 pesticide shipped from one plant within this state to another
84 31 plant within this state operated by the same person.

84 32 ~~7.~~ 8. a. Each licensee under section 206.8 shall file an
84 33 annual report at the time of application for licensure with
84 34 the secretary of agriculture in a form specified by the
84 35 secretary of agriculture and which includes the following



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85 1 information:

85 2 (1) The gross retail sales of all pesticides sold at
85 3 retail for use in this state by a licensee with one hundred
85 4 thousand dollars or more in gross retail sales of the
85 5 pesticides sold for use in this state.

85 6 (2) The individual label name and dollar amount of each
85 7 pesticide sold at retail for which gross retail sales of the
85 8 individual pesticide are three thousand dollars or more.

85 9 b. A person who is subject to the household hazardous
85 10 materials permit requirements, and whose gross annual retail
85 11 sales of pesticides are less than ten thousand dollars for
85 12 each business location owned or operated by the person, shall
85 13 report annually, the individual label name of an individual
85 14 pesticide for which annual gross retail sales are three
85 15 thousand dollars or more. The information shall be submitted
85 16 on a form provided to household hazardous materials permittees
85 17 by the department of natural resources, and the department of
85 18 natural resources shall remit the forms to the department of
85 19 agriculture and land stewardship.

85 20 c. Notwithstanding the reporting requirements of this
85 21 section, the secretary of agriculture may, upon recommendation
85 22 of the advisory committee created pursuant to section 206.23,
85 23 and if the committee declares a pesticide to be a pesticide of
85 24 special concern, require the reporting of annual gross retail
85 25 sales of a pesticide.

85 26 d. A person who sells feed which contains a pesticide as
85 27 an integral part of the feed mixture, shall not be subject to
85 28 the reporting requirements of this section. However, a person
85 29 who manufactures feed which contains a pesticide as an
85 30 integral part of the feed mixture shall be subject to the
85 31 licensing requirements of section 206.8.

85 32 e. The information collected and included in the report
85 33 required under this section shall remain confidential. Public
85 34 reporting concerning the information collected shall be
85 35 performed in a manner which does not identify a specific brand



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86 1 name in the report.

86 2 Sec. 86. Section 216.8, Code 2009, is amended to read as
86 3 follows:

86 4 216.8 UNFAIR OR DISCRIMINATORY PRACTICES == HOUSING.

86 5 1. It shall be an unfair or discriminatory practice for
86 6 any person, owner, or person acting for an owner, of rights to
86 7 housing or real property, with or without compensation,
86 8 including but not limited to persons licensed as real estate
86 9 brokers or salespersons, attorneys, auctioneers, agents or
86 10 representatives by power of attorney or appointment, or any
86 11 person acting under court order, deed of trust, or will:

86 12 ~~1-~~ a. To refuse to sell, rent, lease, assign, sublease,
86 13 refuse to negotiate, or to otherwise make unavailable, or deny
86 14 any real property or housing accommodation or part, portion,
86 15 or interest therein, to any person because of the race, color,
86 16 creed, sex, sexual orientation, gender identity, religion,
86 17 national origin, disability, or familial status of such
86 18 person.

86 19 ~~2-~~ b. To discriminate against any person because of the
86 20 person's race, color, creed, sex, sexual orientation, gender
86 21 identity, religion, national origin, disability, or familial
86 22 status, in the terms, conditions, or privileges of the sale,
86 23 rental, lease assignment, or sublease of any real property or
86 24 housing accommodation or any part, portion, or interest in the
86 25 real property or housing accommodation or in the provision of
86 26 services or facilities in connection with the real property or
86 27 housing accommodation.

~~86 28 For purposes of this section, "person" means one or more
86 29 individuals, corporations, partnerships, associations, labor
86 30 organizations, legal representatives, mutual companies, joint
86 31 stock companies, trusts, unincorporated organizations,
86 32 trustees, trustees in cases under Title eleven of the United
86 33 States Code, receivers, and fiduciaries.~~

86 34 ~~3-~~ c. To directly or indirectly advertise, or in any
86 35 other manner indicate or publicize that the purchase, rental,



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87 1 lease, assignment, or sublease of any real property or housing
87 2 accommodation or any part, portion, or interest therein, by
87 3 persons of any particular race, color, creed, sex, sexual
87 4 orientation, gender identity, religion, national origin,
87 5 disability, or familial status is unwelcome, objectionable,
87 6 not acceptable, or not solicited.

87 7 ~~4.~~ d. To discriminate against the lessee or purchaser of
87 8 any real property or housing accommodation or part, portion,
87 9 or interest of the real property or housing accommodation, or
87 10 against any prospective lessee or purchaser of the property or
87 11 accommodation, because of the race, color, creed, religion,
87 12 sex, sexual orientation, gender identity, disability, age, or
87 13 national origin of persons who may from time to time be
87 14 present in or on the lessee's or owner's premises for lawful
87 15 purposes at the invitation of the lessee or owner as friends,
87 16 guests, visitors, relatives, or in any similar capacity.

87 17 2. For purposes of this section, "person" means one or
87 18 more individuals, corporations, partnerships, associations,
87 19 labor organizations, legal representatives, mutual companies,
87 20 joint stock companies, trusts, unincorporated organizations,
87 21 trustees, trustees in cases under Title eleven of the United
87 22 States Code, receivers, and fiduciaries.

87 23 Sec. 87. Section 216E.7, Code 2009, is amended to read as
87 24 follows:

87 25 216E.7 EXEMPTIONS.

87 26 This chapter does not apply to a hearing aid sold, leased,
87 27 or transferred to a consumer by an audiologist licensed under
87 28 chapter ~~147~~ 154F, or a hearing aid dispenser licensed under
87 29 chapter 154A, if the audiologist or dispenser provides either
87 30 an express warranty for the hearing aid or provides for
87 31 service and replacement of the hearing aid.

87 32 Sec. 88. Section 225C.19, subsection 2, paragraph c, Code
87 33 2009, is amended to read as follows:

87 34 c. The services system shall be available twenty=four
87 35 hours per day, seven days per week to any individual who is in



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88 1 or is determined by ~~self or~~ others to be in a crisis
88 2 situation, regardless of whether the individual has been
88 3 diagnosed with a mental illness or a co-occurring mental
88 4 illness and substance abuse disorder, ~~and~~. The system shall
88 5 address all ages, income levels, and health coverage statuses.
88 6 Sec. 89. Section 225C.35, unnumbered paragraph 1, Code
88 7 2009, is amended to read as follows:
88 8 For purposes of this ~~division~~ subchapter, unless the
88 9 context otherwise requires:
88 10 Sec. 90. Section 225C.36, Code 2009, is amended to read as
88 11 follows:
88 12 225C.36 FAMILY SUPPORT SUBSIDY PROGRAM.
88 13 A family support subsidy program is created as specified in
88 14 this ~~division~~ subchapter. The purpose of the family support
88 15 subsidy program is to keep families together by defraying some
88 16 of the special costs of caring for a family member at home.
88 17 The department shall adopt rules to implement the purposes of
88 18 this section and sections 225C.37 through 225C.42 which assure
88 19 that families retain the greatest possible flexibility in
88 20 determining appropriate use of the subsidy.
88 21 Sec. 91. Section 225C.51, unnumbered paragraph 1, Code
88 22 2009, is amended to read as follows:
88 23 For the purposes of this ~~division~~ subchapter:
88 24 Sec. 92. Section 225C.51, subsection 2, Code 2009, is
88 25 amended to read as follows:
88 26 2. "Children's system" or "mental health services system
88 27 for children and youth" means the mental health services
88 28 system for children and youth implemented pursuant to this
88 29 ~~division~~ subchapter.
88 30 Sec. 93. Section 231.42, Code 2009, is amended to read as
88 31 follows:
88 32 231.42 LONG=TERM CARE RESIDENT'S ADVOCATE == DUTIES.
88 33 1. The Iowa commission of elder affairs, in accordance
88 34 with section 712 of the federal Act, as codified at 42 U.S.C.
88 35 } 3058g, shall establish the office of long=term care



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89 1 resident's advocate within the department.
89 2 2. a. The long-term care resident's advocate shall:
89 3 ~~1.~~ (1) Investigate and resolve complaints about
89 4 administrative actions that may adversely affect the health,
89 5 safety, welfare, or rights of residents in long-term care
89 6 facilities, excluding facilities licensed primarily to serve
89 7 persons with mental retardation or mental illness.
89 8 ~~2.~~ (2) Monitor the development and implementation of
89 9 federal, state, and local laws, regulations, and policies that
89 10 relate to long-term care facilities in Iowa.
89 11 ~~3.~~ (3) Provide information to other agencies and to the
89 12 public about the problems of residents in long-term care
89 13 facilities, excluding facilities licensed primarily to serve
89 14 persons with mental retardation or mental illness.
89 15 4. (4) Train volunteers and assist in the development of
89 16 citizens' organizations to participate in the long-term care
89 17 resident's advocate program.
89 18 ~~5.~~ (5) Carry out other activities consistent with the
89 19 state long-term care ombudsman program provisions of the
89 20 federal Act.
89 21 ~~6.~~ (6) Administer the resident advocate committee
89 22 program.
89 23 ~~7.~~ (7) Report annually to the general assembly on the
89 24 activities of the resident's advocate office.
89 25 b. The long-term care resident's advocate shall have
89 26 access to long-term care facilities, private access to
89 27 residents, access to residents' personal and medical records,
89 28 and access to other records maintained by the facilities or
89 29 governmental agencies pertaining only to the person on whose
89 30 behalf a complaint is being investigated.
89 31 Sec. 94. Section 232.44, subsection 1, Code 2009, is
89 32 amended to read as follows:
89 33 1. a. A hearing shall be held within forty-eight hours,
89 34 excluding Saturdays, Sundays, and legal holidays, of the time
89 35 of the child's admission to a shelter care facility, and



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90 1 within twenty-four hours, excluding Saturdays, Sundays, and
90 2 legal holidays, of the time of a child's admission to a
90 3 detention facility. If the hearing is not held within the
90 4 time specified in this paragraph, the child shall be released
90 5 from shelter care or detention.

90 6 b. Prior to the hearing a petition shall be filed, except
90 7 where the child is already under the supervision of a juvenile
90 8 court under a prior judgment.

90 9 c. If the child is placed in a detention facility in a
90 10 county other than the county in which the child resides or in
90 11 which the delinquent act allegedly occurred but which is
90 12 within the same judicial district, the hearing may take place
90 13 in the county in which the detention facility is located.

90 14 d. The child shall appear in person at the hearing
90 15 required by this subsection.

90 16 Sec. 95. Section 235B.2, subsection 5, paragraph a,
90 17 subparagraph (3), Code 2009, is amended to read as follows:

90 18 (3) Sexual exploitation of a dependent adult by a
90 19 caretaker.

90 20 ~~"Sexual exploitation" means any consensual or nonconsensual~~
~~90 21 sexual conduct with a dependent adult for the purpose of~~
~~90 22 arousing or satisfying the sexual desires of the caretaker or~~
~~90 23 dependent adult, which includes but is not limited to kissing;~~
~~90 24 touching of the clothed or unclothed inner thigh, breast,~~
~~90 25 groin, buttock, anus, pubes, or genitals; or a sex act, as~~
~~90 26 defined in section 702.17. Sexual exploitation does not~~
~~90 27 include touching which is part of a necessary examination,~~
~~90 28 treatment, or care by a caretaker acting within the scope of~~
~~90 29 the practice or employment of the caretaker; the exchange of a~~
~~90 30 brief touch or hug between the dependent adult and a caretaker~~
~~90 31 for the purpose of reassurance, comfort, or casual friendship;~~
~~90 32 or touching between spouses.~~

90 33 Sec. 96. Section 235B.2, Code 2009, is amended by adding
90 34 the following new subsection:

90 35 NEW SUBSECTION. 13A. "Sexual exploitation" means any



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91 1 consensual or nonconsensual sexual conduct with a dependent
91 2 adult for the purpose of arousing or satisfying the sexual
91 3 desires of the caretaker or dependent adult, which includes
91 4 but is not limited to kissing; touching of the clothed or
91 5 unclothed inner thigh, breast, groin, buttock, anus, pubes, or
91 6 genitals; or a sex act, as defined in section 702.17. "Sexual
91 7 exploitation" does not include touching which is part of a
91 8 necessary examination, treatment, or care by a caretaker
91 9 acting within the scope of the practice or employment of the
91 10 caretaker; the exchange of a brief touch or hug between the
91 11 dependent adult and a caretaker for the purpose of
91 12 reassurance, comfort, or casual friendship; or touching
91 13 between spouses.

91 14 Sec. 97. Section 235E.4, Code 2009, is amended to read as
91 15 follows:

91 16 235E.4 CHAPTER 235B APPLICATION.

91 17 Sections 235B.4 through 235B.20, when not inconsistent with
91 18 this chapter, shall apply to this chapter.

91 19 Sec. 98. Section 237.18, unnumbered paragraph 2, Code
91 20 2009, is amended to read as follows:

91 21 9. ~~The state board shall make~~ Make recommendations to the
91 22 general assembly, the department, to child-placing agencies,
91 23 the governor, the supreme court, the chief judge of each
91 24 judicial district, and to the judicial branch. The
91 25 recommendations shall include, but are not limited to,
91 26 identification of systemic problems in the foster care and the
91 27 juvenile justice systems, specific proposals for improvements
91 28 that assist the systems in being more cost-effective and
91 29 better able to protect the best interests of children, and
91 30 necessary changes relating to the data collected and the
91 31 annual report made under subsection 2, paragraph "b".

91 32 Sec. 99. Section 237A.5, subsection 2, paragraph c, Code
91 33 2009, is amended to read as follows:

91 34 c. Unless a record check has already been conducted in
91 35 accordance with paragraph "b", the department shall conduct a



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92 1 criminal and child abuse record check in this state for a
92 2 person who is subject to a record check and may conduct such a
92 3 check in other states. In addition, the department may
92 4 conduct a dependent adult abuse, sex offender registry, or
92 5 other public or civil offense record check in this state or in
92 6 other states for a person who is subject to a record check.
92 7 If a record check performed pursuant to this paragraph
92 8 identifies an individual as a person subject to an evaluation,
92 9 an evaluation shall be performed to determine whether
92 10 prohibition of the person's involvement with child care is
92 11 warranted. The evaluation shall be performed in accordance
92 12 with procedures adopted for this purpose by the department.
92 13 Prior to performing an evaluation, the department shall notify
92 14 the affected person, licensee, registrant, or child care home
92 15 applying for or receiving public funding for providing child
92 16 care, that an evaluation will be conducted to determine
92 17 whether prohibition of the person's involvement with child
92 18 care is warranted.

~~92 19 Prior to performing an evaluation, the department shall~~
~~92 20 notify the affected person, licensee, registrant, or child~~
~~92 21 care home applying for or receiving public funding for~~
~~92 22 providing child care, that an evaluation will be conducted to~~
~~92 23 determine whether prohibition of the person's involvement with~~
~~92 24 child care is warranted.~~

92 25 Sec. 100. Section 257.6, subsection 6, paragraph b, Code
92 26 2009, is amended to read as follows:

92 27 b. Continues enrollment in the district to take courses
92 28 either provided by the district, or offered by community
92 29 colleges under the provisions of section 257.11, or to take
92 30 courses under the provisions of section 261E.6.

92 31 Sec. 101. Section 260C.11, subsection 1, Code 2009, is
92 32 amended to read as follows:

92 33 1. The governing board of a merged area is a board of
92 34 directors composed of one member elected from each director
92 35 district in the area by the electors of the respective



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93 1 district. Members of the board shall be residents of the
93 2 district from which elected. Successors shall be chosen at
93 3 the regular school elections for members whose terms expire.
93 4 The term of a member of the board of directors is four years
93 5 and commences at the ~~organization~~ organizational meeting.
93 6 Vacancies on the board shall be filled at the next regular
93 7 meeting of the board by appointment by the remaining members
93 8 of the board. A member so chosen shall be a resident of the
93 9 district in which the vacancy occurred and shall serve until a
93 10 member is elected pursuant to section 69.12 to fill the
93 11 vacancy for the balance of the unexpired term. A vacancy is
93 12 defined in section 277.29. A member shall not serve on the
93 13 board of directors who is a member of a board of directors of
93 14 a local school district or a member of an area education
93 15 agency board.

93 16 Sec. 102. Section 260C.29, subsection 6, Code 2009, is
93 17 amended to read as follows:

93 18 6. For purposes of this section, "minority person" means a
93 19 person who is ~~Black~~ African American, Hispanic, Asian, or a
93 20 Pacific Islander, American Indian, or an Alaskan Native
93 21 American.

93 22 Sec. 103. Section 261.102, subsection 5, Code 2009, is
93 23 amended to read as follows:

93 24 5. "Minority person" means an individual who is ~~black~~
93 25 African American, Hispanic, Asian, or a Pacific islander,
93 26 American Indian, or an Alaskan Native American.

93 27 Sec. 104. Section 261D.3, subsection 3, Code 2009, is
93 28 amended to read as follows:

93 29 3. Nonlegislative members shall serve two-year terms
93 30 except as otherwise provided under the terms of the compact.
93 31 Legislative members shall serve two-year terms as provided in
93 32 section 69.16B. Nonlegislative members shall serve without
93 33 compensation, but shall receive their actual and necessary
93 34 expenses and travel. Legislative members shall receive actual
93 35 and necessary expenses pursuant to sections 2.10 and 2.12.



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94 1 Vacancies on the commission shall be filled for the unexpired
94 2 portion of the term in the same manner as the original
94 3 appointments. If a legislative member ceases to be a member
94 4 of the general assembly, the legislative member shall no
94 5 longer serve as a member of the commission.

94 6 Sec. 105. Section 261E.7, subsection 2, Code 2009, is
94 7 amended to read as follows:

94 8 2. A student participating in the postsecondary enrollment
94 9 options ~~act~~ program is not eligible to enroll on a full-time
94 10 basis in an eligible postsecondary institution. A student
94 11 enrolled on such a full-time basis shall not receive any
94 12 payments under this section.

94 13 Sec. 106. Section 261F.1, subsection 5, paragraph n, Code
94 14 2009, is amended to read as follows:

94 15 n. Other services as identified and approved by the
94 16 attorney general through a public announcement, such as a
94 17 notice on the attorney general's ~~website~~ internet site.

94 18 Sec. 107. Section 272D.1, subsection 1, Code 2009, is
94 19 amended to read as follows:

94 20 1. "Certificate of noncompliance" means a document
94 21 provided by the unit certifying that the named person has
94 22 outstanding liability placed with the unit and has not entered
94 23 into an approved payment plan to pay the liability.

94 24 Sec. 108. Section 273.8, subsection 4, Code 2009, is
94 25 amended to read as follows:

94 26 4. ORGANIZATION.

94 27 a. The board of directors of each area education agency
94 28 shall meet and organize at the first regular meeting in
94 29 October following the regular school election at a suitable
94 30 place designated by the president. Directors whose terms
94 31 commence at the ~~organization~~ organizational meeting shall
94 32 qualify by taking the oath of office required by section
94 33 277.28 at or before the ~~organization~~ organizational meeting.

94 34 b. The provisions of section 260C.12 relating to
94 35 organization, officers, appointment of secretary and



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95 1 treasurer, and meetings of the merged area board apply to the
95 2 area education agency board.

95 3 Sec. 109. Section 285.1, subsection 1, paragraph c, Code
95 4 2009, is amended to read as follows:

95 5 c. Children attending prekindergarten programs offered or
95 6 sponsored by the district or nonpublic school and approved by
95 7 the department of education or department of human services or
95 8 children participating in preschool in an approved local
95 9 program under chapter 256C may be provided transportation
95 10 services. However, transportation services provided to
95 11 nonpublic school children are not eligible for reimbursement
95 12 under this chapter.

95 13 Sec. 110. Section 297.11, Code 2009, is amended to read as
95 14 follows:

95 15 297.11 USE FORBIDDEN.

95 16 If the voters of such district at a regular election forbid
95 17 ~~such the~~ use of any ~~such~~ schoolhouse or grounds, the board
95 18 shall not permit ~~such~~ that use until the action of ~~such the~~
95 19 voters is rescinded by the voters at an election held on a
95 20 date specified in section 39.2, subsection 4, paragraph "c".

95 21 Sec. 111. Section 314.14, subsection 1, paragraph c,
95 22 unnumbered paragraph 1, Code 2009, is amended to read as
95 23 follows:

95 24 "Socially and economically disadvantaged individuals" means
95 25 those individuals who are citizens of the United States or who
95 26 are lawfully admitted permanent residents and who are ~~Black~~
95 27 African Americans, Hispanic Americans, Native Americans,
95 28 Asian-Pacific Americans, Asian-Indian Americans, or any other
95 29 minority or individuals found to be disadvantaged by the
95 30 United States small business administration. However, the
95 31 department may also determine, on a case-by-case basis, that
95 32 an individual who is not a member of one of the enumerated
95 33 groups is socially and economically disadvantaged. A
95 34 rebuttable presumption exists that individuals in the
95 35 following groups are socially and economically disadvantaged:



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96 1 Sec. 112. Section 314.14, subsection 1, paragraph c,
96 2 subparagraph (1), Code 2009, is amended to read as follows:
96 3 (1) ~~"Black~~ "African Americans" which includes persons
96 4 having origins in any of the black racial groups of Africa.
96 5 Sec. 113. Section 321.24, subsection 11, Code 2009, is
96 6 amended to read as follows:
96 7 11. If the county treasurer or department is not satisfied
96 8 as to the ownership of the vehicle or that there are no
96 9 undisclosed security interests in it, or a junking certificate
96 10 has been issued for the vehicle but a certificate of title
96 11 will not be reissued under section 321.52, subsection 3, and
96 12 the vehicle qualifies as an antique vehicle under section
96 13 321.115, subsection 1, the county treasurer or department may
96 14 register the vehicle but shall, as a condition of issuing a
96 15 certificate of title and registration receipt, require the
96 16 applicant to file with the department a bond in the form
96 17 prescribed by the department and executed by the applicant,
96 18 and either accompanied by the deposit of cash with the
96 19 department or also executed by a person authorized to conduct
96 20 a surety business in this state. The owner of a vehicle
96 21 subject to the bond requirements of this subsection shall
96 22 apply for a certificate of title and registration for the
96 23 vehicle at the county treasurer's office within thirty days of
96 24 issuance of written authorization from the department. The
96 25 bond shall be in an amount equal to one and one-half times the
96 26 current value of the vehicle as determined by the department
96 27 and conditioned to indemnify any prior owner and secured party
96 28 and any subsequent purchaser of the vehicle or person
96 29 acquiring any security interest in it, and their respective
96 30 successors in interest, against any expense, loss, or damage,
96 31 including reasonable attorney fees, by reason of the issuance
96 32 of the certificate of title ~~of~~ for the vehicle or on account
96 33 of any defect in or undisclosed security interest upon the
96 34 right, title, and interest of the applicant in and to the
96 35 vehicle. Any such interested person has a right of action to



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97 1 recover on the bond for any breach of its conditions, but the
97 2 aggregate liability of the surety to all persons shall not
97 3 exceed the amount of the bond. The bond, and any deposit
97 4 accompanying it, shall be returned at the end of three years
97 5 or earlier if the vehicle is no longer registered in this
97 6 state and the currently valid certificate of title is
97 7 surrendered to the department, unless the department has been
97 8 notified of the pendency of an action to recover on the bond.
97 9 The department may authorize issuance of a certificate of
97 10 title as provided in this subsection for a vehicle with an
97 11 unreleased security interest upon presentation of satisfactory
97 12 evidence that the security interest has been extinguished or
97 13 that the holder of the security interest cannot be located to
97 14 release the security interest as provided in section 321.50.

97 15 Sec. 114. Section 321.52, subsection 3, Code 2009, is
97 16 amended to read as follows:

97 17 3. a. When a vehicle for which a certificate of title is
97 18 issued is junked or dismantled by the owner, the owner shall
97 19 detach the registration plates and surrender the plates to the
97 20 county treasurer, unless the plates are properly assigned to
97 21 another vehicle. The owner shall also surrender the
97 22 certificate of title to the county treasurer.

97 23 b. Upon ~~surrendering~~ the surrender of the certificate of
97 24 title and application for junking certificate, the county
97 25 treasurer shall issue to the person, without fee, a junking
97 26 certificate, which shall authorize the holder to possess,
97 27 transport, or transfer ownership of the junked vehicle by
97 28 endorsement of the junking certificate. The county treasurer
97 29 shall hold the surrendered certificate of title, registration
97 30 receipt, application for junking certificate, and, if
97 31 applicable, the registration plates for a period of fourteen
97 32 days following the issuance of a junking certificate under
97 33 this subsection.

97 34 c. Within the fourteen-day period the person who was
97 35 issued the junking certificate and to whom the vehicle was



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98 1 titled or assigned may surrender to the county treasurer the
98 2 junking certificate, and upon the person's payment of
98 3 appropriate fees and taxes and payment of any credit for
98 4 annual registration fees received by the person for the
98 5 vehicle under section 321.46, subsection 3, the county
98 6 treasurer shall issue to the person a certificate of title for
98 7 the vehicle. After the expiration of the fourteen-day period,
98 8 a county treasurer shall not issue a certificate of title for
98 9 a junked vehicle for which a junking certificate is issued.
98 10 The county treasurer shall cancel the record of the vehicle
98 11 and forward the certificate of title to the department.
98 12 d. However, upon application ~~the department upon~~ and a
98 13 showing of good cause, the department may issue a certificate
98 14 of title to a person after the fourteen-day period for a
98 15 junked vehicle for which a junking certificate has been
98 16 issued. For purposes of this subsection, "good cause" means
98 17 that the junking certificate was obtained by mistake or
98 18 inadvertence. If a person's application to the department is
98 19 denied, the person may make application for a certificate of
98 20 title under the bonding procedure as provided in section
98 21 321.24, if the vehicle qualifies as an antique vehicle under
98 22 section 321.115, subsection 1, or the person may seek judicial
98 23 review as provided under sections 17A.19 and 17A.20.
98 24 Sec. 115. Section 321.236, unnumbered paragraph 1, Code
98 25 2009, is amended to read as follows:
98 26 Local authorities shall have no power to enact, enforce, or
98 27 maintain any ordinance, rule or regulation in any way in
98 28 conflict with, contrary to or inconsistent with the provisions
98 29 of this chapter, and no such ordinance, rule or regulation of
98 30 said local authorities heretofore or hereafter enacted shall
98 31 have any force or effect, ~~however.~~ However, the provisions of
98 32 this chapter shall not be deemed to prevent local authorities
98 33 with respect to streets and highways under their jurisdiction
98 34 and within the reasonable exercise of the police power from
98 35 doing any of the following:



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99 1 Sec. 116. Section 321.292, Code 2009, is amended to read
99 2 as follows:

99 3 321.292 CIVIL ACTION UNAFFECTED.

99 4 The ~~foregoing~~ provisions of section 321.285 shall not be
99 5 construed to relieve the plaintiff in any civil action from
99 6 the burden of proving negligence upon the part of the
99 7 defendant as the proximate cause of an accident.

99 8 Sec. 117. Section 321.356, Code 2009, is amended to read
99 9 as follows:

99 10 321.356 OFFICERS AUTHORIZED TO REMOVE.

99 11 Whenever any peace officer finds a vehicle standing upon a
99 12 highway in violation of any of the ~~foregoing~~ provisions of
99 13 sections 321.354 and 321.355 such officer is hereby authorized
99 14 to move such vehicle, or require the driver or other person in
99 15 charge of the vehicle to move the same, to a position off the
99 16 paved or improved or main traveled part of such highway.

99 17 Sec. 118. Section 321L.2, subsections 1 and 5, Code 2009,
99 18 are amended to read as follows:

99 19 1. ~~a-~~ A resident of the state with a disability desiring
99 20 a persons with disabilities parking permit shall apply to the
99 21 department upon an application form furnished by the
99 22 department providing the applicant's full legal name, address,
99 23 date of birth, and social security number or Iowa driver's
99 24 license number or Iowa nonoperator's identification card
99 25 number, and shall also provide a statement from a physician
99 26 licensed under chapter 148 or 149, a physician assistant
99 27 licensed under chapter 148C, an advanced registered nurse
99 28 practitioner licensed under chapter 152, or a chiropractor
99 29 licensed under chapter 151, or a physician, physician
99 30 assistant, nurse practitioner, or chiropractor licensed to
99 31 practice in a contiguous state, written on the physician's,
99 32 physician assistant's, nurse practitioner's, or chiropractor's
99 33 stationery, stating the nature of the applicant's disability
99 34 and such additional information as required by rules adopted
99 35 by the department under section 321L.8. If the person is



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100 1 applying for a temporary persons with disabilities parking
100 2 permit, the physician's, physician assistant's, nurse
100 3 practitioner's, or chiropractor's statement shall state the
100 4 period of time during which the person is expected to be
100 5 disabled and the period of time for which the permit should be
100 6 issued, not to exceed six months.

100 7 a. A person with a disability may apply for one of the
100 8 following persons with disabilities parking permits:

100 9 (1) Persons with disabilities registration plates. An
100 10 applicant may order persons with disabilities registration
100 11 plates pursuant to section 321.34. An applicant may order a
100 12 persons with disabilities registration plate for a trailer
100 13 used to transport a wheelchair pursuant to section 321.34 in
100 14 addition to persons with disabilities registration plates
100 15 ordered by the applicant for a motor vehicle used to tow such
100 16 a trailer pursuant to section 321.34.

100 17 (2) Persons with disabilities parking sticker. An
100 18 applicant who owns a motor vehicle for which the applicant has
100 19 been issued registration plates under section 321.34 or
100 20 registration plates as a seriously disabled veteran under
100 21 section 321.105 may apply to the department for a persons with
100 22 disabilities parking sticker to be affixed to the plates. The
100 23 persons with disabilities parking stickers shall bear the
100 24 international symbol of accessibility.

100 25 (3) Removable windshield placard. A person with a
100 26 disability may apply for a temporary removable windshield
100 27 placard which shall be valid for a period of up to six months
100 28 or a nonexpiring removable windshield placard, as determined
100 29 by the physician's, physician assistant's, nurse
100 30 practitioner's, or chiropractor's statement under this
100 31 subsection. A temporary removable windshield placard shall be
100 32 renewed within thirty days of the date of expiration. Persons
100 33 seeking temporary removable windshield placards shall be
100 34 required to furnish evidence upon initial application that
100 35 they have a temporary disability and, in addition, furnish



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101 1 evidence at subsequent intervals that they remain temporarily
101 2 disabled. Temporary removable windshield placards shall be of
101 3 a distinctively different color from nonexpiring removable
101 4 windshield placards. A nonexpiring removable windshield
101 5 placard shall state on the face of the placard that it is a
101 6 nonexpiring placard. The department shall issue one
101 7 additional removable windshield placard upon the request of a
101 8 person with a disability.

101 9 b. The department may issue expiring removable windshield
101 10 placards to the following:

101 11 (1) An organization which has a program for transporting
101 12 persons with disabilities or elderly persons.

101 13 (2) A person in the business of transporting persons with
101 14 disabilities or elderly persons.

101 15 c. One expiring removable windshield placard may be issued
101 16 for each vehicle used by the organization or person for
101 17 transporting persons with disabilities or elderly persons. A
101 18 placard issued under this paragraph shall be renewed every
101 19 four years from the date of issuance and shall be surrendered
101 20 to the department if the organization or person is no longer
101 21 providing the service for which the placard was issued.

101 22 Notwithstanding section 321L.4, a person transporting persons
101 23 with disabilities or elderly persons in a motor vehicle for
101 24 which a placard has been issued under this paragraph may
101 25 display the placard in the motor vehicle and may use a persons
101 26 with disabilities parking space while the motor vehicle is
101 27 displaying the placard. A placard issued under this paragraph
101 28 shall be of a distinctively different color from a placard
101 29 issued under paragraph "a".

101 30 ~~e.~~ d. A new removable windshield placard can be issued if
101 31 the previously issued placard is reported lost, stolen, or
101 32 damaged. The placard reported as being lost or stolen shall
101 33 be invalidated by the department. A placard which is damaged
101 34 shall be returned to the department and exchanged for a new
101 35 placard in accordance with rules adopted by the department.



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102 1 5. A seriously disabled veteran who has been provided with
102 2 an automobile or other vehicle by the United States government
102 3 under the provisions of 38 U.S.C. } 1901 et seq. (1970) is not
102 4 required to apply for a persons with disabilities parking
102 5 permit under this section unless the veteran has been issued
102 6 special registration plates or personalized plates for the
102 7 vehicle. The regular registration plates issued for the
102 8 disabled veteran's vehicle without fee pursuant to section
102 9 321.105 entitle the disabled veteran to all of the rights and
102 10 privileges associated with persons with disabilities parking
102 11 permits under this chapter.

102 12 Sec. 119. Section 321L.5, subsection 3, paragraph d, Code
102 13 2009, is amended to read as follows:

102 14 d. A new nonresidential facility in which construction has
102 15 been completed on or after July 1, 1991, providing parking to
102 16 the general public shall provide persons with disabilities
102 17 parking spaces as stipulated below:

Total Parking Spaces in Lot	Required Minimum Number of Persons with Disabilities Parking Spaces
102 23 10 to 25	1
102 24 26 to 50	2
102 25 51 to 75	3
102 26 76 to 100	4
102 27 101 to 150	5
102 28 151 to 200	6
102 29 201 to 300	7
102 30 301 to 400	8
102 31 401 to 500	9
102 32 501 to 1000	* <u>2 Percent of Total</u>
102 33 1001 and over	** <u>20 Spaces Plus 1 for Each</u> <u>100 Over 1000</u>
102 34	
102 35 * 2 Percent of Total	



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103 1 ~~** 20 Spaces Plus 1 for Each 100 Over 1000~~
103 2 Sec. 120. Section 331.382, subsection 8, Code 2009, is
103 3 amended to read as follows:
103 4 8. a. The board is subject to chapter 161F, chapters 357
103 5 through 358, or chapter 468, subchapters I through III,
103 6 subchapter IV, parts 1 and 2, or subchapter V, as applicable,
103 7 in acting relative to a special district authorized under any
103 8 of those chapters.
103 9 b. However, the board may assume and exercise the powers
103 10 and duties of a governing body under chapter 357, 357A, 357B,
103 11 358 or chapter 468, subchapter III, if a governing body
103 12 established under one of those chapters has insufficient
103 13 membership to perform its powers and duties, and the board,
103 14 upon petition of the number of property owners within a
103 15 proposed district and filing of a bond as provided in section
103 16 357A.2, may establish a service district within the
103 17 unincorporated area of the county and exercise within the
103 18 district the powers and duties granted in ~~chapter~~ chapters
103 19 357, 357A, 357B, 357C, 357I, 358, 359, chapter 384, division
103 20 IV, or chapter 468, subchapter III.
103 21 Sec. 121. Section 358.9, Code 2009, is amended to read as
103 22 follows:
103 23 358.9 SELECTION OF TRUSTEES == TERM OF OFFICE.
103 24 1. a. At the election provided for in section 358.7, the
103 25 names of candidates for trustee of the district shall be
103 26 written by the voters on blank ballots without formal
103 27 nomination, and the board of supervisors which had
103 28 jurisdiction of the proceedings for establishment of the
103 29 sanitary district, together with the board of supervisors of
103 30 any other county in which any part of the district is located,
103 31 shall appoint three trustees from among the five persons
103 32 receiving the greatest number of votes as trustees of the
103 33 district. One of the trustees shall be designated to serve a
103 34 term expiring on the first day of January which is not a
103 35 Sunday or legal holiday following the next general election,



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104 1 one to serve a term expiring on the first day of January which
104 2 is not a Sunday or legal holiday two years later, and one to
104 3 serve a term expiring on the first day of January which is not
104 4 a Sunday or legal holiday four years later. Thereafter, each
104 5 term shall be for a term of years established by the board of
104 6 supervisors, not less than three years or more than six years.
104 7 Successors to trustees shall be elected by special election or
104 8 at a special meeting of the board of trustees called for that
104 9 purpose. For each special election called after the initial
104 10 election, a candidate for office of trustee shall be nominated
104 11 by a personal affidavit of the candidate or by petition of at
104 12 least ten eligible electors of the district and the
104 13 candidate's personal affidavit, which shall be filed with the
104 14 county commissioner of elections at least twenty-five days
104 15 before the date of the election. The form of the candidate's
104 16 affidavit shall be substantially the same as provided in
104 17 section 45.3.

104 18 ~~Vacancies in the office of trustee of a sanitary district~~
104 19 ~~shall be filled by the remaining members of the board for the~~
104 20 ~~period until a successor is chosen in the manner prescribed by~~
104 21 ~~this section or by section 69.12, whichever is applicable.~~

104 22 b. In lieu of a special election, successors to trustees
104 23 shall be elected at a special meeting of the board of trustees
104 24 called for that purpose. Upon its own motion, the board of
104 25 trustees may, or upon petition of landowners owning more than
104 26 fifty percent of the total land in the district, shall, call a
104 27 special meeting of the residents of the district to elect
104 28 successors to trustees of the board. Notice of the meeting
104 29 shall be given at least ten days before the date of the
104 30 meeting by publication of the notice in a newspaper of general
104 31 circulation in the district. The notice shall state the date,
104 32 times, and location of the meeting and that the meeting is
104 33 called for the purpose of electing one or more trustees to the
104 34 board.

104 35 2. If the petition to establish a sanitary district



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105 1 requests a board of trustees of five members, the board of
105 2 supervisors shall select five trustees from among the seven
105 3 persons receiving the highest number of votes at the initial
105 4 election. Two trustees shall be designated to serve a term
105 5 expiring on the first day of January which is not a Sunday or
105 6 legal holiday following the next general election, two
105 7 trustees to serve a term expiring on the first day of January
105 8 which is not a Sunday or legal holiday two years later, and
105 9 one to serve a term expiring on the first day of January which
105 10 is not a Sunday or holiday four years later. Thereafter, each
105 11 term shall be for a term of years established by the board of
105 12 supervisors, not less than three years or more than six years.
105 13 Successors to a five-member board selected under this
105 14 ~~paragraph~~ subsection shall be chosen by election and after the
105 15 initial election, a candidate for office of trustee shall be
105 16 nominated by a personal affidavit of the candidate or by
105 17 petition of at least ten eligible electors of the district and
105 18 the candidate's personal affidavit, which shall be filed with
105 19 the commissioner of county elections at least sixty-nine days
105 20 before the date of the general election. The form of the
105 21 candidate's affidavit shall be substantially as provided in
105 22 section 45.3.

105 23 3. Upon request of a three-member board of trustees or
105 24 petition of the number of eligible electors of the district
105 25 equal to at least five percent of the residents of the
105 26 district filed at least ninety days before the next general
105 27 election, the board of supervisors shall provide for the
105 28 election of a five-member board of trustees with staggered
105 29 terms of office of not more than six years. The five-member
105 30 board of trustees shall become effective on the first day of
105 31 January which is not a Sunday or legal holiday after that
105 32 general election. The board of trustees or a petition of the
105 33 number of eligible electors of the district equal to at least
105 34 five percent of the residents of the district may also request
105 35 the board of supervisors to implement a plan to reduce the



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106 1 number of trustees from five to three. The board of
106 2 supervisors shall allow incumbent trustees to serve their
106 3 unexpired terms of office.
106 4 4. Vacancies in the office of trustee of a sanitary
106 5 district shall be filled by the remaining members of the board
106 6 for the period until a successor is chosen in the manner
106 7 prescribed by this section or by section 69.12, whichever is
106 8 applicable.
106 9 Sec. 122. Section 411.8, subsection 1, paragraph b, Code
106 10 2009, is amended to read as follows:
106 11 b. (1) On the basis of the actuarial methods and
106 12 assumptions, rate of interest, and of the mortality, interest
106 13 and other tables adopted by the system, the actuary engaged by
106 14 the system to make each valuation required by this chapter
106 15 pursuant to the requirements of section 411.5, shall
106 16 immediately after making such valuation, determine the "normal
106 17 contribution rate". Except as otherwise provided in this
106 18 lettered paragraph, the normal contribution rate shall be the
106 19 rate percent of the earnable compensation of all members equal
106 20 to the rate required by the system to discharge its
106 21 liabilities, stated as a percentage of the earnable
106 22 compensation of all members, and reduced by the employee
106 23 contribution rate provided in paragraph "f" of this subsection
106 24 and the contribution rate representing the state appropriation
106 25 made as provided in section 411.20. However, the normal ~~rate~~
106 26 ~~of contribution rate~~ shall not be less than seventeen percent.
106 27 (2) The normal ~~rate of contribution rate~~ shall be
106 28 determined by the actuary after each valuation.
106 29 Sec. 123. Section 421B.6, Code 2009, is amended to read as
106 30 follows:
106 31 421B.6 SALES EXCEPTIONS.
106 32 The provisions of this chapter shall not apply to a sale at
106 33 wholesale or a sale at retail made ~~(1) in~~ as follows:
106 34 1. In an isolated transaction; ~~(2) where.~~
106 35 2. Where cigarettes are offered for sale, or sold in a



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107 1 bona fide clearance sale for the purpose of discontinuing
107 2 trade in such cigarettes and said offer to sell, or sale shall
107 3 state the reason therefor and the quantity of such cigarettes
107 4 offered for sale, or to be sold; ~~(3) where.~~

107 5 3. Where cigarettes are offered for sale, or are sold as
107 6 imperfect or damaged, and ~~said~~ the offer to sell, or sale
107 7 shall state the reason therefor and the quantity of such
107 8 cigarettes offered for sale, or to be sold.

107 9 Sec. 124. Section 422.11V, Code 2009, is amended to read
107 10 as follows:

107 11 422.11V REDEVELOPMENT TAX CREDIT.

107 12 The taxes imposed under this division, less the credits
107 13 allowed under section 422.12, shall be reduced by a
107 14 redevelopment tax credit allowed under chapter 15, subchapter
107 15 II, part 9.

107 16 Sec. 125. Section 422.33, subsection 26, Code 2009, is
107 17 amended to read as follows:

107 18 26. The taxes imposed under this division shall be reduced
107 19 by a redevelopment tax credit allowed under chapter 15,
107 20 subchapter II, part 9.

107 21 Sec. 126. Section 422.60, subsection 14, Code 2009, is
107 22 amended to read as follows:

107 23 14. The taxes imposed under this division shall be reduced
107 24 by a redevelopment tax credit allowed under chapter 15,
107 25 subchapter II, part 9.

107 26 Sec. 127. Section 424.16, subsection 1, paragraph a, Code
107 27 2009, is amended to read as follows:

107 28 a. The board shall notify each person who has previously
107 29 filed an environmental protection charge return, and any other
107 30 person known to the board who will owe the charge at any
107 31 address obtainable for that person, at least thirty days in
107 32 advance of the start of any calendar quarter during which ~~the~~
107 33 ~~following will occur:~~

107 34 An administrative change in the cost factor, pursuant to
107 35 section 424.3, subsection 5, becomes effective.



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108 1 Sec. 128. Section 427B.20, Code 2009, is amended to read
108 2 as follows:
108 3 427B.20 LOCAL OPTION REMEDIAL ACTION PROPERTY TAX CREDIT
108 4 == PUBLIC HEARING.
108 5 1. As used in this division:
108 6 a. "Actual portion of the costs paid by the owner or
108 7 operator of an underground storage tank in connection with a
108 8 remedial action for which the Iowa comprehensive petroleum
108 9 underground storage tank fund shares in the cost of corrective
108 10 action" means the amount determined by the fund's board, or
108 11 the board's designee, as the administrator of the Iowa
108 12 comprehensive petroleum underground storage tank fund, and for
108 13 which the owner or operator was not reimbursed from any other
108 14 source.
108 15 b. "Small business" means a business with gross receipts
108 16 of less than five hundred thousand dollars per year.
108 17 ~~1-~~ 2. In order to further the public interests of
108 18 protecting the drinking water supply, preserving business and
108 19 industry within a community, preserving convenient access to
108 20 gas stations within a community, or other public purposes, a
108 21 city council or county board of supervisors may provide by
108 22 ordinance for partial or total property tax credits to owners
108 23 of small businesses that own or operate an underground storage
108 24 tank to reduce the amount of property taxes paid over the
108 25 permitted period in amounts not to exceed the actual portion
108 26 of costs paid by the business owner in connection with a
108 27 remedial action for which the Iowa comprehensive petroleum
108 28 underground storage tank fund shares in the cost of corrective
108 29 action, and for which the small business owner was not
108 30 reimbursed from any other source. A county board of
108 31 supervisors may grant credits only for property located
108 32 outside of the corporate limits of a city, and a city council
108 33 may grant credits only for property located within the
108 34 corporate limits of the city. The credit shall be taken on
108 35 the property where the underground storage tank is situated.



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109 1 The credit granted by the council or board shall not exceed
109 2 the amount of taxes generated by the property for the
109 3 respective city or county. The credit shall apply to property
109 4 taxes payable in the fiscal year following the calendar year
109 5 in which a cost of remedial action was paid by the small
109 6 business owner.

109 7 ~~As used in this division, "actual portion of the costs paid~~
109 8 ~~by the owner or operator of an underground storage tank in~~
109 9 ~~connection with a remedial action for which the Iowa~~
109 10 ~~comprehensive petroleum underground storage tank fund shares~~
109 11 ~~in the cost of corrective action" means the amount determined~~
109 12 ~~by the fund's board, or the board's designee, as the~~
109 13 ~~administrator of the Iowa comprehensive petroleum underground~~
109 14 ~~storage tank fund, and for which the owner or operator was not~~
109 15 ~~reimbursed from any other source.~~

109 16 ~~As used in this division, "small business" means a business~~
109 17 ~~with gross receipts of less than five hundred thousand dollars~~
109 18 ~~per year.~~

109 19 ~~2.~~ 3. The ordinance may be enacted not less than thirty
109 20 days after a public hearing is held in accordance with section
109 21 335.6 in the case of a county, or section 362.3 in the case of
109 22 a city. The ordinance shall designate the length of time the
109 23 partial or total credit shall be available, and shall include
109 24 a credit schedule and description of the terms and conditions
109 25 of the credit.

109 26 ~~3.~~ 4. A property tax credit provided under this section
109 27 shall be paid for out of any available funds budgeted for that
109 28 purpose by the city council or county board of supervisors. A
109 29 city council may certify a tax for the general fund levy and a
109 30 county board of supervisors may certify a tax for the rural
109 31 county service fund levy for property tax credits authorized
109 32 by this section.

109 33 ~~4.~~ 5. The maximum permitted period of a tax credit
109 34 granted under this section is ten years.

109 35 Sec. 129. Section 432.12L, Code 2009, is amended to read



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110 1 as follows:

110 2 432.12L REDEVELOPMENT TAX CREDIT.

110 3 The taxes imposed under this chapter shall be reduced by a
110 4 redevelopment tax credit allowed under chapter 15, subchapter
110 5 II, part 9.

110 6 Sec. 130. Section 441.47, Code 2009, is amended to read as
110 7 follows:

110 8 441.47 ADJUSTED VALUATIONS.

110 9 The director of revenue on or about August 15, 1977, and
110 10 every two years thereafter shall order the equalization of the
110 11 levels of assessment of each class of property in the several
110 12 assessing jurisdictions by adding to or deducting from the
110 13 valuation of each class of property such percentage in each
110 14 case as may be necessary to bring the same to its taxable
110 15 value as fixed in this chapter and chapters 427 to 443. The
110 16 director shall adjust to actual value the valuation of any
110 17 class of property as set out in the abstract of assessment
110 18 when the valuation is at least five percent above or below
110 19 actual value as determined by the director. For purposes of
110 20 such value adjustments and before such equalization the
110 21 director shall adopt, in the manner prescribed by chapter 17A,
110 22 such rules as may be necessary to determine the level of
110 23 assessment for each class of property in each county. The
110 24 rules shall cover: ~~(1)~~

110 25 1. The proposed use of the assessment=sales ratio study
110 26 set out in section 421.17, subsection 6; ~~(2) the~~.

110 27 2. The proposed use of any statewide income capitalization
110 28 studies; ~~(3) the~~.

110 29 3. The proposed use of other methods that would assist the
110 30 director in arriving at the accurate level of assessment of
110 31 each class of property in each assessing jurisdiction.

110 32 Sec. 131. Section 455B.151, unnumbered paragraph 1, Code
110 33 2009, is amended to read as follows:

110 34 The compliance advisory panel created in section 455B.150
110 35 shall review and report on the effectiveness of the small



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111 1 business stationary source technical and environmental
111 2 compliance assistance program as provided in section
111 3 455B.133A. The compliance advisory panel shall do all of the
111 4 following:
111 5 Sec. 132. Section 455B.171, subsection 27, Code 2009, is
111 6 amended to read as follows:
111 7 27. "Semipublic sewage disposal system" means a system for
111 8 the treatment or disposal of domestic sewage which is not a
111 9 private sewage disposal system and which is not owned by a
111 10 city, a sanitary district, or a designated and approved
111 11 management agency under } 1288 of the federal Water Pollution
111 12 Control Act (~~33~~, codified at 33 U.S.C. } ~~1288~~) 1288.
111 13 Sec. 133. Section 455B.176, subsections 1 through 9, Code
111 14 2009, are amended to read as follows:
111 15 1. The protection of the public health+.
111 16 2. The size, depth, surface area covered, volume,
111 17 direction and rate of flow, stream gradient, and temperature
111 18 of the affected water of the state+.
111 19 3. The character and uses of the land area bordering the
111 20 affected water of the state+.
111 21 4. The uses which have been made, are being made, or may
111 22 be made of the affected water of the state for public,
111 23 private, or domestic water supplies, irrigation; livestock
111 24 watering; propagation of wildlife, fish, and other aquatic
111 25 life; bathing, swimming, boating, or other recreational
111 26 activity; transportation; and disposal of sewage and wastes+.
111 27 5. The extent of contamination resulting from natural
111 28 causes including the mineral and chemical characteristics+.
111 29 6. The extent to which floatable or settleable solids may
111 30 be permitted+.
111 31 7. The extent to which suspended solids, colloids, or a
111 32 combination of solids with other suspended substances may be
111 33 permitted+.
111 34 8. The extent to which bacteria and other biological
111 35 organisms may be permitted+.



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112 1 9. The amount of dissolved oxygen that is to be present
112 2 and the extent of the oxygen demanding substances which may be
112 3 permitted+.

112 4 Sec. 134. Section 455D.19, subsection 2, paragraph c, Code
112 5 2009, is amended to read as follows:

112 6 c. "Intentional introduction" means an act of deliberately
112 7 utilizing a regulated metal in the formulation of a package or
112 8 packaging component where its continued presence is desired in
112 9 the final package or packaging component to provide a specific
112 10 characteristic, appearance, or quality. Intentional
112 11 introduction does not include the use of a regulated metal as
112 12 a processing agent or intermediate to impart certain chemical
112 13 or physical changes during manufacturing, if the incidental
112 14 presence of a residue of the metal in the final package or
112 15 packaging component is neither desired nor deliberate, and if
112 16 the final package or packaging component is in compliance with
112 17 subsection 4, paragraph "c". Intentional introduction also
112 18 does not include the use of recycled materials as feedstock
112 19 for the manufacture of new packaging materials, if the
112 20 recycled materials contain amounts of a regulated metal and if
112 21 the new package or packaging component is in compliance with
112 22 subsection 4, paragraph "c".

112 23 ~~"Regulated metal" means any metal regulated under this~~
112 24 ~~section.~~

112 25 Sec. 135. Section 455D.19, subsection 2, Code 2009, is
112 26 amended by adding the following new paragraph:

112 27 NEW PARAGRAPH. ga. "Regulated metal" means any metal
112 28 regulated under this section.

112 29 Sec. 136. Section 455E.11, subsection 2, paragraph b,
112 30 unnumbered paragraph 1, Code 2009, is amended to read as
112 31 follows:

112 32 An agriculture management account. Moneys collected from
112 33 the groundwater protection fee levied pursuant to section
112 34 200.8, subsection 4, the portion of the fees collected
112 35 pursuant to sections 206.8, subsection 2, and 206.12,



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113 1 subsection ~~3~~ 4, and other moneys designated for the purpose of
113 2 agriculture management shall be deposited in the agriculture
113 3 management account. The agriculture management account shall
113 4 be used for the following purposes:

113 5 Sec. 137. Section 459.312, subsection 10, paragraph a,
113 6 subparagraph (2), subparagraph division (c), Code 2009, is
113 7 amended to read as follows:

113 8 (c) Regardless of the development of the state
113 9 comprehensive nutrient management strategy as provided in
113 10 subparagraph ~~subdivision~~ division (b), the department shall
113 11 adopt rules required to establish a phosphorus index. The
113 12 department shall cooperate with the United States department
113 13 of agriculture natural resource conservation service technical
113 14 committee for Iowa to refine and calibrate the phosphorus
113 15 index in adopting the rules. Rules adopted by the department
113 16 pursuant to this subparagraph (2) shall become effective on
113 17 July 1, 2003.

113 18 Sec. 138. Section 459.312, subsection 10, paragraph a,
113 19 unnumbered paragraph 2, Code 2009, is amended to read as
113 20 follows:

113 21 Subparagraph ~~subdivisions~~ divisions (b) through (e) and
113 22 this paragraph are repealed on the date that any person who
113 23 has submitted an original manure management plan prior to
113 24 April 1, 2002, is required to submit a manure management plan
113 25 update which includes a phosphorus index as provided in
113 26 subparagraph ~~subdivision~~ division (e), subparagraph
113 27 ~~subdivision~~ part (i). The department shall publish a notice
113 28 in the Iowa administrative bulletin published immediately
113 29 prior to that date, and the director of the department shall
113 30 deliver a copy of the notice to the Iowa Code editor.

113 31 Sec. 139. Section 466B.3, subsection 4, paragraph f, Code
113 32 2009, is amended to read as follows:

113 33 f. The dean of the college of agriculture and life
113 34 sciences at Iowa state university or the dean's designee.

113 35 Sec. 140. Section 468.119, Code 2009, is amended to read



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114 1 as follows:

114 2 468.119 ANNEXATION OF ADDITIONAL LANDS.

114 3 1. After the establishment of a levee or drainage
114 4 district, if the board becomes convinced that additional lands
114 5 contiguous to the district, and without regard to county
114 6 boundaries, are benefited by the improvement or that the same
114 7 are then receiving benefit or will be benefited by a repair or
114 8 improvement to said district as contemplated in section
114 9 468.126, it may adopt, with or without a petition from owners
114 10 of the proposed annexed lands, a resolution of necessity for
114 11 the annexation of such additional land and appoint an engineer
114 12 with the qualifications provided in this subchapter, parts 1
114 13 through 5, to examine such additional lands, to make a survey
114 14 and plat thereof showing their relation, elevation, and
114 15 condition of drainage with reference to such established
114 16 district, and to make and file with the auditor a report as in
114 17 this subchapter, parts 1 through 5, provided for the original
114 18 establishment of such district, said report to specify the
114 19 character of the benefits received.

114 20 2. In the event the additional lands are a part of an
114 21 existing drainage district, as an alternative procedure to
114 22 that established by ~~the foregoing provisions of this section~~
114 23 subsection 1, the lands may be annexed in either of the
114 24 following methods:

114 25 ~~1.~~ a. (1) A petition, proposing that the lands be
114 26 included in a contiguous drainage district and signed by at
114 27 least twenty percent of the landowners of those lands to be
114 28 annexed, shall be filed with the governing board of each
114 29 affected district.

114 30 (2) The board of the district in which the lands are
114 31 presently included may, at its next regular meeting or at a
114 32 special meeting called for that purpose, adopt a resolution
114 33 approving and consenting to the annexation; ~~or.~~

114 34 ~~2.~~ b. Whenever the owners of all of the land proposed to
114 35 be annexed file a petition with the governing boards of the



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115 1 affected districts, the consent of the board in which the
115 2 lands are then located shall not be required to consent to the
115 3 annexation, and the board of the annexing district may proceed
115 4 as provided in this section.

115 5 3. If either method of annexation provided for in
115 6 ~~subsections 1 and subsection 2 of this section~~ is completed,
115 7 the board of the district to which the lands are to be annexed
115 8 may adopt a resolution of necessity for the annexation of the
115 9 additional lands, as provided in this section.

115 10 4. The right of remonstrance, as provided under section
115 11 468.28, does not apply to the owners of lands being
115 12 involuntarily annexed to an established district.

115 13 Sec. 141. Section 469.6, subsection 1, unnumbered
115 14 paragraph 2, is amended by striking the unnumbered paragraph.

115 15 Sec. 142. Section 469.6, subsection 3, Code 2009, is
115 16 amended to read as follows:

115 17 3. The members of the board shall be reimbursed for actual
115 18 and necessary travel and related expenses incurred in the
115 19 discharge of official duties. Each member of the board may
115 20 also be eligible to receive compensation as provided in
115 21 section 7E.6. A legislative member is eligible for per diem
115 22 and expenses as provided in section 2.10.

115 23 Sec. 143. Section 483A.25, Code 2009, is amended to read
115 24 as follows:

115 25 483A.25 PHEASANT AND QUAIL RESTORATION PROGRAM ==
115 26 APPROPRIATIONS.

115 27 The revenue received from the resident hunting license fee
115 28 increase in 2002 Acts, chapter 1141, for each fiscal year of
115 29 the fiscal period beginning July 1, 2002, and ending June 30,
115 30 2007, is appropriated to the department. Of the amount
115 31 appropriated to the department pursuant to this section, at
115 32 least sixty percent shall be used to fund a pheasant and quail
115 33 restoration program. The department shall submit a report
115 34 annually on the pheasant and quail restoration program to the
115 35 chairpersons of the house ~~committee~~ and senate committees on



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116 1 natural resources ~~and the senate committee on natural~~
116 2 ~~resources and environment~~ not later than January 1, 2004, and
116 3 not later than January 1 of each subsequent year.

116 4 Sec. 144. Section 489.302, subsection 5, unnumbered
116 5 paragraph 1, Code 2009, is amended to read as follows:

116 6 Subject to subsection 3, a grant of authority not
116 7 pertaining to a transfer of real property and contained in an
116 8 effective statement of authority is conclusive in favor of a
116 9 person that gives value in reliance on the grant, except to
116 10 the extent that when the person gives value, ~~and~~ any of the
116 11 following applies:

116 12 Sec. 145. Section 489.302, subsection 6, unnumbered
116 13 paragraph 1, Code 2009, is amended to read as follows:

116 14 Subject to subsection 3, an effective statement of
116 15 authority that grants authority to transfer real property held
116 16 in the name of the limited liability company and that is
116 17 recorded by certified copy in the office for recording
116 18 transfers of the real property is conclusive in favor of a
116 19 person that gives value in reliance on the grant without
116 20 knowledge to the contrary, except to the extent that when the
116 21 person gives value, ~~and~~ any of the following applies:

116 22 Sec. 146. Section 489.401, subsection 4, paragraph d,
116 23 unnumbered paragraph 1, Code 2009, is amended to read as
116 24 follows:

116 25 If, within ninety consecutive days after the company ceases
116 26 to have any members, ~~and~~ all of the following occur:

116 27 Sec. 147. Section 490.1112, subsection 1, paragraph c,
116 28 Code 2009, is amended to read as follows:

116 29 c. The domestic corporation must notify each shareholder
116 30 of the domestic corporation, whether or not entitled to vote,
116 31 of the meeting of shareholders at which the plan is to be
116 32 submitted for approval. The notice must state that the
116 33 purpose, or one of the purposes, of the meeting is to consider
116 34 the plan of conversion and must contain or be accompanied by a
116 35 copy or summary of the plan of conversion. The notice shall



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117 1 include or be accompanied by a copy of the ~~organic~~
117 2 organizational documents as they will be in effect immediately
117 3 after the conversion.

117 4 Sec. 148. Section 508.36, subsection 4, paragraph b,
117 5 subparagraph (1), subparagraph division (c), Code 2009, is
117 6 amended to read as follows:

117 7 (c) A modification of the tables identified in
117 8 subparagraph ~~subdivisions~~ divisions (a) and (b) approved by
117 9 the commissioner.

117 10 Sec. 149. Section 508.36, subsection 4, paragraph c,
117 11 subparagraph (1), subparagraph division (c), Code 2009, is
117 12 amended to read as follows:

117 13 (c) A modification of the tables identified in
117 14 subparagraph ~~subdivisions~~ divisions (a) and (b) approved by
117 15 the commissioner.

117 16 Sec. 150. Section 508.36, subsection 4, paragraph e,
117 17 subparagraph (1), subparagraph division (c), Code 2009, is
117 18 amended to read as follows:

117 19 (c) A modification of the tables identified in
117 20 subparagraph ~~subdivisions~~ divisions (a) and (b) approved by
117 21 the commissioner.

117 22 Sec. 151. Section 508.36, subsection 5, paragraph b,
117 23 subparagraph (1), subparagraph divisions (c), (d), and (e),
117 24 Code 2009, are amended to read as follows:

117 25 (c) For other annuities with cash settlement options and
117 26 guaranteed interest contracts with cash settlement options,
117 27 valued on an issue-year basis, except as stated in
117 28 subparagraph ~~subdivision~~ division (b), the formula for life
117 29 insurance stated in subparagraph ~~subdivision~~ division (a)
117 30 applies to annuities and guaranteed interest contracts with
117 31 guarantee durations in excess of ten years, and the formula
117 32 for single premium immediate annuities stated in subparagraph
117 33 ~~subdivision~~ division (b) applies to annuities and guaranteed
117 34 interest contracts with guarantee durations of ten years or
117 35 less.



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118 1 (d) For other annuities with no cash settlement options
118 2 and for guaranteed interest contracts with no cash settlement
118 3 options, the formula for single premium immediate annuities
118 4 stated in subparagraph ~~subdivision~~ division (b) applies.

118 5 (e) For other annuities with cash settlement options and
118 6 guaranteed interest contracts with cash settlement options,
118 7 valued on a change-in-fund basis, the formula for single
118 8 premium immediate annuities stated in subparagraph ~~subdivision~~
118 9 division (b) applies.

118 10 Sec. 152. Section 508.36, subsection 5, paragraph b,
118 11 subparagraph (2), Code 2009, is amended to read as follows:

118 12 (2) However, if the calendar year statutory valuation
118 13 interest rate for any life insurance policies issued in any
118 14 calendar year determined under subparagraph (1), subparagraph
118 15 ~~subdivision~~ division (a) without reference to this sentence
118 16 differs from the corresponding actual rate for similar
118 17 policies issued in the immediately preceding calendar year by
118 18 less than one-half of one percent, the calendar year statutory
118 19 valuation interest rate for the life insurance policies is
118 20 equal to the corresponding actual rate for the immediately
118 21 preceding calendar year. For purposes of applying the
118 22 immediately preceding sentence, the calendar year statutory
118 23 valuation interest rate for life insurance policies issued in
118 24 a calendar year shall be determined for 1980, using the
118 25 reference interest rate defined in 1979, and shall be
118 26 determined for each subsequent calendar year regardless of the
118 27 operative date of section 508.37, subsection 5, paragraph "c".

118 28 Sec. 153. Section 508.36, subsection 5, paragraph c,
118 29 subparagraph (1), subparagraph division (c), unnumbered
118 30 paragraph 1, Code 2009, is amended to read as follows:

118 31 Weighting factors for other annuities and for guaranteed
118 32 interest contracts, except as stated in subparagraph
118 33 ~~subdivision~~ division (b), shall be as specified in
118 34 subparagraph ~~subdivision parts~~ subdivisions (i), (ii), and
118 35 (iii) of this subparagraph ~~subdivision~~ division, according to



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119 1 the rules and definitions in subparagraph ~~subdivision parts~~
119 2 subdivisions (iv), (v), and (vi) of this subparagraph
119 3 ~~subdivision~~ division:
119 4 Sec. 154. Section 508.36, subsection 5, paragraph c,
119 5 subparagraph (1), subparagraph division (c), subparagraph
119 6 subdivision (ii), unnumbered paragraph 1, Code 2009, is
119 7 amended to read as follows:
119 8 For annuities and guaranteed interest contracts valued on a
119 9 change-in-fund basis, the factors shown in subparagraph
119 10 subdivision ~~part~~ (i) of this subparagraph ~~subdivision~~ division
119 11 increased by:
119 12 Sec. 155. Section 508.36, subsection 5, paragraph c,
119 13 subparagraph (1), subparagraph division (c), subparagraph
119 14 subdivision (iii), unnumbered paragraph 1, Code 2009, is
119 15 amended to read as follows:
119 16 For annuities and guaranteed interest contracts valued on
119 17 an issue-year basis, other than those with no cash settlement
119 18 options, which do not guarantee interest on considerations
119 19 received more than one year after issue or purchase and for
119 20 annuities and guaranteed interest contracts valued on a
119 21 change-in-fund basis which do not guarantee interest rates on
119 22 considerations received more than twelve months beyond the
119 23 valuation date, the factors shown in subparagraph subdivision
119 24 ~~part~~ (i) of this subparagraph ~~subdivision~~ division or derived
119 25 in subparagraph subdivision ~~part~~ (ii) of this subparagraph
119 26 ~~subdivision~~ division increased by:
119 27 Sec. 156. Section 508.36, subsection 5, paragraph c,
119 28 subparagraph (1), subparagraph division (c), subparagraph
119 29 subdivision (v), unnumbered paragraph 1, Code 2009, is amended
119 30 to read as follows:
119 31 "Plan type", as used in subparagraph ~~subdivision parts~~
119 32 subdivisions (i), (ii), and (iii) of this subparagraph
119 33 ~~subdivision~~ division, is defined as follows:
119 34 Sec. 157. Section 508C.8, subsection 8, paragraph a,
119 35 subparagraph (2), subparagraph division (b), subparagraph



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120 1 subdivision (ii), Code 2009, is amended to read as follows:

120 2 (ii) However, the association shall not in any event be
120 3 obligated to cover more than an aggregate of three hundred
120 4 fifty thousand dollars in benefits with respect to any one
120 5 life under subparagraph ~~subdivision~~ division (a) and this
120 6 subparagraph ~~subdivision~~ division (b), or more than five
120 7 million dollars in benefits to one owner of multiple nongroup
120 8 policies of life insurance regardless of whether the policy
120 9 owner is an individual, firm, corporation, or other person,
120 10 and whether the persons insured are officers, managers,
120 11 employees, or other persons, and regardless of the number of
120 12 policies and contracts held by the owner.

120 13 Sec. 158. Section 508C.8, subsection 8, paragraph a,
120 14 subparagraph (2), subparagraph division (c), Code 2009, is
120 15 amended to read as follows:

120 16 (c) With respect to a plan sponsor whose plan owns,
120 17 directly or in trust, one or more unallocated annuity
120 18 contracts not included under subparagraph ~~subdivision~~ division
120 19 (b), not more than five million dollars in benefits,
120 20 regardless of the number of contracts held by the plan
120 21 sponsor. However, where one or more such unallocated annuity
120 22 contracts are covered contracts under this chapter and are
120 23 owned by a trust or other entity for the benefit of two or
120 24 more plan sponsors, the association shall provide coverage if
120 25 the largest interest in the trust or entity owning the
120 26 contract is held by a plan sponsor whose principal place of
120 27 business is in the state but in no event shall the association
120 28 be obligated to cover more than five million dollars in
120 29 benefits in the aggregate with respect to all such unallocated
120 30 contracts.

120 31 Sec. 159. Section 515.35, subsection 3, paragraph a,
120 32 subparagraph (2), subparagraph division (c), subparagraph
120 33 subdivision (ii), Code 2009, is amended to read as follows:

120 34 (ii) If the loan is fully collateralized by cash or cash
120 35 equivalents, the cash or cash equivalent collateral may be



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121 1 reinvested by the company as provided in subparagraph
121 2 ~~subdivision~~ division (b).
121 3 Sec. 160. Section 515.35, subsection 3, paragraph a,
121 4 subparagraph (5), Code 2009, is amended to read as follows:
121 5 (5) Transfers of ownership of investments held as
121 6 described in paragraph "a", subparagraph (1), subparagraph
121 7 ~~subdivision~~ division (c), and subparagraphs (3) and (4) may be
121 8 evidenced by bookkeeping entry on the books of the issuer of
121 9 the investment, its transfer or recording agent, or the
121 10 clearing corporation without physical delivery of certificate,
121 11 if any, evidencing the company's investment.
121 12 Sec. 161. Section 515.35, subsection 4, paragraph h,
121 13 subparagraph (1), unnumbered paragraph 2, Code 2009, is
121 14 amended to read as follows:
121 15 All real estate specified in ~~subdivisions~~ subparagraph
121 16 divisions (a), (b), and (c) ~~of this subparagraph~~ shall be sold
121 17 and disposed of within three years after the company acquires
121 18 title to it, or within three years after the real estate
121 19 ceases to be necessary for the accommodation of the company's
121 20 business, and the company shall not hold any of those
121 21 properties for a longer period unless the company elects to
121 22 hold the property under another paragraph of this section, or
121 23 unless the company procures a certificate from the
121 24 commissioner of insurance that its interest will suffer
121 25 materially by the forced sale of those properties and that the
121 26 time for the sale is extended to the time the commissioner
121 27 directs in the certificate.
121 28 Sec. 162. Section 554.2709, subsection 1, unnumbered
121 29 paragraph 1, Code 2009, is amended to read as follows:
121 30 When the buyer fails to pay the price as it becomes due the
121 31 seller may recover, together with any incidental damages under
121 32 ~~the next~~ section 554.2710, the price:
121 33 Sec. 163. Section 554.11101, Code 2009, is amended to read
121 34 as follows:
121 35 554.11101 EFFECTIVE DATE.



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122 1 Division 2 of ~~this Act~~ ~~[65GA 1974 Iowa Acts, chapter 1249]~~
122 2 1249, sections 9 to 72, the Iowa amendments to the Uniform
122 3 Commercial Code pertaining primarily to security interests,
122 4 and related amendments, shall become effective at 12:01 a.m.
122 5 on January 1, 1975.
122 6 Sec. 164. Section 554.11102, Code 2009, is amended to read
122 7 as follows:
122 8 554.11102 PRESERVATION OF OLD TRANSITION PROVISION.
122 9 The provisions of Article 10 of this chapter, sections
122 10 554.10101 to, 554.10103, and 554.10105, shall continue to
122 11 apply to this chapter as amended and for this purpose this
122 12 chapter prior to amendment and this chapter as amended shall
122 13 be considered one continuous statute.
122 14 Sec. 165. Section 602.4201, subsection 3, paragraph d,
122 15 Code 2009, is amended to read as follows:
122 16 d. Rules of appellate procedure ~~6.1~~ 6.101 through 6.9
122 17 6.105, 6.601 through 6.603, and 6.907.
122 18 Sec. 166. Section 714F.1, subsection 4, paragraphs a and
122 19 b, Code 2009, are amended to read as follows:
122 20 a. The transfer of title to real property by a foreclosed
122 21 homeowner during a foreclosure ~~proceeding~~, forfeiture
122 22 ~~proceeding~~, or tax sale ~~proceeding~~, either by transfer of
122 23 interest from the foreclosed homeowner or by creation of a
122 24 mortgage or other lien or encumbrance during the process that
122 25 allows the acquirer to obtain title to the property by
122 26 redeeming the property as a junior lienholder.
122 27 b. The subsequent conveyance, or promise of a subsequent
122 28 conveyance, of an interest back to the ~~affected~~ foreclosed
122 29 homeowner by the acquirer or a person acting in participation
122 30 with the acquirer that allows the foreclosed homeowner to
122 31 possess either the affected residence or other real property,
122 32 which interest includes but is not limited to an interest in a
122 33 contract for deed, purchase agreement, option to purchase, or
122 34 lease.
122 35 Sec. 167. Section 714F.4, subsection 2, Code 2009, is



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123 1 amended to read as follows:

123 2 2. Cancellation occurs when the foreclosed homeowner
123 3 delivers, by any means, written notice of cancellation,
123 4 provided that, at a minimum, the contract and the notice of
123 5 cancellation contains a physical address to which notice of
123 6 cancellation may be mailed or otherwise delivered. A post
123 7 office box does not constitute a physical address. A post
123 8 office box may be designated for delivery by mail only if it
123 9 is accompanied by a physical address at which the notice could
123 10 be delivered by a method other than mail. An ~~electronically~~
~~123 11 mailed~~ electronic mail address may be provided in addition to
123 12 the physical address. If cancellation is mailed, delivery is
123 13 effective upon mailing. If electronically mailed,
123 14 cancellation is effective upon transmission.

123 15 Sec. 168. Section 714F.8, subsection 3, paragraph b,
123 16 subparagraph (2), subparagraph division (c), Code 2009, is
123 17 amended to read as follows:

123 18 (c) "Consideration" means any payment or thing of value
123 19 provided to the foreclosed homeowner, including payment of
123 20 unpaid rent or contract for deed payments owed by the
123 21 foreclosed homeowner prior to the date of eviction or
123 22 voluntary relinquishment of the property, reasonable costs
123 23 paid to third parties necessary to complete the foreclosure
123 24 reconveyance transaction, payment of money to satisfy a debt
123 25 or legal obligation of the foreclosed homeowner that creates a
123 26 lien against the affected residence, or the payment of
123 27 reasonable cost of repairs for damage to the dwelling caused
123 28 by the foreclosed homeowner; or a payment of a penalty imposed
123 29 by a court for the filing of a frivolous claim under section
123 30 714F.9, subsection 6, but "consideration" shall not include
123 31 amounts imputed as a down payment or fee to the foreclosure
123 32 purchaser, or a person acting in participation with the
123 33 foreclosure purchaser, incident to a contract for deed, lease,
123 34 or option to purchase entered into as part of the foreclosure
123 35 reconveyance, except for reasonable costs paid to third



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124 1 parties necessary to complete the foreclosure reconveyance.
124 2 Sec. 169. Section 716.5, Code 2009, is amended to read as
124 3 follows:
124 4 716.5 CRIMINAL MISCHIEF IN THE THIRD DEGREE.
124 5 1. Criminal mischief is criminal mischief in the third
124 6 degree if ~~the~~ any of the following apply:
124 7 a. The cost of replacing, repairing, or restoring the
124 8 property ~~so~~ that is damaged, defaced, altered, or destroyed
124 9 exceeds five hundred dollars, but does not exceed one thousand
124 10 dollars, ~~or if the.~~
124 11 b. The property is a deed, will, commercial paper or any
124 12 civil or criminal process or other instrument having legal
124 13 effect, ~~or if the.~~
124 14 c. The act consists of rendering substantially less
124 15 effective than before any light, signal, obstruction,
124 16 barricade, or guard which has been placed or erected for the
124 17 purpose of enclosing any unsafe or dangerous place or of
124 18 alerting persons to an unsafe or dangerous condition.
124 19 ~~Criminal mischief in the third degree is an aggravated~~
124 20 ~~misdemeanor.~~
124 21 ~~A person commits criminal mischief in the third degree who~~
124 22 ~~does either of the following:~~
124 23 ~~1. d. Intentionally~~ The person intentionally disinters
124 24 human remains from a burial site without lawful authority.
124 25 ~~2. e. Intentionally~~ The person intentionally disinters
124 26 human remains that have state and national significance from
124 27 an historical or scientific standpoint for the inspiration and
124 28 benefit of the United States without the permission of the
124 29 state archaeologist.
124 30 2. Criminal mischief in the third degree is an aggravated
124 31 misdemeanor.
124 32 Sec. 170. 2008 Iowa Acts, chapter 1088, section 44,
124 33 subsection 1, is amended to read as follows:
124 34 1. Persons who publicly profess to be physicians and
124 35 surgeons, ~~or~~ osteopathic physicians and surgeons, or who



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125 1 publicly profess to assume the duties incident to the practice
 125 2 of medicine and surgery or osteopathic medicine and surgery.
 125 3 Sec. 171. 2008 Iowa Acts, chapter 1088, is amended by
 125 4 adding the following new section:
 125 5 SEC. ____ . Section 152B.13, subsection 1, paragraph a, Code
 125 6 2007, is amended to read as follows:
 125 7 1. A state board for respiratory care is established to
 125 8 administer this chapter. Membership of the board shall be
 125 9 established pursuant to section 147.14, ~~subsection 15.~~
 125 10 Sec. 172. 2008 Iowa Acts, chapter 1181, section 5,
 125 11 subsection 3, paragraph c, is amended to read as follows:
 125 12 c. For the entrepreneurs with disabilities program
 125 13 pursuant to section 259.4, subsection 9, if enacted by 2008
 125 14 Iowa Acts, ~~House~~ Senate File 2214 2101:
 125 15 \$ 200,000
 125 16 Sec. 173. Section 261E.12, subsection 1, paragraph d, as
 125 17 enacted by 2008 Iowa Acts, chapter 1181, section 63, is
 125 18 amended to read as follows:
 125 19 d. For the fiscal year beginning July 1, 2008, and
 125 20 succeeding fiscal years, an amount up to five hundred thousand
 125 21 dollars to the department to provide advanced placement course
 125 22 examination fee remittance pursuant to section 261E.4A. If
 125 23 the funds appropriated for purposes of section ~~261E.5~~ 261E.4A
 125 24 are insufficient to distribute the amounts set out in section
 125 25 ~~261E.5~~ 261E.4A, subsection 3, to school districts, the
 125 26 department shall prorate the amount distributed to school
 125 27 districts based on the amount appropriated.
 125 28 Sec. 174. 2008 Iowa Acts, chapter 1187, section 9,
 125 29 subsection 22, is amended to read as follows:
 125 30 22. Of the funds appropriated in this section, \$250,000
 125 31 shall be used to implement the provisions in 2007 Iowa Acts,
 125 32 chapter 218, section ~~124~~ 126, as amended by the Eighty-second
 125 33 General Assembly, 2008 Session, relating to eligibility for
 125 34 certain persons with disabilities under the medical assistance
 125 35 program.



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126 1 Sec. 175. 2008 Iowa Acts, chapter 1191, is amended by
126 2 adding the following new section:
126 3 SEC. ____ . EFFECTIVE DATE. The section of this Act
126 4 amending section 100C.6, subsection 3, as enacted by 2008 Iowa
126 5 Acts, House File 2646, section 1, takes effect August 1, 2009.

DIVISION II

CODE SECTION RENUMBERING

126 8 Sec. 176. Section 103A.9, Code 2009, is amended to read as
126 9 follows:

126 10 103A.9 FACTORY=BUILT STRUCTURES.

126 11 1. The state building code shall contain provisions
126 12 relating to the manufacture and installation of factory=built
126 13 structures.

126 14 ~~1.~~ a. Factory=built structures manufactured in Iowa,
126 15 after the effective date of the code, shall be manufactured in
126 16 accordance with the code, unless the commissioner determines
126 17 the structure is manufactured for installation outside the
126 18 state.

126 19 ~~2.~~ b. Factory=built structures manufactured outside the
126 20 state of Iowa, after the effective date of the code, and
126 21 brought into Iowa for installation must, prior to
126 22 installation, comply with the code.

126 23 ~~3.~~ c. Factory=built structures manufactured prior to the
126 24 effective date of the code, which prior to that date have
126 25 never been installed, must comply with the code prior to
126 26 installation.

126 27 ~~4.~~ ~~a.~~ d. (1) All factory=built structures, without
126 28 regard to manufacture date, shall be installed in accordance
126 29 with the code in the governmental subdivisions which have
126 30 adopted the state building code or any other building code.
126 31 However, a governmental subdivision shall not require that a
126 32 factory=built structure, that was manufactured in accordance
126 33 with federally mandated standards, be renovated in accordance
126 34 with the state building code or any other building code which
126 35 the governmental subdivision has adopted when the



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127 1 factory=built structure is being moved from one lawful
127 2 location to another unless such required renovation is in
127 3 conformity with those specifications for the factory=built
127 4 structure which existed when it was manufactured or the
127 5 factory=built structure is being rented for occupancy.
127 6 ~~b.~~ (2) Existing factory=built structures not constructed
127 7 to be in compliance with federally mandated standards may be
127 8 moved from one established manufactured home community or
127 9 mobile home park to another and shall not be required to be
127 10 renovated to comply with the state building code or any other
127 11 building code which the governmental subdivision has adopted
127 12 unless the factory=built structure is being rented for
127 13 occupancy or has been declared a public nuisance according to
127 14 standards generally applied to housing.
127 15 ~~5.~~ e. Factory=built structures required to comply with
127 16 the code provisions on manufacture, shall not be modified in
127 17 any way prior to or during installation, unless prior approval
127 18 is obtained from the commissioner.
127 19 ~~6.~~ 2. The commissioner shall establish an insignia of
127 20 approval and provide that factory=built structures required to
127 21 comply with code provisions on manufacture bear an insignia of
127 22 approval prior to installation. The insignia may be issued
127 23 for other factory=built structures which meet code standards
127 24 and which were manufactured prior to the effective date of the
127 25 state building code.
127 26 ~~7.~~ 3. The commissioner may contract with local government
127 27 agencies for enforcement of the code relating to manufacture
127 28 of factory=built structures. Code provisions relating to
127 29 installation of factory=built structures shall be enforced by
127 30 the local building departments only in those governmental
127 31 subdivisions which have adopted the state building code or any
127 32 other building code.
127 33 Sec. 177. Section 123.127, Code 2009, is amended to read
127 34 as follows:
127 35 123.127 CLASS "A" AND SPECIAL CLASS "A" APPLICATION.



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128 1 1. A class "A" permit shall be issued by the administrator
128 2 to any person who:
128 3 ~~1.~~ a. Submits a written application for such permit,
128 4 which application shall state under oath:
128 5 ~~a.~~ (1) The name and place of residence of the applicant
128 6 and the length of time the applicant has lived at such place
128 7 of residence.
128 8 ~~b.~~ (2) That the applicant is a citizen of the state of
128 9 Iowa.
128 10 ~~c.~~ (3) That the applicant is a person of good moral
128 11 character as defined by this chapter.
128 12 ~~d.~~ (4) The location of the premises where the applicant
128 13 intends to operate.
128 14 ~~e.~~ (5) The name of the owner of the premises and if such
128 15 owner is not the applicant, that such applicant is the actual
128 16 lessee of the premises.
128 17 ~~2.~~ b. Establishes:
128 18 ~~a.~~ (1) That the applicant is a person of good moral
128 19 character as defined by this chapter.
128 20 ~~b.~~ (2) That the premises where the applicant intends to
128 21 operate conform to all laws and health and fire regulations
128 22 applicable thereto.
128 23 ~~3.~~ c. Furnishes a bond in the form prescribed and to be
128 24 furnished by the division, with good and sufficient sureties
128 25 to be approved by the administrator conditioned upon the
128 26 faithful observance of this chapter, in the penal sum of five
128 27 thousand dollars, payable to the state.
128 28 ~~4.~~ d. Gives consent to a person, pursuant to section
128 29 123.30, subsection 1, to enter upon the premises without a
128 30 warrant during the business hours of the permittee to inspect
128 31 for violations of the provisions of this chapter or ordinances
128 32 and regulations that local authorities may adopt.
128 33 2. An applicant for a special class "A" permit shall
128 34 comply with the requirements for a class "A" permit and shall
128 35 also state on the application that the applicant holds or has



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129 1 applied for a class "C" liquor control license or class "B"
129 2 beer permit.
129 3 Sec. 178. Section 123.128, subsection 1, paragraph a, Code
129 4 2009, is amended to read as follows:
129 5 a. All the information required of a class "A" applicant
129 6 by section 123.127, subsection 1, paragraph "a".
129 7 Sec. 179. Section 123.128, subsection 2, Code 2009, is
129 8 amended to read as follows:
129 9 2. Fulfills the requirements of section 123.127,
129 10 subsection ~~2~~ 1, paragraph "b", relating to class "A"
129 11 applicants.
129 12 Sec. 180. Section 123.129, subsection 1, Code 2009, is
129 13 amended to read as follows:
129 14 1. Submits a written application for such permit, which
129 15 application shall state under oath all the information
129 16 required of a class "A" applicant by section 123.127,
129 17 subsection 1, paragraph "a".
129 18 Sec. 181. Section 124.401D, Code 2009, is amended to read
129 19 as follows:
129 20 124.401D CONSPIRACY TO MANUFACTURE FOR DELIVERY OR
129 21 DELIVERY OR INTENT OR CONSPIRACY TO DELIVER AMPHETAMINE OR
129 22 METHAMPHETAMINE TO A MINOR.
129 23 1. a. It is unlawful for a person eighteen years of age
129 24 or older to act with, or enter into a common scheme or design
129 25 with, or conspire with one or more persons to manufacture for
129 26 delivery to a person under eighteen years of age a material,
129 27 compound, mixture, preparation, or substance that contains any
129 28 detectable amount of amphetamine, its salts, isomers, or salts
129 29 of its isomers, or methamphetamine, its salts, isomers, or
129 30 salts of its isomers.
129 31 b. A violation of this subsection is a felony punishable
129 32 under section 902.9, subsection 1.
129 33 c. A second or subsequent violation of this subsection is
129 34 a class "A" felony.
129 35 2. a. It is unlawful for a person eighteen years of age



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130 1 or older to deliver, or possess with the intent to deliver to
130 2 a person under eighteen years of age, a material, compound,
130 3 mixture, preparation, or substance that contains any
130 4 detectable amount of amphetamine, its salts, isomers, or salts
130 5 of its isomers, or methamphetamine, its salts, isomers, or
130 6 salts of its isomers, or to act with, or enter into a common
130 7 scheme or design with, or conspire with one or more persons to
130 8 deliver or possess with the intent to deliver to a person
130 9 under eighteen years of age a material, compound, mixture,
130 10 preparation, or substance that contains any detectable amount
130 11 of amphetamine, its salts, isomers, or salts of its isomers,
130 12 or methamphetamine, its salts, isomers, or salts of its
130 13 isomers.

130 14 b. A violation of this subsection is a felony punishable
130 15 under section 902.9, subsection 1.

130 16 c. A second or subsequent violation of this subsection is
130 17 a class "A" felony.

130 18 Sec. 182. Section 124.413, Code 2009, is amended to read
130 19 as follows:

130 20 124.413 MANDATORY MINIMUM SENTENCE.

130 21 1. A person sentenced pursuant to section 124.401,
130 22 subsection 1, paragraph "a", "b", "c", "e", or "f", shall not
130 23 be eligible for parole until the person has served a minimum
130 24 period of confinement of one-third of the maximum
130 25 indeterminate sentence prescribed by law.

130 26 2. This section shall not apply if:

130 27 ~~1.~~ a. The offense is found to be an accommodation
130 28 pursuant to section 124.410; or

130 29 ~~2.~~ b. The controlled substance is marijuana.

130 30 Sec. 183. Section 124.502, subsection 1, paragraphs b
130 31 through d, Code 2009, are amended to read as follows:

130 32 b. A warrant shall issue only upon sworn testimony of an
130 33 officer or employee of the board duly designated and having
130 34 knowledge of the facts alleged, before the judicial officer,
130 35 establishing the grounds for issuing the warrant. If the



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131 1 judicial officer is satisfied that grounds for the application
131 2 exist or that there is probable cause to believe they exist,
131 3 the officer shall issue a warrant identifying the area,
131 4 premises, building, or conveyance to be inspected, the purpose
131 5 of the inspection, and, if appropriate, the type of property
131 6 to be inspected, if any.

131 7 c. The warrant shall:

131 8 (1) State the grounds for its issuance and the name of
131 9 each person whose testimony has been taken in support thereof.

131 10 (2) Be directed to a person authorized by section 124.501
131 11 to execute it.

131 12 (3) Command the person to whom it is directed to inspect
131 13 the area, premises, building, or conveyance identified for the
131 14 purpose specified and, if appropriate, direct the seizure of
131 15 the property specified.

131 16 (4) Identify the item or types of property to be seized,
131 17 if any.

131 18 (5) Direct that it be served during normal business hours,
131 19 if appropriate, and designate the judge to whom it shall be
131 20 returned.

131 21 ~~e.~~ d. A warrant issued pursuant to this section must be
131 22 executed and returned within ten days after its date unless,
131 23 upon a showing of a need for additional time, the court so
131 24 instructs otherwise in the warrant. If property is seized
131 25 pursuant to a warrant, the person executing the warrant shall
131 26 give to the person from whom the property is seized, or the
131 27 person in charge of the premises from which the property is
131 28 seized, a copy of the warrant and a receipt for the property
131 29 seized or shall leave the copy and receipt at the place from
131 30 which the property is seized. The return of the warrant shall
131 31 be made promptly and shall be accompanied by a written
131 32 inventory of any property seized. The inventory shall be made
131 33 in the presence of the person executing the warrant and of the
131 34 person from whose possession or premises the property was
131 35 seized, if they are present, or in the presence of at least



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132 1 one credible person other than the person executing the
132 2 warrant. A copy of the inventory shall be delivered to the
132 3 person from whom or from whose premises the property was
132 4 seized and to the applicant for the warrant.
132 5 ~~d.~~ e. The judicial officer who has issued a warrant under
132 6 this section shall require that there be attached to the
132 7 warrant a copy of the return, and of all papers filed in
132 8 connection with the return, and shall file them with the clerk
132 9 of the district court for the county in which the inspection
132 10 was made.
132 11 Sec. 184. Section 124C.2, Code 2009, is amended to read as
132 12 follows:
132 13 124C.2 POWERS AND DUTIES OF THE COMMISSIONER.
132 14 1. The commissioner or the commissioner's designee may use
132 15 funds appropriated or otherwise available to the department
132 16 for the following purposes:
132 17 a. Administrative services for the identification,
132 18 assessment, and cleanup of clandestine laboratory sites.
132 19 b. Payments to other government agencies or private
132 20 contractors for services consistent with the management and
132 21 cleanup of a clandestine laboratory site.
132 22 c. Emergency response activities involving clandestine
132 23 laboratory sites, including surveillance, entry, security,
132 24 cleanup, and disposal.
132 25 2. The commissioner may request the assistance of other
132 26 state, federal, and local agencies as necessary.
132 27 ~~2.~~ 3. The commissioner shall proceed, pursuant to this
132 28 section, to collect all costs incurred in cleanup of a
132 29 clandestine laboratory site from the person having control
132 30 over a clandestine laboratory site.
132 31 ~~3.~~ 4. The commissioner shall make all reasonable efforts
132 32 to recover the full amount of moneys expended, through
132 33 litigation or otherwise. Moneys recovered shall be deposited
132 34 with the treasurer of state and credited to the department of
132 35 public safety.



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133 1 Sec. 185. Section 124C.4, subsection 4, Code 2009, is
133 2 amended to read as follows:
133 3 4. Upon payment of a charge for which the commissioner has
133 4 filed a notice of lien with a county, the commissioner shall
133 5 immediately file with the county a satisfaction of the charge
133 6 and the satisfaction of the charge shall be indicated on the
133 7 index.
133 8 5. The attorney general, upon the request of the
133 9 commissioner, shall bring an action at law or in equity,
133 10 without bond, to enforce payment of any charges or penalties,
133 11 and in such action the attorney general shall have the
133 12 assistance of the county attorney of the county in which the
133 13 action is pending.
133 14 6. The remedies available to the state in this chapter
133 15 shall be cumulative and no action taken by the commissioner or
133 16 attorney general shall be construed to be an election on the
133 17 part of the state to pursue any remedy to the exclusion of any
133 18 other remedy provided by law.
133 19 Sec. 186. Section 125.59, subsections 1 and 2, Code 2009,
133 20 are amended to read as follows:
133 21 1. a. Of these funds, notwithstanding section 125.13,
133 22 subsection 1, one-half of the transferred amount shall be used
133 23 for grants to counties operating a substance abuse program
133 24 involving only education, prevention, referral or
133 25 posttreatment services, either with the counties' own
133 26 employees or by contract with a nonprofit corporation. The
133 27 grants shall not annually exceed ten thousand dollars to any
133 28 one county, subject to the following conditions:
133 29 ~~a.~~ (1) The money shall be paid to the county after
133 30 expenditure by the county and submission of the requirements
133 31 in ~~paragraph "b"~~ subparagraph (2) on the basis of one dollar
133 32 for each three dollars spent by the county. The county may
133 33 submit a quarterly claim for reimbursement.
133 34 ~~b.~~ (2) The county shall submit an accounting of the
133 35 expenditures and shall submit an annual financial report, a



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134 1 description of the program, and the results obtained within
134 2 sixty days after the end of the fiscal year in which the money
134 3 is granted.

134 4 b. If the transferred amount for this subsection exceeds
134 5 grant requests funded to the ten thousand dollar maximum, the
134 6 Iowa department of public health may use the remainder to
134 7 increase grants pursuant to subsection 2.

134 8 2. a. Of these funds, one-half of the transferred amount
134 9 shall be used for prevention programs in addition to the
134 10 amount budgeted for prevention programs by the department in
134 11 the same fiscal year. The department shall use this
134 12 additional prevention program money for grants to a county,
134 13 person, or nonprofit agency operating a prevention program. A
134 14 grant to a county, person, or nonprofit agency is subject to
134 15 the following conditions:

134 16 ~~a.~~ (1) The money shall be paid to the county, person, or
134 17 nonprofit agency after submission of the requirements in
134 18 ~~paragraph "b"~~ subparagraph (2) on the basis of two dollars for
134 19 each dollar designated for prevention by the county, person,
134 20 or nonprofit agency.

134 21 ~~b.~~ (2) The county, person, or nonprofit agency shall
134 22 submit a description of the program.

134 23 ~~c.~~ (3) The county, person, or nonprofit agency shall
134 24 submit an annual financial report and the results obtained
134 25 before June 10 of the same fiscal year in which the money is
134 26 granted.

134 27 b. The department may consider in-kind contributions
134 28 received by a county, person, or nonprofit agency for matching
134 29 purposes required in paragraph "a", subparagraph (1).

134 30 Sec. 187. Section 125.81, Code 2009, is amended to read as
134 31 follows:

134 32 125.81 IMMEDIATE CUSTODY.

134 33 1. If a person filing an application requests that a
134 34 respondent be taken into immediate custody, and the court upon
134 35 reviewing the application and accompanying documentation,



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135 1 finds probable cause to believe that the respondent is a
135 2 chronic substance abuser who is likely to injure the person or
135 3 other persons if allowed to remain at liberty, the court may
135 4 enter a written order directing that the respondent be taken
135 5 into immediate custody by the sheriff, and be detained until
135 6 the commitment hearing, which shall be held no more than five
135 7 days after the date of the order, except that if the fifth day
135 8 after the date of the order is a Saturday, Sunday, or a
135 9 holiday, the hearing may be held on the next business day.
135 10 The court may order the respondent detained for the period of
135 11 time until the hearing is held, and no longer except as
135 12 provided in section 125.88, in accordance with subsection ~~1~~ 2,
135 13 paragraph "a", if possible, and if not, then in accordance
135 14 with subsection 2, paragraph "b", or, only if neither of these
135 15 alternatives is available in accordance with subsection ~~3~~ 2,
135 16 paragraph "c".

135 17 2. Detention may be:

135 18 ~~1.~~ a. In the custody of a relative, friend, or other
135 19 suitable person who is willing and able to accept
135 20 responsibility for supervision of the respondent, with
135 21 reasonable restrictions as the court may order including but
135 22 not limited to restrictions on or a prohibition of any
135 23 expenditure, encumbrance, or disposition of the respondent's
135 24 funds or property.

135 25 ~~2.~~ b. In a suitable hospital, the chief medical officer
135 26 of which shall be informed of the reasons why immediate
135 27 custody has been ordered. The hospital may provide treatment
135 28 which is necessary to preserve the respondent's life, or to
135 29 appropriately control the respondent's behavior which is
135 30 likely to result in physical injury to the person or to others
135 31 if allowed to continue, and other treatment as deemed
135 32 appropriate by the chief medical officer.

135 33 ~~3.~~ c. In the nearest facility which is licensed to care
135 34 for persons with mental illness or substance abuse, provided
135 35 that detention in a jail or other facility intended for



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136 1 confinement of those accused or convicted of a crime shall not
136 2 be ordered.

136 3 3. The respondent's attorney may be allowed by the court
136 4 to present evidence and arguments before the court's
136 5 determination under this section. If such an opportunity is
136 6 not provided at that time, respondent's attorney shall be
136 7 allowed to present evidence and arguments after the issuance
136 8 of the court's order of confinement and while the respondent
136 9 is confined.

136 10 Sec. 188. Section 125.91, subsection 2, paragraph a, Code
136 11 2009, is amended to read as follows:

136 12 a. A peace officer who has reasonable grounds to believe
136 13 that the circumstances described in subsection 1 are
136 14 applicable, may, without a warrant, take or cause that person
136 15 to be taken to the nearest available facility referred to in
136 16 section 125.81, subsection 2 ~~or 3~~, paragraph "b" or "c". Such
136 17 an intoxicated or incapacitated person may also be delivered
136 18 to a facility by someone other than a peace officer upon a
136 19 showing of reasonable grounds. Upon delivery of the person to
136 20 a facility under this section, the examining physician may
136 21 order treatment of the person, but only to the extent
136 22 necessary to preserve the person's life or to appropriately
136 23 control the person's behavior if the behavior is likely to
136 24 result in physical injury to the person or others if allowed
136 25 to continue. The peace officer or other person who delivered
136 26 the person to the facility shall describe the circumstances of
136 27 the matter to the examining physician. If the person is a
136 28 peace officer, the peace officer may do so either in person or
136 29 by written report. If the examining physician has reasonable
136 30 grounds to believe that the circumstances in subsection 1 are
136 31 applicable, the examining physician shall at once communicate
136 32 with the nearest available magistrate as defined in section
136 33 801.4, subsection 10. The magistrate shall, based upon the
136 34 circumstances described by the examining physician, give the
136 35 examining physician oral instructions either directing that



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137 1 the person be released forthwith, or authorizing the person's
137 2 detention in an appropriate facility. The magistrate may also
137 3 give oral instructions and order that the detained person be
137 4 transported to an appropriate facility.

137 5 Sec. 189. Section 126.10, Code 2009, is amended to read as
137 6 follows:

137 7 126.10 DRUGS AND DEVICES == MISBRANDING == LABELING.

137 8 1. A drug or device is misbranded under any of the
137 9 following circumstances:

137 10 ~~1-~~ a. If its labeling is false or misleading in any
137 11 particular.

137 12 ~~2-~~ b. (1) If in a package form unless it bears a label
137 13 containing both of the following:

137 14 ~~a-~~ (a) The name and place of business of the
137 15 manufacturer, packer, or distributor.

137 16 ~~b-~~ (b) An accurate statement of the quantity of the
137 17 contents in terms of weight, measure, or numerical count.

137 18 (2) However, under ~~paragraph "a"~~ subparagraph (1),
137 19 subparagraph division (a), reasonable variations shall be
137 20 permitted, and exemptions as to small packages shall be
137 21 allowed, in accordance with rules adopted by the board.

137 22 ~~3-~~ c. If any word, statement, or other information
137 23 required by or under the authority of this chapter to appear
137 24 on the label or labeling is not prominently placed thereon
137 25 with such conspicuousness, as compared with other words,
137 26 statements, designs, or devices, in the labeling, and in such
137 27 terms as to render it likely to be read and understood by the
137 28 ordinary individual under customary conditions of purchase and
137 29 use.

137 30 ~~4-~~ d. If it is for use by humans and contains any
137 31 quantity of the narcotic or hypnotic substance alpha-eucaine,
137 32 barbituric acid, beta-eucaine, bromal, cannabis, carbromal,
137 33 chloral, coca, cocaine, codeine, heroin, marijuana, morphine,
137 34 opium, paraldehyde, peyote, or sulphonmethane; or any chemical
137 35 derivative of such a substance, which derivative, after



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138 1 investigation, has been designated as habit forming, by rules
138 2 adopted by the board under this chapter or by regulations
138 3 adopted by the secretary pursuant to section 502(d) of the
138 4 federal Act; unless its label bears the name and quantity or
138 5 proportion of such substance or derivative and in
138 6 juxtaposition therewith the statement "Warning == May Be Habit
138 7 Forming."

138 8 ~~5. a.~~ e. (1) If it is a drug, unless both of the
138 9 following apply:

138 10 ~~(1)~~ (a) Its label bears, to the exclusion of any other
138 11 nonproprietary name except the applicable systematic chemical
138 12 name or the chemical formula:

138 13 ~~(a)~~ (i) The established name of the drug, as specified in
138 14 ~~paragraph "c"~~ subparagraph (3), if such exists; and

138 15 ~~(b)~~ (ii) If the drug is fabricated from two or more
138 16 ingredients, the established name and quantity of each active
138 17 ingredient, including the quantity, kind, and proportion of
138 18 any alcohol, and also including, whether active or not, the
138 19 established name and quantity or proportion of any bromides,
138 20 ether, chloroform, acetanilide, acetophenetidin, amidopyrine,
138 21 antipyrine, atropine, hyoscine, hyoscyamine, arsenic,
138 22 digitalis, digitalis glucosides, mercury, ouabain,
138 23 strophanthin, strychnine, thyroid, or any derivative or
138 24 preparation of any such substances, contained therein.

138 25 However, the requirement for stating the quantity of the
138 26 active ingredients, other than the quantity of those
138 27 specifically named in this subparagraph subdivision, applies
138 28 only to prescription drugs.

138 29 ~~(2)~~ (b) For a prescription drug, the established name of
138 30 the prescription drug or of an ingredient is printed, on the
138 31 label and on any labeling on which a name for the prescription
138 32 drug or an ingredient is used, prominently and in type at
138 33 least half as large as that used thereon for any proprietary
138 34 name or designation for the prescription drug or ingredient.
138 35 However, to the extent that compliance with ~~subparagraph (1)~~,



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139 1 subparagraph ~~subdivision (b)~~ division (a), subparagraph
139 2 subdivision (ii), or this subparagraph division is
139 3 impracticable, exemptions shall be allowed under rules or
139 4 regulations adopted by the board or the secretary under the
139 5 federal Act.
139 6 ~~b.~~ (2) If it is a device and it has an established name,
139 7 unless its label bears, to the exclusion of any other
139 8 nonproprietary name, its established name, as defined in
139 9 ~~paragraph "d"~~ subparagraph (4), prominently printed in type at
139 10 least half as large as that used thereon for any proprietary
139 11 name or designation for the device, except that to the extent
139 12 compliance with this ~~paragraph~~ subparagraph is impracticable,
139 13 exemptions shall be allowed under rules or regulations adopted
139 14 by the board or the secretary under the federal Act.
139 15 ~~e.~~ (3) As used in ~~paragraph "a"~~ subparagraph (1), the
139 16 term "established name", with respect to a drug or ingredient
139 17 thereof, means one of the following:
139 18 ~~(1)~~ (a) The applicable official name designated pursuant
139 19 to section 508 of the federal Act.
139 20 ~~(2)~~ (b) If no such official name exists and the drug or
139 21 ingredient is an article recognized in an official compendium,
139 22 then its official title in the compendium.
139 23 ~~(3)~~ (c) If neither subparagraph ~~(1)~~ division (a) nor ~~(2)~~
139 24 (b) applies, then the common or usual name, if any, of the
139 25 drug or ingredient. However, if subparagraph ~~(2)~~ division (b)
139 26 applies to an article recognized in the United States
139 27 Pharmacopoeia National Formulary and in the Homeopathic
139 28 Pharmacopoeia of the United States under different official
139 29 titles, the official title used in the United States
139 30 Pharmacopoeia National Formulary applies unless it is labeled
139 31 and offered for sale as a homeopathic drug, in which case the
139 32 official title used in the Homeopathic Pharmacopoeia of the
139 33 United States applies.
139 34 ~~d.~~ (4) As used in ~~paragraph "b"~~ subparagraph (2), the
139 35 term "established name" with respect to a device means one of



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140 1 the following:

140 2 ~~(1)~~ (a) The applicable official name of the device
140 3 pursuant to section 508 of the federal Act.

140 4 ~~(2)~~ (b) If no such official name exists and the device is
140 5 an article recognized in an official compendium, then its
140 6 official title in the compendium.

140 7 ~~(3)~~ (c) If neither subparagraph ~~(1)~~ division (a) nor ~~(2)~~
140 8 (b) applies, then any common or usual name of the device.

140 9 ~~6.~~ f. (1) Unless its labeling bears both of the
140 10 following:

140 11 ~~a.~~ (a) Adequate directions for use.

140 12 ~~b.~~ (b) Adequate warnings against use in those
140 13 pathological conditions, or by children, where its use may be
140 14 dangerous to health, or against unsafe dosage or methods or
140 15 durations of administration or application, in the manner and
140 16 form necessary for the protection of users.

140 17 (2) However, if a requirement of ~~paragraph "a"~~
140 18 subparagraph (1), subparagraph division (a), as applied to a
140 19 drug or device, is not necessary for the protection of the
140 20 public health, the board or the secretary shall adopt rules or
140 21 regulations exempting the drug or device from that
140 22 requirement.

140 23 ~~7.~~ g. If it purports to be a drug the name of which is
140 24 recognized in an official compendium, unless it is packaged
140 25 and labeled as prescribed in the official compendium.
140 26 However, the method of packing may be modified with the
140 27 consent of the board or the secretary. If a drug is
140 28 recognized in both the United States Pharmacopoeia National
140 29 Formulary and the Homeopathic Pharmacopoeia of the United
140 30 States, it is subject to the requirements of the United States
140 31 Pharmacopoeia National Formulary with respect to packaging and
140 32 labeling unless it is labeled and offered for sale as a
140 33 homeopathic drug, in which case it is subject to the
140 34 Homeopathic Pharmacopoeia of the United States, and not to the
140 35 United States Pharmacopoeia National Formulary. However, if



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141 1 an inconsistency exists between this ~~subsection~~ paragraph and
141 2 ~~subsection 5~~ paragraph "e" as to the name by which the drug or
141 3 its ingredients shall be designated, ~~subsection 5~~ paragraph
141 4 "e" prevails.

141 5 ~~8.~~ h. If it has been found by the board or the secretary
141 6 to be a drug liable to deterioration, unless it is packaged in
141 7 the form and manner, and its label bears a statement of the
141 8 precautions that the board or the secretary by rule or
141 9 regulation requires as necessary for the protection of public
141 10 health. Such a rule or regulation shall not be established
141 11 for a drug recognized in an official compendium until the
141 12 board or the secretary has informed the appropriate body
141 13 charged with the revision of the official compendium of the
141 14 need for such packaging or labeling requirements and that body
141 15 has failed within a reasonable time to prescribe such
141 16 requirements.

141 17 ~~9.~~~~a.~~ i. (1) If it is a drug and its container is so
141 18 made, formed, or filled as to be misleading.

141 19 ~~b.~~ (2) If it is an imitation of another drug.

141 20 ~~c.~~ (3) If it is offered for sale under the name of
141 21 another drug.

141 22 ~~10.~~ j. If it is dangerous to health when used in the
141 23 dosage or manner, or with the frequency or duration
141 24 prescribed, recommended, or suggested in its labeling.

141 25 ~~11.~~ k. If it is, or purports to be, or is represented as
141 26 a drug composed wholly or partly of insulin, unless both of
141 27 the following apply:

141 28 ~~a.~~ (1) It is from a batch with respect to which a
141 29 certificate or release has been issued pursuant to section 506
141 30 of the federal Act.

141 31 ~~b.~~ (2) The certificate or release is in effect with
141 32 respect to the drug.

141 33 ~~12.~~ l. (1) If it is, or purports to be, or is
141 34 represented as a drug, composed wholly or partly of any kind
141 35 of penicillin, streptomycin, chlortetracycline,



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142 1 chloramphenicol, bacitracin, or any other antibiotic drug, or
142 2 any derivative thereof, unless both of the following apply:
142 3 ~~a.~~ (a) It is from a batch with respect to which a
142 4 certificate or release has been issued pursuant to section 507
142 5 of the federal Act.
142 6 ~~b.~~ (b) The certificate or release is in effect with
142 7 respect to the drug.
142 8 (2) However, this ~~subsection~~ paragraph "1" does not apply
142 9 to any drug or class of drugs exempted by regulations adopted
142 10 under section 507(c) or 507(d) of the federal Act.
142 11 ~~l3.~~ m. If it is a color additive, the intended use of
142 12 which is for the purpose of coloring only, unless its
142 13 packaging and labeling are in conformity with the packaging
142 14 and labeling requirements applicable to that color additive,
142 15 as contained in regulations adopted under section 706 of the
142 16 federal Act.
142 17 ~~l4.~~ n. If it is a prescription drug distributed or
142 18 offered for sale in this state, unless the manufacturer,
142 19 packer, or distributor includes in all advertising and other
142 20 descriptive printed matter issued or caused to be issued by
142 21 the manufacturer, packer, or distributor with respect to the
142 22 prescription drug a true statement of all of the following:
142 23 ~~a.~~ (1) The established name as defined in ~~subsection 5~~
142 24 paragraph "e", printed prominently and in type at least half
142 25 as large as that used for any trade or brand name thereof.
142 26 ~~b.~~ (2) The formula showing quantitatively each ingredient
142 27 of the prescription drug to the extent required for labels
142 28 under ~~subsection 5~~ paragraph "e".
142 29 ~~e.~~ (3) Other information in brief summary relating to
142 30 side effects, contraindications, and effectiveness as required
142 31 in regulations adopted pursuant to section 701(e) of the
142 32 federal Act.
142 33 ~~l5.~~ o. If it was manufactured, prepared, propagated,
142 34 compounded, or processed in an establishment in this state not
142 35 duly registered under section 510 of the federal Act, if it



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143 1 was not included on a list required by section 510(j) of the
143 2 federal Act, if a notice or other information respecting it
143 3 was not provided as required by that section or section 510(k)
143 4 of the federal Act, or if it does not bear the symbols from
143 5 the uniform system for identification of devices prescribed
143 6 under section 510(e) of the federal Act that are required by
143 7 regulation.

143 8 ~~16.~~ p. If it is a drug and its packaging or labeling is
143 9 in violation of an applicable regulation adopted pursuant to
143 10 section 3 or 4 of the federal Poison Prevention Packaging Act
143 11 of 1970, 15 U.S.C. } 1471 et seq.

143 12 ~~17.~~ q. If a trademark, trade name, or other identifying
143 13 mark, imprint, or device of another trademark, trade name,
143 14 mark, or imprint or any likeness of the foregoing has been
143 15 placed thereon or upon its container with intent to defraud.

143 16 ~~18.~~ r. In the case of a restricted device distributed or
143 17 offered for sale in this state, if either of the following
143 18 applies:

143 19 ~~a.~~ (1) Its advertising is false or misleading in any
143 20 particular.

143 21 ~~b.~~ (2) It is sold, distributed, or used in violation of
143 22 regulations adopted pursuant to section 520(e) of the federal
143 23 Act.

143 24 ~~19.~~ s. In the case of a restricted device distributed or
143 25 offered for sale in this state, unless the manufacturer,
143 26 packer, or distributor includes in all advertising and other
143 27 descriptive printed matter issued by the manufacturer, packer,
143 28 or distributor with respect to the device both of the
143 29 following:

143 30 ~~a.~~ (1) A true statement of the device's established name
143 31 as defined in ~~subsection 5~~ paragraph "e", printed prominently
143 32 and in type at least half as large as that used for any trade
143 33 or brand name thereof.

143 34 ~~b.~~ (2) A brief statement of the intended uses of the
143 35 device and relevant warnings, precautions, side effects, and



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144 1 contraindications; and in the case of a specific device made
144 2 subject to regulations adopted pursuant to the federal Act, a
144 3 full description of the components of the device or the
144 4 formula showing quantitatively each ingredient of the device
144 5 to the extent required in regulations under the federal Act.
144 6 ~~20.~~ t. If it is a device subject to a performance
144 7 standard established under section 514 of the federal Act,
144 8 unless it bears labeling as prescribed in that performance
144 9 standard.

144 10 ~~21.~~ u. If it is a device and there was a failure or
144 11 refusal to comply with any requirement prescribed under
144 12 section 518 of the federal Act respecting the device, or to
144 13 furnish material required by or under section 519 of the
144 14 federal Act respecting the device.

144 15 2. If an article is alleged to be misbranded because the
144 16 labeling or advertising is misleading, then in determining
144 17 whether the labeling or advertising is misleading, there shall
144 18 be taken into account, among other things, not only
144 19 representations made or suggested by statement, word, design,
144 20 device, or any combination thereof, but also the extent to
144 21 which the labeling or advertising fails to reveal facts
144 22 material in the light of such representations, or material
144 23 with respect to consequences which may result from the use of
144 24 the article to which the labeling or advertising relates,
144 25 under the conditions of use prescribed in the labeling or
144 26 advertising or under customary or usual conditions of use.

144 27 3. The representation of a drug, in its labeling, as an
144 28 antiseptic shall be considered to be a representation that it
144 29 is a germicide, except in the case of a drug purporting to be,
144 30 or represented as, an antiseptic for inhibitory use as a wet
144 31 dressing, ointment, dusting powder, or such other use as
144 32 involves prolonged contact with the body.

144 33 Sec. 190. Section 126.11, subsection 3, paragraphs a
144 34 through c, Code 2009, are amended to read as follows:

144 35 a. (1) This ~~lettered~~ paragraph "a" applies to a drug



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145 1 intended for use by humans which is any of the following:
145 2 ~~(1)~~ (a) Is a habit-forming drug to which section 126.10,
145 3 subsection 4 1, paragraph "d" applies.
145 4 ~~(2)~~ (b) Because of its toxicity or other potentiality for
145 5 harmful effect, or the method of its use, or the collateral
145 6 measures necessary to its use, is not safe for use except
145 7 under the supervision of a practitioner licensed by law to
145 8 administer the drug.
145 9 ~~(3)~~ (c) Is limited by an approved application under
145 10 section 505 of the federal Act to use under the professional
145 11 supervision of a practitioner licensed by law to administer
145 12 the drug.
145 13 (2) Such a drug shall be dispensed only upon a written,
145 14 electronic, or facsimile prescription of a practitioner
145 15 licensed by law to administer the drug, or upon an oral
145 16 prescription of such a practitioner which is reduced promptly
145 17 to writing and filed by the pharmacist, or by refilling any
145 18 such written, electronic, facsimile, or oral prescription if
145 19 the refilling is authorized by the prescriber either in the
145 20 original written, electronic, or facsimile prescription or by
145 21 oral order which is reduced promptly to writing and filed by
145 22 the pharmacist. The act of dispensing a drug contrary to this
145 23 paragraph "a" while the drug is held for sale results in the
145 24 drug being misbranded.
145 25 b. A drug dispensed by filling or refilling a written,
145 26 electronic, facsimile, or oral prescription of a practitioner
145 27 licensed by law to administer the drug is exempt from section
145 28 126.10, except subsection 1, ~~subsection 9, paragraphs "b" and~~
145 29 ~~"e" paragraph "a" and paragraph "i", subparagraphs (2) and~~
145 30 (3), and ~~subsections 11~~ subsection 1, paragraphs "k" and ~~12~~
145 31 "l", and the packaging requirements of ~~subsections 7, 8,~~
145 32 subsection 1, paragraphs "g", "h", and ~~16~~ "p", if the drug
145 33 bears a label containing the name and address of the
145 34 dispenser, the date of the prescription or of its filling, the
145 35 name of the prescriber, and, if stated in the prescription,



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146 1 the name of the patient, and the directions for use and
146 2 cautionary statements, if any, contained in the prescription.
146 3 This exemption does not apply to a drug dispensed in the
146 4 course of the conduct of the business of dispensing drugs
146 5 pursuant to diagnosis by mail, or to a drug dispensed in
146 6 violation of paragraph "a" of this subsection.
146 7 c. The board may, by rule, remove a drug subject to
146 8 section 126.10, subsection 4 1, paragraph "d", and section 505
146 9 of the federal Act from the requirements of paragraph "a" of
146 10 this subsection when such requirements are not necessary for
146 11 the protection of the public health.
146 12 Sec. 191. Section 135.67, Code 2009, is amended to read as
146 13 follows:
146 14 135.67 SUMMARY REVIEW PROCEDURE.
146 15 1. The department may waive the letter of intent
146 16 procedures prescribed by section 135.65 and substitute a
146 17 summary review procedure, which shall be established by rules
146 18 of the department, when it accepts an application for a
146 19 certificate of need for a project which meets any of the
146 20 criteria in ~~subsections 1~~ paragraphs "a" through ~~5~~ "e":
146 21 ~~1.~~ a. A project which is limited to repair or replacement
146 22 of a facility or equipment damaged or destroyed by a disaster,
146 23 and which will not expand the facility nor increase the
146 24 services provided beyond the level existing prior to the
146 25 disaster.
146 26 ~~2.~~ b. A project necessary to enable the facility or
146 27 service to achieve or maintain compliance with federal, state
146 28 or other appropriate licensing, certification or safety
146 29 requirements.
146 30 ~~3.~~ c. A project which will not change the existing bed
146 31 capacity of the applicant's facility or service, as determined
146 32 by the department, by more than ten percent or ten beds,
146 33 whichever is less, over a two-year period.
146 34 ~~4.~~ d. A project the total cost of which will not exceed
146 35 one hundred fifty thousand dollars.



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147 1 ~~5.~~ e. Any other project for which the applicant proposes
147 2 and the department agrees to summary review.
147 3 2. The department's decision to disallow a summary review
147 4 shall be binding upon the applicant.
147 5 Sec. 192. Section 135B.33, Code 2009, is amended to read
147 6 as follows:
147 7 135B.33 TECHNICAL ASSISTANCE == PLAN == GRANTS.
147 8 1. Subject to availability of funds, the Iowa department
147 9 of public health shall provide technical planning assistance
147 10 to local boards of health and hospital governing boards to
147 11 ensure access to hospital services in rural areas. The
147 12 department shall encourage the local boards of health and
147 13 hospital governing boards to adopt a long-term community
147 14 health services and developmental plan including the
147 15 following:
147 16 ~~1.~~ a. An analysis of demographic trends in the health
147 17 facility services area, affecting health facility and
147 18 health=facility-related health care utilizations.
147 19 ~~2.~~ b. A review of inpatient services currently provided,
147 20 by type of service and the frequency of provision of that
147 21 service, and the cost=effectiveness of that service.
147 22 ~~3.~~ c. An analysis of resources available in proximate
147 23 health facilities and services that might be provided through
147 24 alternative arrangements with such health facilities.
147 25 ~~4.~~ d. An analysis of cooperative arrangements that could
147 26 be developed with other health facilities in the area that
147 27 could assist those health facilities in the provision of
147 28 services.
147 29 ~~5.~~ e. An analysis of community health needs, including
147 30 long-term care, nursing facility care, pediatric and maternity
147 31 services, and the health facilities' potential role in
147 32 facilitating the provision of services to meet these needs.
147 33 ~~6.~~ f. An analysis of alternative uses for existing health
147 34 facility space and real property, including use for community
147 35 health-related and human service-related purposes.



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148 1 ~~7.~~ g. An analysis of mechanisms to meet indigent patient
148 2 care needs and the responsibilities for the care of indigent
148 3 patients.
148 4 ~~8.~~ h. An analysis of the existing tax levying of the
148 5 health facilities for patient care, on a per capita basis and
148 6 per hospital patient basis, and projections on future needs
148 7 for tax levying to continue for the provision of care.
148 8 2. Providers may cooperatively coordinate to develop one
148 9 long-term community health services and developmental plan for
148 10 a geographic area, provided the plan addresses the issues
148 11 enumerated in this section.
148 12 3. The health facilities may seek technical assistance or
148 13 apply for matching grant funds for the plan development. The
148 14 department shall require compliance with ~~subsections~~
148 15 subsection 1, paragraphs "a" through & "h" when the facility
148 16 applies for matching grant funds.
148 17 Sec. 193. Section 144.17, Code 2009, is amended to read as
148 18 follows:
148 19 144.17 PETITION TO ESTABLISH CERTIFICATE.
148 20 1. If a delayed certificate of birth is rejected under the
148 21 provisions of section 144.15, a petition may be filed with the
148 22 district court for an order establishing a record of the date
148 23 and place of the birth and the parentage of the person whose
148 24 birth is to be registered.
148 25 2. a. The petition shall be made on a form prescribed and
148 26 furnished by the state registrar and shall allege:
148 27 ~~1.~~ (1) That the person for whom a delayed certificate of
148 28 birth is sought was born in this state.
148 29 ~~2.~~ (2) That no record of birth of that person can be
148 30 found in the office of the state or county custodian of birth
148 31 records.
148 32 ~~3.~~ (3) That diligent efforts by the petitioner have
148 33 failed to obtain the evidence required in accordance with
148 34 section 144.15.
148 35 ~~4.~~ (4) That the state registrar has refused to register a



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149 1 delayed certificate of birth.
149 2 ~~5.~~ (5) Such other allegations as may be required.
149 3 b. The petition shall be accompanied by a statement of the
149 4 registration official made in accordance with section 144.15
149 5 and all documentary evidence which was submitted to the
149 6 registration official in support of such registration. The
149 7 petition shall be verified by the petitioner.
149 8 Sec. 194. Section 144.43, Code 2009, is amended to read as
149 9 follows:
149 10 144.43 VITAL RECORDS CLOSED TO INSPECTION == EXCEPTIONS.
149 11 1. To protect the integrity of vital statistics records,
149 12 to ensure their proper use, and to ensure the efficient and
149 13 proper administration of the vital statistics system kept by
149 14 the state registrar, access to vital statistics records kept
149 15 by the state registrar shall be limited to the state registrar
149 16 and the state registrar's employees, and then only for
149 17 administrative purposes.
149 18 2. a. It shall be unlawful for the state registrar to
149 19 permit inspection of, or to disclose information contained in
149 20 vital statistics records, or to copy or permit to be copied
149 21 all or part of any such record except as authorized by
149 22 regulation.
149 23 b. However, the following vital statistics records may be
149 24 inspected and copied as of right under chapter 22 when they
149 25 are in the custody of a county registrar or when they are in
149 26 the custody of the state archivist and are at least
149 27 seventy-five years old:
149 28 ~~1.~~ (1) A record of birth.
149 29 ~~2.~~ (2) A record of marriage.
149 30 ~~3.~~ (3) A record of divorce, dissolution of marriage, or
149 31 annulment of marriage.
149 32 ~~4.~~ (4) A record of death if that death was not a fetal
149 33 death.
149 34 3. A public record shall not be withheld from the public
149 35 because it is combined with data processing software. The



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150 1 state registrar shall not implement any electronic data
150 2 processing system for the storage, manipulation, or retrieval
150 3 of vital records that would impair a county registrar's
150 4 ability to permit the examination of a public record and the
150 5 copying of a public record, as established by rule. If it is
150 6 necessary to separate a public record from data processing
150 7 software in order to permit the examination of the public
150 8 record, the county registrar shall periodically generate a
150 9 written log available for public inspection which contains the
150 10 public record.

150 11 Sec. 195. Section 155A.13, subsection 4, Code 2009, is
150 12 amended to read as follows:

150 13 4. a. The board shall adopt rules for the issuance of a
150 14 hospital pharmacy license to a hospital which provides
150 15 pharmacy services for its own use. The rules shall:

150 16 ~~a.~~ (1) Recognize the special needs and circumstances of
150 17 hospital pharmacies.

150 18 ~~b.~~ (2) Give due consideration to the scope of pharmacy
150 19 services that the hospital's medical staff and governing board
150 20 elect to provide for the hospital's own use.

150 21 ~~c.~~ (3) Consider the size, location, personnel, and
150 22 financial needs of the hospital.

150 23 ~~d.~~ (4) Give recognition to the standards of the joint
150 24 commission on the accreditation of health care organizations
150 25 and the American osteopathic association and to the conditions
150 26 of participation under Medicare.

150 27 b. To the maximum extent possible, the board shall
150 28 coordinate the rules with the standards and conditions
150 29 described in paragraph ~~"d"~~ "a", subparagraph (4), and shall
150 30 coordinate its inspections of hospital pharmacies with the
150 31 Medicare surveys of the department of inspections and appeals
150 32 and with the board's inspections with respect to controlled
150 33 substances conducted under contract with the federal
150 34 government.

150 35 c. A hospital which provides pharmacy services by



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151 1 contracting with a licensed pharmacy is not required to obtain
151 2 a hospital pharmacy license or a general pharmacy license.
151 3 Sec. 196. Section 155A.23, Code 2009, is amended to read
151 4 as follows:
151 5 155A.23 PROHIBITED ACTS.
151 6 1. A person shall not perform or cause the performance of
151 7 or aid and abet any of the following acts:
151 8 ~~1.~~ a. Obtaining or attempting to obtain a prescription
151 9 drug or device or procuring or attempting to procure the
151 10 administration of a prescription drug or device by:
151 11 ~~a.~~ (1) Engaging in fraud, deceit, misrepresentation, or
151 12 subterfuge.
151 13 ~~b.~~ (2) Forging or altering a written, electronic, or
151 14 facsimile prescription or any written, electronic, or
151 15 facsimile order.
151 16 ~~c.~~ (3) Concealing a material fact.
151 17 ~~d.~~ (4) Using a false name or giving a false address.
151 18 ~~2.~~ b. Willfully making a false statement in any
151 19 prescription, report, or record required by this chapter.
151 20 ~~3.~~ c. For the purpose of obtaining a prescription drug or
151 21 device, falsely assuming the title of or claiming to be a
151 22 manufacturer, wholesaler, pharmacist, pharmacy owner,
151 23 physician, dentist, podiatric physician, veterinarian, or
151 24 other authorized person.
151 25 ~~4.~~ d. Making or uttering any false or forged oral,
151 26 written, electronic, or facsimile prescription or oral,
151 27 written, electronic, or facsimile order.
151 28 ~~5.~~ e. Forging, counterfeiting, simulating, or falsely
151 29 representing any drug or device without the authority of the
151 30 manufacturer, or using any mark, stamp, tag, label, or other
151 31 identification device without the authorization of the
151 32 manufacturer.
151 33 ~~6.~~ f. Manufacturing, repackaging, selling, delivering, or
151 34 holding or offering for sale any drug or device that is
151 35 adulterated, misbranded, counterfeit, suspected of being



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152 1 counterfeit, or that has otherwise been rendered unfit for
152 2 distribution.
152 3 ~~7.~~ g. Adulterating, misbranding, or counterfeiting any
152 4 drug or device.
152 5 ~~8.~~ h. Receiving any drug or device that is adulterated,
152 6 misbranded, stolen, obtained by fraud or deceit, counterfeit,
152 7 or suspected of being counterfeit, and delivering or
152 8 proffering delivery of such drug or device for pay or
152 9 otherwise.
152 10 ~~9.~~ i. Adulterating, mutilating, destroying, obliterating,
152 11 or removing the whole or any part of the labeling of a drug or
152 12 device or committing any other act with respect to a drug or
152 13 device that results in the drug or device being misbranded.
152 14 ~~10.~~ j. Purchasing or receiving a drug or device from a
152 15 person who is not licensed to distribute the drug or device to
152 16 that purchaser or recipient.
152 17 ~~11.~~ k. Selling or transferring a drug or device to a
152 18 person who is not authorized under the law of the jurisdiction
152 19 in which the person receives the drug or device to purchase or
152 20 possess the drug or device from the person selling or
152 21 transferring the drug or device.
152 22 ~~12.~~ l. Failing to maintain or provide records as required
152 23 by this chapter, chapter 124, or rules of the board.
152 24 ~~13.~~ m. Providing the board or any of its representatives
152 25 or any state or federal official with false or fraudulent
152 26 records or making false or fraudulent statements regarding any
152 27 matter within the scope of this chapter, chapter 124, or rules
152 28 of the board.
152 29 ~~14.~~ n. Distributing at wholesale any drug or device that
152 30 meets any of the following conditions:
152 31 ~~a.~~ (1) The drug or device was purchased by a public or
152 32 private hospital or other health care entity.
152 33 ~~b.~~ (2) The drug or device was donated or supplied at a
152 34 reduced price to a charitable organization.
152 35 ~~c.~~ (3) The drug or device was purchased from a person not



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153 1 licensed to distribute the drug or device.
153 2 ~~d.~~ (4) The drug or device was stolen or obtained by fraud
153 3 or deceit.
153 4 ~~15.~~ o. Failing to obtain a license or operating without a
153 5 valid license when a license is required pursuant to this
153 6 chapter or chapter 147.
153 7 ~~16.~~ p. Engaging in misrepresentation or fraud in the
153 8 distribution of a drug or device.
153 9 ~~17.~~ q. Distributing a drug or device to a patient without
153 10 a prescription drug order or medication order from a
153 11 practitioner licensed by law to use or prescribe the drug or
153 12 device.
153 13 ~~18.~~ r. Distributing a drug or device that was previously
153 14 dispensed by a pharmacy or distributed by a practitioner
153 15 except as provided by rules of the board.
153 16 ~~19.~~ s. Failing to report any prohibited act.
153 17 2. Information communicated to a physician in an unlawful
153 18 effort to procure a prescription drug or device or to procure
153 19 the administration of a prescription drug shall not be deemed
153 20 a privileged communication.
153 21 3. ~~Subsections 6 and 7~~ Subsection 1, paragraphs "f" and
153 22 "g", shall not apply to the wholesale distribution by a
153 23 manufacturer of a prescription drug or device that has been
153 24 delivered into commerce pursuant to an application approved by
153 25 the federal food and drug administration.
153 26 Sec. 197. Section 159A.6, subsections 2 through 4, Code
153 27 2009, are amended to read as follows:
153 28 2. The office shall promote the advantages related to the
153 29 use of renewable fuels as an alternative to nonrenewable
153 30 fuels. Promotions shall be designed to inform the ultimate
153 31 consumer of advantages associated with using renewable fuels,
153 32 and emphasize the benefits to the natural environment. The
153 33 promotion shall inform consumers at the businesses of retail
153 34 dealers of motor vehicle fuels.
153 35 3. The committee shall develop standards for decals



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154 1 required pursuant to section 214A.16, which shall be designed
154 2 to promote the advantages of using renewable fuels. The
154 3 standards may be incorporated within a model decal adopted by
154 4 the committee and approved by the office.

154 5 ~~3.~~ 4. The office shall promote the advantages related to
154 6 the use of coproducts derived from the production of renewable
154 7 fuels, including the use of coproducts used as livestock feed
154 8 or meal. Promotions shall be designed to inform the potential
154 9 purchasers of the advantages associated with using coproducts.
154 10 The office shall promote advantages associated with using
154 11 coproducts of ethanol production as livestock feed or meal to
154 12 cattle producers in this state.

154 13 ~~4.~~ 5. The office may contract to provide all or part of
154 14 these services.

154 15 Sec. 198. Section 159A.6B, Code 2009, is amended to read
154 16 as follows:

154 17 159A.6B TECHNICAL ASSISTANCE.

154 18 1. The office shall assist persons in revitalizing rural
154 19 regions of this state, by providing technical assistance to
154 20 new or existing renewable fuel production facilities,
154 21 including the establishment and operation of facilities, and
154 22 specifically facilities which create coproducts, including
154 23 coproducts which support livestock production operations. The
154 24 office shall consult with the Iowa corn growers association
154 25 and the Iowa soybean association. The office shall provide
154 26 planning assistance which may include evaluations of methods
154 27 to most profitably manage these operations. The business
154 28 planning assistance shall provide for adequate environmental
154 29 protection of this state's natural resources from the
154 30 operation of the facility.

154 31 2. The office may execute contracts in order to provide
154 32 technical support and outreach services for purposes of
154 33 assisting and educating interested persons as provided in this
154 34 section. The office may also contract with a consultant to
154 35 provide part or all of these services. The office may require



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155 1 that a person receiving assistance pursuant to this section
155 2 contribute up to fifty percent of the amount required to
155 3 support the costs of contracting with the consultant to
155 4 provide assistance to the person. The office shall assist the
155 5 person in completing any technical information required in
155 6 order to receive assistance by the department of economic
155 7 development pursuant to the value-added agricultural products
155 8 and processes financial assistance program created pursuant to
155 9 section 15E.111.

155 10 3. The office shall cooperate with the department of
155 11 economic development, the department of natural resources, and
155 12 regents institutions or other universities and colleges as
155 13 provided in section 15E.111, in order to carry out this
155 14 section.

155 15 Sec. 199. Section 159A.7, subsection 1, Code 2009, is
155 16 amended to read as follows:

155 17 1. A renewable fuels and coproducts fund is created in the
155 18 state treasury under the control of the office of renewable
155 19 fuels and coproducts. The fund may ~~also~~ include ~~other~~ moneys
155 20 available to and obtained or accepted by the office, including
155 21 moneys from the United States, other states in the union,
155 22 foreign nations, state agencies, political subdivisions, and
155 23 private sources.

155 24 1A. Moneys in the fund shall be used only to carry out the
155 25 provisions of this section and sections 159A.3, 159A.4,
155 26 159A.5, 159A.6, 159A.6A, and 159A.6B within the state of Iowa.

155 27 Sec. 200. Section 161.8, subsection 1, Code 2009, is
155 28 amended to read as follows:

155 29 1. A person is not required to comply with the
155 30 requirements of this chapter, including the remediation of a
155 31 site, unless the person is a responsible person who executes a
155 32 remediation agreement with the board, as provided in this
155 33 section. The remediation agreement shall provide for all of
155 34 the following:

155 35 a. The terms and conditions required to perform



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156 1 remediation under a plan of remediation as provided in this
156 2 section, and the payment of claims as provided in section
156 3 161.9.

156 4 b. A plan for remediation of a site where contamination
156 5 has been discovered. The plan shall provide procedures for a
156 6 remediation of the contaminated site, a schedule for providing
156 7 for the remediation of the site according to remediation
156 8 standards provided in section 161.5, and the classification
156 9 and prioritization of sites as provided in section 161.6. The
156 10 plan may be amended at any time, if approved by the
156 11 department, if the amendment to the agreement is executed by
156 12 the responsible person and the board. The plan shall be
156 13 developed by the responsible person and approved by the
156 14 department for each site subject to the agreement. The plan
156 15 shall include all of the following:

156 16 (1) A determination as to the extent of the existing soil,
156 17 groundwater, or surface water contamination.

156 18 (2) The proximity of the contamination and the likelihood
156 19 that the contamination will affect a drinking water well.

156 20 (3) The characteristics of the site and the potential for
156 21 migration of the contamination.

156 22 (4) Whether the site is classified as a high, medium, or
156 23 low priority site, as provided in section 161.6.

156 24 1A. The department may require that an initial plan of
156 25 remediation be submitted prior to execution of a remediation
156 26 agreement. The department may require that the initial plan
156 27 recommend whether a site be classified as a high or medium
156 28 priority site. The department may require further
156 29 investigation be conducted to determine the extent of the
156 30 remediation which should be conducted on the site.

156 31 Sec. 201. Section 161A.5, subsection 3, Code 2009, is
156 32 amended to read as follows:

156 33 3. At each general election a successor shall be chosen
156 34 for each commissioner whose term will expire in the succeeding
156 35 January.



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157 1 a. Nomination of candidates for the office of commissioner
157 2 shall be made by petition in accordance with chapter 45,
157 3 except that each candidate's nominating petition shall be
157 4 signed by at least twenty-five eligible electors of the
157 5 district. The petition form shall be furnished by the county
157 6 commissioner of elections.

157 7 b. Every candidate shall file with the nomination papers
157 8 an affidavit stating the candidate's name, the candidate's
157 9 residence, that the person is a candidate and is eligible for
157 10 the office of commissioner, and that if elected the candidate
157 11 will qualify for the office. The affidavit shall also state
157 12 that the candidate is aware that the candidate is disqualified
157 13 from holding office if the candidate has been convicted of a
157 14 felony or other infamous crime and the candidate's rights have
157 15 not been restored by the governor or by the president of the
157 16 United States.

157 17 c. The signed petitions shall be filed with the county
157 18 commissioner of elections not later than five p.m. on the
157 19 sixty-ninth day before the general election.

157 20 d. The votes for the office of district commissioner shall
157 21 be canvassed in the same manner as the votes for county
157 22 officers, and the returns shall be certified to the
157 23 commissioners of the district. A plurality is sufficient to
157 24 elect commissioners, and a primary election for the office
157 25 shall not be held.

157 26 e. If the canvass shows that the two candidates receiving
157 27 the highest and the second highest number of votes for the
157 28 office of district commissioner are both residents of the same
157 29 township, the board shall certify as elected the candidate who
157 30 received the highest number of votes for the office and the
157 31 candidate receiving the next highest number of votes for the
157 32 office who is not a resident of the same township as the
157 33 candidate receiving the highest number of votes.

157 34 Sec. 202. Section 161A.47, Code 2009, is amended to read
157 35 as follows:



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158 1 161A.47 INSPECTION OF LAND ON COMPLAINT.
158 2 1. The commissioners shall inspect or cause to be
158 3 inspected any land within the district to determine if land is
158 4 being damaged by sediment, from soil erosion occurring on
158 5 neighboring land in excess of the limits established by the
158 6 district's soil erosion control regulations. If the land is
158 7 privately owned, the commissioners shall make or cause to be
158 8 made the inspection, upon receiving a written complaint signed
158 9 by an owner or occupant of land claiming that the owner's or
158 10 occupant's land is being damaged by sediment. If the land is
158 11 subject to a public interest, the commissioners shall make or
158 12 cause to be made the inspection upon a majority vote of
158 13 commissioners at an open meeting held pursuant to chapter 21.
158 14 Land is subject to a public interest if the land is publicly
158 15 held, subject to an easement held by the public, or the
158 16 subject of an improvement made at public expense.
158 17 2. If, after the inspection, the commissioners find that
158 18 sediment damages are occurring to land which is owned or
158 19 occupied by the person filing the complaint or subject to a
158 20 public interest, and that excess soil erosion is occurring on
158 21 neighboring land, the commissioners shall issue an
158 22 administrative order to the landowner or landowners of record,
158 23 and to the occupant of the land if known to the commissioners.
158 24 The order shall describe the land and state as nearly as
158 25 possible the extent to which soil erosion on the land exceeds
158 26 the limits established by the district's regulations.
158 27 3. The order shall be delivered either by personal service
158 28 or by restricted certified mail to each of the persons to whom
158 29 it is directed, and shall:
158 30 ~~1-~~ a. In the case of erosion occurring on the site of any
158 31 construction project or similar undertaking involving the
158 32 removal of all or a major portion of the vegetation or other
158 33 cover, exposing bare soil directly to water or wind, state a
158 34 time not more than five days after service or mailing of the
158 35 notice of the order when work necessary to establish or



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159 1 maintain erosion control practices must be commenced, and a
159 2 time not more than thirty days after service or mailing of the
159 3 notice of the order when the work is to be satisfactorily
159 4 completed.

159 5 ~~2.~~ b. In all other cases, state a time not more than six
159 6 months after service or mailing of the notice of the order, by
159 7 which work needed to establish or maintain the necessary soil
159 8 and water conservation practices or erosion control measures
159 9 must be commenced, and a time not more than one year after the
159 10 service or mailing of the notice of the order when the work is
159 11 to be satisfactorily completed, unless the requirements of the
159 12 order are superseded by the provisions of section 161A.48.

159 13 Sec. 203. Section 163.6, subsections 2 and 3, Code 2009,
159 14 are amended to read as follows:

159 15 2. The department may require that samples of blood be
159 16 collected from animals at a slaughtering establishment in
159 17 order to determine if the animals are infected with an
159 18 infectious or contagious disease, according to rules adopted
159 19 by the department of agriculture and land stewardship. Upon
159 20 approval by the department, the collection shall be performed
159 21 by either of the following:

159 22 a. A slaughtering establishment under an agreement
159 23 executed by the department and the slaughtering establishment.

159 24 b. A person authorized by the department.

159 25 3. An authorized person collecting samples shall have
159 26 access to areas where the animals are confined in order to
159 27 collect blood samples. The department shall notify the
159 28 slaughtering establishment in writing that samples of blood
159 29 must be collected for analysis. The notice shall be provided
159 30 in a manner required by the department.

159 31 ~~3.~~ 4. In carrying out this section, a person authorized
159 32 by the department to collect blood samples from animals as
159 33 provided in this section shall have the right to enter and
159 34 remain on the premises of the slaughtering establishment in
159 35 the same manner and on the same terms as a meat inspector



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160 1 authorized by the department, including the right to access
160 2 facilities routinely available to employees of the
160 3 slaughtering establishment such as toilet and lavatory
160 4 facilities, lockers, cafeterias, areas reserved for work
160 5 breaks or dining, and storage facilities.

160 6 5. The slaughtering establishment shall provide a secure
160 7 area for the permanent storage of equipment used to collect
160 8 blood, an area reserved for collecting the blood, including
160 9 the storage of blood during the collection, and a refrigerated
160 10 area used to store blood samples prior to analysis. The area
160 11 reserved for collecting the blood shall be adjacent to the
160 12 area where the animals are killed, unless the authorized
160 13 person and the slaughtering establishment select another area.

160 14 6. The department is not required to compensate a
160 15 slaughtering establishment for allowing a person authorized by
160 16 the department to carry out this section.

160 17 Sec. 204. Section 172B.3, subsection 1, Code 2009, is
160 18 amended to read as follows:

160 19 1. DUTIES OF SECRETARY. The secretary, pursuant to
160 20 chapter 17A, shall prescribe a standard form of the
160 21 transportation certificate required by this chapter. Where
160 22 the laws of this state or of the United States require the
160 23 possession of another shipping document by a person
160 24 transporting livestock, or where the industry practice of
160 25 carriers requires the possession of a shipping document by a
160 26 person transporting livestock, and where such a document
160 27 contains all of the information other than signatures which is
160 28 prescribed in subsection 2, upon application of a carrier the
160 29 secretary by rule shall authorize the use of a specific
160 30 document in lieu of the standard form prescribed by the
160 31 secretary, but subject to any conditions the secretary may
160 32 impose.

160 33 a. A person who is in possession of a shipping document
160 34 approved by the secretary shall not be required to possess the
160 35 standard form transportation certificate prescribed by the



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161 1 secretary, but the person may be required by a law enforcement
161 2 officer to execute the standard form transportation
161 3 certificate.

161 4 b. The form prescribed or authorized by the secretary
161 5 shall be executed in triplicate, and shall be retained as
161 6 provided in section 172B.4.

161 7 c. The secretary shall distribute, upon request, copies of
161 8 the prescribed standard form to veterinarians, marketing
161 9 agencies, carriers, law enforcement officers, and other
161 10 persons, and may collect a fee from the recipient totaling not
161 11 more than the cost of printing and postage. Nothing in this
161 12 chapter shall be construed to prohibit a person from causing
161 13 the reproduction of the standard form, and an accurate
161 14 reproduction of a standard current form may be used as a
161 15 transportation certificate for all purposes.

161 16 Sec. 205. Section 176A.10, Code 2009, is amended to read
161 17 as follows:

161 18 176A.10 COUNTY AGRICULTURAL EXTENSION EDUCATION TAX.

161 19 1. The extension council of each extension district shall,
161 20 at a meeting held before March 15, estimate the amount of
161 21 money required to be raised by taxation for financing the
161 22 county agricultural extension education program authorized in
161 23 this chapter. The annual tax levy and the amount of money to
161 24 be raised from the levy for the county agricultural extension
161 25 education fund shall not exceed the following:

161 26 ~~1-~~ a. (1) Except as provided in ~~paragraph "b"~~
161 27 subparagraph (2), for an extension district having a
161 28 population of less than thirty thousand, an annual levy of
161 29 twenty and one-fourth cents per thousand dollars of the
161 30 assessed valuation of the taxable property in the district up
161 31 to a maximum of seventy thousand dollars for the fiscal year
161 32 commencing July 1, 1985, and seventy-five thousand dollars for
161 33 each subsequent fiscal year.

161 34 ~~b-~~ (2) For an extension district having a population of
161 35 less than thirty thousand and as provided in subsection ~~6~~ 2,



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162 1 an annual levy of thirty cents per thousand dollars of the
162 2 assessed valuation of the taxable property in the district up
162 3 to a maximum of eighty-seven thousand dollars payable during
162 4 the fiscal year commencing July 1, 1992, and an increase of
162 5 six thousand dollars in the amount payable during each
162 6 subsequent fiscal year.

162 7 ~~2. a. b.~~ (1) Except as provided in ~~paragraph "b"~~
162 8 subparagraph (2), for an extension district having a
162 9 population of thirty thousand or more but less than fifty
162 10 thousand, an annual levy of twenty and one-fourth cents per
162 11 thousand dollars of the assessed valuation of the taxable
162 12 property in the district up to a maximum of eighty-four
162 13 thousand dollars for the fiscal year commencing July 1, 1985,
162 14 and ninety thousand dollars for each subsequent fiscal year.

162 15 ~~b.~~ (2) For an extension district having a population of
162 16 thirty thousand or more but less than fifty thousand and as
162 17 provided in subsection ~~6 2~~, an annual levy of twenty and
162 18 one-fourth cents per thousand dollars of the assessed
162 19 valuation of the taxable property in the district up to a
162 20 maximum of one hundred four thousand dollars payable during
162 21 the fiscal year commencing July 1, 1992, and an increase of
162 22 seven thousand dollars in the amount payable during each
162 23 subsequent fiscal year.

162 24 ~~3. a. c.~~ (1) Except as provided in ~~paragraph "b"~~
162 25 subparagraph (2), for an extension district having a
162 26 population of fifty thousand or more but less than ninety-five
162 27 thousand, an annual levy of thirteen and one-half cents per
162 28 thousand dollars of the assessed valuation of the taxable
162 29 property in the district up to a maximum of one hundred five
162 30 thousand dollars for the fiscal year commencing July 1, 1985,
162 31 and one hundred twelve thousand five hundred dollars for each
162 32 subsequent fiscal year.

162 33 ~~b.~~ (2) For an extension district having a population of
162 34 fifty thousand or more but less than ninety thousand and as
162 35 provided in subsection ~~6 2~~, an annual levy of thirteen and



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163 1 one-half cents per thousand dollars of the assessed valuation
163 2 of the taxable property in the district up to a maximum of one
163 3 hundred thirty thousand five hundred dollars payable during
163 4 the fiscal year commencing July 1, 1992, and an increase of
163 5 nine thousand dollars in the amount payable during each
163 6 subsequent fiscal year.

163 7 ~~4. a. d.~~ (1) Except as provided in ~~paragraph "b"~~
163 8 subparagraph (2), for an extension district having a
163 9 population of ninety-five thousand or more, an annual levy of
163 10 thirteen and one-half cents per thousand dollars of the
163 11 assessed valuation of the taxable property in the district up
163 12 to a maximum of one hundred forty thousand dollars for the
163 13 fiscal year commencing July 1, 1985, and one hundred fifty
163 14 thousand dollars for each subsequent fiscal year.

163 15 ~~b.~~ (2) For an extension district having a population of
163 16 ninety thousand or more but less than two hundred thousand and
163 17 as provided in subsection ~~6~~ 2, an annual levy of thirteen and
163 18 one-half cents per thousand dollars of the assessed valuation
163 19 of the taxable property in the district up to a maximum of one
163 20 hundred eighty thousand dollars payable during the fiscal year
163 21 commencing July 1, 1992, and an increase of fifteen thousand
163 22 dollars in the amount payable during each subsequent fiscal
163 23 year.

163 24 ~~5.~~ e. For an extension district having a population of
163 25 two hundred thousand or more and as provided in subsection ~~6~~
163 26 2, an annual levy of five cents per thousand dollars of the
163 27 assessed valuation of the taxable property in the district up
163 28 to a maximum of two hundred thousand dollars payable during
163 29 the fiscal year commencing July 1, 1992, and an increase of
163 30 twenty-five thousand dollars in the amount payable during each
163 31 subsequent fiscal year.

163 32 ~~6.~~ 2. An extension council of an extension district may
163 33 choose to be subject to the levy and revenue limits specified
163 34 in ~~paragraphs "b" of subsections 1, 2, 3, and 4~~ subparagraphs
163 35 (2) of subsection 1, paragraphs "a" through "d", and



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164 1 subsection ~~5~~ 1, paragraph "e", for the purpose of the annual
164 2 levy for the fiscal year commencing July 1, 1991, which levy
164 3 is payable in the fiscal year beginning July 1, 1992. Before
164 4 an extension district may be subject to the levy and revenue
164 5 limits specified in ~~paragraphs "b" of subsections 1, 2, 3, and~~
~~164 6 4~~ subparagraphs (2) of subsection 1, paragraphs "a" through
164 7 "d", and subsection 5 1, paragraph "e", for fiscal years
164 8 beginning on or after July 1, 1992, which levy is payable in
164 9 fiscal years beginning on or after July 1, 1993, the question
164 10 of whether the district shall be subject to the levy and
164 11 revenue limits as specified in such subsections must be
164 12 submitted to the registered voters of the district. The
164 13 question shall be submitted at the time of a state general
164 14 election. If the question is approved by a majority of those
164 15 voting on the question the levy and revenue limits specified
164 16 in ~~paragraphs "b" of subsections 1, 2, 3, and 4~~ subparagraphs
164 17 (2) of subsection 1, paragraphs "a" through "d", and
164 18 subsection 5 1, paragraph "e", shall thereafter apply to the
164 19 extension district. The question need only be approved at one
164 20 state general election. If a majority of those voting on the
164 21 question vote against the question, the district may continue
164 22 to submit the question at subsequent state general elections
164 23 until approved.
164 24 3. The extension council in each extension district shall
164 25 comply with chapter 24.
164 26 Sec. 206. Section 189A.5, Code 2009, is amended to read as
164 27 follows:
164 28 189A.5 VETERINARIANS AND INSPECTORS.
164 29 1. The secretary shall administer this chapter and may
164 30 appoint a person to act as the secretary's designee in the
164 31 administration of this chapter.
164 32 a. The secretary shall employ veterinarians licensed in
164 33 the state of Iowa as veterinary inspectors.
164 34 b. The secretary is also authorized to employ as meat
164 35 inspectors other persons who have qualified and are skilled in



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165 1 the inspection of meat and poultry products and any other
165 2 additional employees the secretary deems necessary to carry
165 3 out the provisions of this chapter. The meat inspectors shall
165 4 be under the supervision of the secretary's designee or a
165 5 veterinary inspector if no designee is appointed.

165 6 c. The secretary may also enter into contracts with
165 7 qualified individuals to perform inspection services as the
165 8 secretary may designate for a fee per head or per unit volume
165 9 to be determined by the secretary provided the persons are not
165 10 employed in an establishment in which the inspection takes
165 11 place.

165 12 d. The secretary may utilize any employee, agent, or
165 13 equipment of the department in the enforcement of this
165 14 chapter, and may assign to inspectors other duties related to
165 15 the acceptance of meat and poultry products.

165 16 2. In order to accomplish the objectives stated in section
165 17 189A.3 the secretary shall:

165 18 ~~1-~~ a. By regulations require antemortem and postmortem
165 19 inspections, quarantine, segregation, and reinspections with
165 20 respect to the slaughter of livestock and poultry and the
165 21 preparation of livestock products and poultry products at all
165 22 establishments in this state, except those exempted by section
165 23 189A.4, at which livestock or poultry are slaughtered or
165 24 livestock or poultry products are prepared for human food
165 25 solely for distribution in intrastate commerce.

165 26 ~~2-~~ b. By regulations require the identification of
165 27 livestock and poultry for inspection purposes and the marking
165 28 and labeling of livestock products or poultry products or
165 29 their containers, or both, as "Iowa Inspected and Passed" if
165 30 the products are found upon inspection to be not adulterated,
165 31 and as "Iowa Inspected and Condemned" if they are found upon
165 32 inspection to be adulterated; and the destruction for food
165 33 purposes of all such condemned products under the supervision
165 34 of an inspector.

165 35 ~~3-~~ c. Prohibit the entry into official establishments of



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166 1 livestock products and poultry products not prepared under
166 2 federal inspection or inspection pursuant to this chapter and
166 3 further limit the entry of such articles and other materials
166 4 into such establishments under such conditions as the
166 5 secretary deems necessary to effectuate the purposes of this
166 6 chapter.

166 7 4. d. By regulations require that when livestock products
166 8 and poultry products leave official establishments they shall
166 9 bear directly thereon or on their containers, or both, all
166 10 information required by subsection 17 of section 189A.2; and
166 11 require approval of all labeling and containers to be used for
166 12 such products when sold or transported in intrastate commerce
166 13 to assure that they comply with the requirements of this
166 14 chapter.

166 15 5. e. Investigate the sanitary conditions of each
166 16 establishment within ~~subsection 1~~ paragraph "a" of this
166 17 ~~section~~ subsection and withdraw or otherwise refuse to provide
166 18 inspection service at any such establishment where the
166 19 sanitary conditions are such as to render adulterated any
166 20 livestock products or poultry products prepared or handled
166 21 thereat.

166 22 6. f. Prescribe regulations relating to sanitation for
166 23 all establishments required to have inspection under
166 24 ~~subsection 1~~ paragraph "a" of this ~~section~~ subsection.

166 25 7. g. By regulations require that both of the following
166 26 classes of persons shall keep such records and for such
166 27 periods as are specified in the regulations to fully and
166 28 correctly disclose all transactions involved in their
166 29 business, and to afford the secretary and the secretary's
166 30 representatives, including representatives of other
166 31 governmental agencies designated by the secretary, access to
166 32 such places of business, and opportunity at all reasonable
166 33 times to examine the facilities, inventory, and records
166 34 thereof, to copy the records, and to take reasonable samples
166 35 of the inventory upon payment of the fair market value



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167 1 therefor:

167 2 ~~a.~~ (1) Any person that engages in or for intrastate
167 3 commerce in the business of slaughtering any livestock or
167 4 poultry, or preparing, freezing, packaging or labeling, buying
167 5 or selling, as a broker, wholesaler, or otherwise,
167 6 transporting, or storing any livestock products or poultry
167 7 products for human or animal food.

167 8 ~~b.~~ (2) Any person that engages in or for intrastate
167 9 commerce in business as a renderer or in the business of
167 10 buying, selling, or transporting any dead, dying, disabled, or
167 11 diseased livestock or poultry or parts of the carcasses of any
167 12 such animals, including poultry, that died otherwise than by
167 13 slaughter.

167 14 Sec. 207. Section 189A.7, subsections 1 and 8, Code 2009,
167 15 are amended to read as follows:

167 16 1. Remove inspectors from any establishment that fails to
167 17 destroy condemned products as required under section 189A.5,
167 18 subsection 2, paragraph "b".

167 19 8. Adopt by reference or otherwise such provisions of the
167 20 rules and regulations under the federal Acts, with such
167 21 changes therein as the secretary deems appropriate to make
167 22 them applicable to operations and transactions subject to this
167 23 chapter, which shall have the same force and effect as if
167 24 promulgated under this chapter, and promulgate such other
167 25 rules and regulations as the secretary deems necessary for the
167 26 efficient execution of the provisions of this chapter,
167 27 including rules of practice providing opportunity for hearing
167 28 in connection with issuance of orders under section 189A.5,
167 29 subsection ~~5~~ 2, paragraph "e", and subsection 1, 2, or 3 of
167 30 this section and prescribing procedures for proceedings in
167 31 such cases; however, this shall not preclude a requirement
167 32 that a label or container be withheld from use, or a refusal
167 33 of inspection pursuant to the sections cited herein pending
167 34 issuance of a final order in any such proceeding.

167 35 Sec. 208. Section 189A.10, subsection 3, Code 2009, is



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168 1 amended to read as follows:

168 2 3. No person shall violate any provision of the
168 3 regulations or orders of the secretary under section 189A.5,
168 4 subsection 7 2, paragraph "g", or section 189A.7.

168 5 Sec. 209. Section 189A.17, subsection 5, Code 2009, is
168 6 amended to read as follows:

168 7 5. a. Any person who neglects or refuses to attend and
168 8 testify or to answer any lawful inquiry, or to produce
168 9 documentary evidence, if it is in the person's power to do so,
168 10 in obedience to the subpoena or lawful requirement of the
168 11 secretary shall be guilty of a serious misdemeanor.

168 12 b. Any person who willfully makes, or causes to be made,
168 13 any false entry or statement of fact in any report required to
168 14 be made under this chapter, or who willfully makes, or causes
168 15 to be made, any false entry in any account, record, or
168 16 memorandum kept by any person subject to this chapter, or who
168 17 willfully neglects or fails to make or to cause to be made,
168 18 full, true, and correct entries in such accounts, records, or
168 19 memoranda, of all facts and transactions pertaining to the
168 20 business of such person, or who willfully leaves the
168 21 jurisdiction of this state, or willfully mutilates, alters, or
168 22 by any other means falsifies any documentary evidence of any
168 23 person subject to this chapter or who willfully refuses to
168 24 submit to the secretary or to any of the secretary's
168 25 authorized agents, for the purpose of inspection and taking
168 26 copies, any documentary evidence of any person subject to this
168 27 chapter in the person's possession or control, shall be deemed
168 28 guilty of an aggravated misdemeanor.

168 29 c. If a person required by this chapter to file an annual
168 30 or special report fails to do so within the time fixed by the
168 31 secretary for filing it, and the failure continues for thirty
168 32 days after notice of default, the person shall forfeit to this
168 33 state the sum of one hundred dollars for each day of the
168 34 continuance of the failure, which forfeiture is payable into
168 35 the treasury of this state, and is recoverable in a civil suit



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169 1 in the name of the state brought in the district court of the
169 2 county where the person has a principal office or in the
169 3 district court of any county in which the person does
169 4 business. The county attorneys shall prosecute for the
169 5 recovery of such forfeitures.

169 6 d. Any officer or employee of this state who makes public
169 7 any information obtained by the secretary, without the
169 8 secretary's authority, unless directed by a court, or uses any
169 9 such information to the officer's or employee's advantage,
169 10 shall be deemed guilty of a serious misdemeanor.

169 11 6. The requirements of this chapter shall apply to
169 12 persons, establishments, animals, and articles regulated under
169 13 the federal Meat Inspection Act or the federal Poultry
169 14 Products Inspection Act to the extent provided for in said
169 15 federal Acts and also to the extent provided in this chapter
169 16 and in regulations the secretary may prescribe to promulgate
169 17 this chapter.

169 18 Sec. 210. Section 198.9, Code 2009, is amended to read as
169 19 follows:

169 20 198.9 INSPECTION FEES AND REPORTS.

169 21 1. a. An inspection fee to be fixed annually by the
169 22 secretary at a rate of not more than sixteen cents per ton,
169 23 shall be paid on commercial feed distributed in this state by
169 24 the person who first distributes the commercial feed, subject
169 25 to the following:

169 26 ~~a.~~ (1) The inspection fee is not required on the first
169 27 distribution, if made to a qualified buyer who, with approval
169 28 from the secretary, shall become responsible for the fee.

169 29 ~~b.~~ (2) A fee shall not be paid on a commercial feed if
169 30 the payment has been made by a previous distributor.

169 31 ~~c.~~ (3) A fee shall not be paid on customer=formula feeds
169 32 if the inspection fee is paid on the commercial feeds which
169 33 are used as components of the customer=formula feeds.

169 34 ~~d.~~ (4) A minimum semiannual fee shall be twenty dollars.

169 35 ~~e.~~ (5) A licensed manufacturer shall pay the inspection



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170 1 fee on commercial feed that is fed to livestock owned by the
170 2 licensee.

170 3 b. In the case of a pet food or specialty pet food, which
170 4 is distributed in this state in packages of ten pounds or
170 5 less, each product shall be registered and an annual
170 6 registration fee of fifty dollars for each product shall be
170 7 paid by January 1 of each year in lieu of the per ton rate as
170 8 provided in this subsection. The inspection fee shall apply
170 9 to those same products distributed in packages of more than
170 10 ten pounds.

170 11 2. a. Each person who is liable for the payment of such
170 12 fee shall:

170 13 ~~a.~~ (1) File, not later than the last day of January and
170 14 July of each year, a semiannual statement, setting forth the
170 15 number of net tons of commercial feeds distributed in this
170 16 state during the preceding six months and upon filing the
170 17 statement shall pay the inspection fee at the rate stated in
170 18 subsection 1. Inspection fees which are due and owing and
170 19 have not been remitted to the secretary within fifteen days
170 20 following the due date shall have a delinquency fee of ten
170 21 percent of the amount due or fifty dollars, whichever is
170 22 greater, added to the amount due when payment is finally made.
170 23 The assessment of this delinquency fee does not prevent the
170 24 department from taking other actions as provided in this
170 25 chapter.

170 26 ~~b.~~ (2) Keep such records as may be necessary or required
170 27 by the secretary to indicate accurately the tonnage of
170 28 commercial feed distributed in this state, and the secretary
170 29 shall have the right to examine such records to verify
170 30 statements of tonnage.

170 31 b. Failure to make an accurate statement of tonnage or to
170 32 pay the inspection fee or comply as provided in this section
170 33 is sufficient cause for cancellation of the license of the
170 34 distributor.

170 35 3. Fees collected shall be deposited in the general fund



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171 1 of the state and shall be subject to the requirements of
171 2 section 8.60. Moneys deposited under this section shall be
171 3 used for the payment of the costs of inspection, sampling,
171 4 analysis, supportive research, and other expenses necessary
171 5 for the administration of this chapter.
171 6 4. If there is an unencumbered balance of funds from the
171 7 fees deposited under this section on June 30 of any fiscal
171 8 year equal to or exceeding one hundred thousand dollars, the
171 9 secretary of agriculture shall reduce the per ton fee provided
171 10 for in subsection 1 for the next fiscal year in such amount as
171 11 will result in an ending estimated balance of the fees
171 12 deposited less costs paid for from those fees for June 30 of
171 13 the next fiscal year of one hundred thousand dollars.
171 14 Sec. 211. Section 199.1, unnumbered paragraph 2, Code
171 15 2009, is amended to read as follows:
171 16 26. The Iowa secretary of agriculture shall, by rule,
171 17 define the terms "breeder", "foundation", "registered",
171 18 "certified" and "inbred", as used in this chapter.
171 19 Sec. 212. Section 199.3, subsection 2, paragraph h, Code
171 20 2009, is amended to read as follows:
171 21 h. (1) For each named agricultural seed:
171 22 ~~(1)~~ (a) Percentage of germination, exclusive of hard
171 23 seed.
171 24 ~~(2)~~ (b) Percentage of hard seed, if present.
171 25 ~~(3)~~ (c) The calendar month and year the test was
171 26 completed to determine the percentages.
171 27 (2) Following ~~(1)~~ (a) and ~~(2)~~ (b), the "total germination
171 28 and hard seed" may be stated as such, if desired.
171 29 Sec. 213. Section 199.3, subsection 5, paragraph c, Code
171 30 2009, is amended to read as follows:
171 31 c. (1) For each named vegetable seed:
171 32 ~~(1)~~ (a) Percentage germination exclusive of hard seed.
171 33 ~~(2)~~ (b) Percentage of hard seed, if present.
171 34 ~~(3)~~ (c) The calendar month and year the test was
171 35 completed to determine such percentages.



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173 1 established. The failure to fulfill a contract to repurchase
173 2 the seed crop produced from any agricultural seed, if the crop
173 3 meets the requirements set forth in the contract and the
173 4 standards specified in this chapter, is prima facie evidence
173 5 of intent to defraud the purchaser at the time of entering
173 6 into the contract. However, this does not apply when seed
173 7 stock is furnished by the contractor to the grower at no cost.

173 8 Sec. 215. Section 203.6, subsection 1, Code 2009, is
173 9 amended to read as follows:

173 10 1. a. For the issuance or renewal of a license required
173 11 under section 203.3, and for any inspection of a grain dealer,
173 12 the fee shall be determined on the basis of all bushels of
173 13 grain purchased during the grain dealer's previous fiscal year
173 14 according to the grain dealer's financial statement required
173 15 in section 203.3. The fee shall be calculated according to
173 16 the following schedule:

173 17 ~~a.~~ (1) If the total number of bushels purchased is
173 18 thirty-five thousand or less, the license fee is sixty-six
173 19 dollars and the inspection fee is eighty-three dollars.

173 20 ~~b.~~ (2) If the total number of bushels purchased is more
173 21 than thirty-five thousand, but not more than two hundred fifty
173 22 thousand, the license fee is one hundred sixteen dollars and
173 23 the inspection fee is one hundred twenty-five dollars.

173 24 ~~c.~~ (3) If the total number of bushels purchased is more
173 25 than two hundred fifty thousand, but not more than five
173 26 hundred thousand, the license fee is one hundred sixty-six
173 27 dollars and the inspection fee is one hundred ninety-one
173 28 dollars.

173 29 ~~d.~~ (4) If the total number of bushels purchased is more
173 30 than five hundred thousand, but not more than one million, the
173 31 license fee is two hundred ninety-one dollars and the
173 32 inspection fee is two hundred forty-nine dollars.

173 33 ~~e.~~ (5) If the total number of bushels purchased is more
173 34 than one million, but not more than one million eight hundred
173 35 fifty thousand, the license fee is four hundred ninety-eight



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174 1 dollars and the inspection fee is three hundred seven dollars.
174 2 ~~£.~~ (6) If the total number of bushels purchased is more
174 3 than one million eight hundred fifty thousand, but not more
174 4 than three million two hundred thousand, the license fee is
174 5 seven hundred six dollars and the inspection fee is three
174 6 hundred seventy-four dollars.

174 7 ~~£.~~ (7) If the total number of bushels purchased is more
174 8 than three million two hundred thousand, the license fee is
174 9 nine hundred fifty-five dollars and the inspection fee is four
174 10 hundred forty dollars.

174 11 b. If the applicant did not purchase grain in the
174 12 applicant's previous fiscal year, the applicant shall pay the
174 13 fee specified in paragraph "a", subparagraph (1). If during
174 14 the licensee's fiscal year the number of bushels of grain
174 15 actually purchased exceeds thirty-five thousand, the licensee
174 16 shall notify the department and the license and inspection fee
174 17 shall be adjusted accordingly. Subsequent adjustments shall
174 18 be made as necessary. An applicant may elect licensing in any
174 19 category of this subsection. Fees for new licenses issued for
174 20 less than a full year shall be prorated from the date of
174 21 application.

174 22 Sec. 216. Section 203.12B, subsection 2, paragraph b, Code
174 23 2009, is amended to read as follows:

174 24 b. Upon being appointed as a receiver, the department
174 25 shall take custody and provide for the disposition of the
174 26 grain dealer assets of the grain dealer under the supervision
174 27 of the court.

174 28 (1) The petition shall be filed in the county in which the
174 29 grain dealer maintains its principal place of business in this
174 30 state. The court may issue ex parte any temporary order as it
174 31 determines necessary to preserve or protect the grain dealer
174 32 assets and the rights of interested sellers.

174 33 (2) The petition shall be accompanied by the department's
174 34 plan for disposition of grain dealer assets which shall
174 35 provide terms as may be necessary to preserve or protect the



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175 1 grain dealer assets and the rights of interested sellers, less
175 2 expenses incurred by the department in connection with the
175 3 receivership. The plan may provide for the delivery or sale
175 4 of grain as provided in section 203C.4. The plan may provide
175 5 for the operation of the business of the grain dealer on a
175 6 temporary basis and any other course of action or procedure
175 7 which will serve the interests of interested sellers.

175 8 (3) The petition shall be filed with the clerk of the
175 9 district court who shall set a date for a hearing in the same
175 10 manner as provided in section 203C.3.

175 11 (4) Copies of the petition, the notice of hearing, and the
175 12 department's plan of disposition shall be delivered to the
175 13 following:

175 14 ~~(1)~~ (a) The grain dealer and each issuer who shall
175 15 receive copies delivered in the manner required for service of
175 16 an original notice.

175 17 ~~(2)~~ (b) Interested sellers as determined by the
175 18 department who shall receive copies delivered by ordinary
175 19 mail.

175 20 (5) The failure of a person to receive the required
175 21 notification shall not invalidate the proceedings on the
175 22 petition or any part of the petition for the appointment of
175 23 the department as the receiver.

175 24 (6) A person is not a party to the action unless admitted
175 25 by the court upon application.

175 26 Sec. 217. Section 203C.15, Code 2009, is amended to read
175 27 as follows:

175 28 203C.15 INSURANCE REQUIRED == EXCEPTION.

175 29 1. All agricultural products in storage in a licensed
175 30 warehouse and all agricultural products which have been
175 31 deposited temporarily in a licensed warehouse pending storage
175 32 or for purposes other than storage, shall be kept fully
175 33 insured by the warehouse operator for the current value of the
175 34 agricultural products against loss by fire, inherent
175 35 explosion, or windstorm.



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176 1 a. The insurance shall be carried in an insurance company
176 2 or companies authorized to do business in this state, and
176 3 evidence of the insurance coverage in a form approved by the
176 4 department shall be filed with the department. An insurance
176 5 policy shall not be canceled by the insurance company on less
176 6 than ninety days' notice by certified mail to the department
176 7 and the principal unless the policy is being replaced with
176 8 another policy and evidence of the new policy is filed with
176 9 the department at the time of cancellation of the policy on
176 10 file.

176 11 b. The insurance shall be provided by, and carried in the
176 12 name of, the warehouse operator. However, whenever the
176 13 department shall receive notice from an insurance company that
176 14 it has canceled the insurance of a licensed warehouse, the
176 15 department shall automatically suspend the warehouse license
176 16 if replacement insurance is not received by the department
176 17 within seventy=five days of receipt of the notice of
176 18 cancellation. The department shall cause an inspection of the
176 19 licensed warehouse immediately at the end of the seventy=five
176 20 day period. If replacement insurance is not filed within
176 21 another ten days following suspension, the warehouse license
176 22 shall be automatically revoked.

176 23 2. When a license is revoked, the department shall notify
176 24 each holder of an outstanding warehouse receipt and all known
176 25 persons who have grain retained in open storage of the
176 26 revocation. The department shall further notify each receipt
176 27 holder and all known persons who have grain retained in open
176 28 storage that the grain must be removed from the warehouse not
176 29 later than the thirtieth day following the revocation. The
176 30 notice shall be sent by ordinary mail to the last known
176 31 address of each person having grain in storage as provided in
176 32 this subsection.

176 33 3. Claimants against the insurance have precedence in the
176 34 following order:

176 35 ~~1-~~ a. Holders of warehouse receipts other than the



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177 1 warehouse operator and owners of bulk grain other than the
177 2 warehouse operator.
177 3 ~~2.~~ b. Owners of all other agricultural products as their
177 4 interests appear.
177 5 ~~3.~~ c. Warehouse operators who have warehouse receipts.
177 6 ~~4.~~ d. Warehouse operators owners of bulk grain.
177 7 4. However, notwithstanding the insurance requirements set
177 8 forth in this section, a licensed warehouse may exclude from
177 9 the insurance coverage stored grain to which title is fully
177 10 vested in the United States government or any of its
177 11 subdivisions or agencies, provided that the licensed warehouse
177 12 has on file with the United States government or any of its
177 13 subdivisions or agencies a current and accepted uninsured
177 14 storage rate under the provisions of their uniform grain
177 15 storage agreement. The licensed warehouse shall file a copy
177 16 of the current uninsured tariff rate with the department
177 17 immediately upon acceptance of the uninsured rate by the
177 18 United States government or any of its subdivisions or
177 19 agencies.
177 20 Sec. 218. Section 203C.17, subsection 8, Code 2009, is
177 21 amended to read as follows:
177 22 8. a. Every licensed warehouse operator shall, on or
177 23 before July 1 of each year, send a statement for each holder
177 24 of a warehouse receipt covering grain held for more than one
177 25 year at that warehouse to the holder's last known address.
177 26 The statement shall show the amount of all grain held pursuant
177 27 to warehouse receipt for such warehouse receipt holder and the
177 28 amount of any storage charges held by the licensed warehouse
177 29 operator against that grain. However, a licensed warehouse
177 30 operator need not prepare this annual statement for a holder
177 31 of a warehouse receipt, if the licensed warehouse operator
177 32 prepares such statements monthly, quarterly or for any other
177 33 period more frequent than annually.
177 34 b. The failure to prepare a statement required by this
177 35 subsection is a simple misdemeanor.



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178 1 c. Violation of this section shall not constitute grounds
178 2 for suspension, revocation, or modification of the license of
178 3 anyone licensed under this chapter.

178 4 Sec. 219. Section 207.14, subsections 1, 2, 4, and 7, Code
178 5 2009, are amended to read as follows:

178 6 1. a. When on the basis of an inspection, the
178 7 administrator determines that a condition or practice exists
178 8 which creates an imminent danger to the health or safety of
178 9 the public or can reasonably be expected to cause significant,
178 10 imminent environmental harm to land, air, or water resources,
178 11 the administrator shall immediately order a cessation of coal
178 12 mining and reclamation operations to the extent necessary
178 13 until the administrator determines that the condition,
178 14 practice, or violation has been abated, or until the order is
178 15 modified, vacated, or terminated by the division pursuant to
178 16 procedures set out in this section.

178 17 b. If the administrator finds that the ordered cessation
178 18 will not completely abate the imminent danger to health or
178 19 safety of the public or the significant imminent environmental
178 20 harm, the administrator shall require the operator to take
178 21 whatever steps the administrator deems necessary to abate the
178 22 imminent danger or the significant environmental harm.

178 23 2. a. When on the basis of an inspection, the
178 24 administrator determines that any operator is in violation of
178 25 any requirement of this chapter or permit condition, but the
178 26 violation does not create an imminent danger to the health or
178 27 safety of the public or cannot be reasonably expected to cause
178 28 significant, imminent environmental harm, the administrator
178 29 shall issue a notice to the operator fixing a reasonable time
178 30 but not more than ninety days for the abatement of the
178 31 violation and providing opportunity for public hearing.

178 32 b. If upon expiration of the time as fixed the
178 33 administrator finds in writing that the violation has not been
178 34 abated, the administrator, notwithstanding sections 17A.18 and
178 35 17A.18A, shall immediately order a cessation of coal mining



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179 1 and reclamation operations relating to the violation until the
179 2 order is modified, vacated, or terminated by the administrator
179 3 pursuant to procedures outlined in this section. In the order
179 4 of cessation issued by the administrator under this
179 5 subsection, the administrator shall include the steps
179 6 necessary to abate the violation in the most expeditious
179 7 manner possible.

179 8 4. a. A permittee may request in writing an appeal to the
179 9 committee of a decision made in a hearing under subsection 3
179 10 within thirty days of the decision. The committee shall
179 11 review the record made in the contested case hearing, and may
179 12 hear additional evidence upon a showing of good cause for
179 13 failure to present the evidence in the hearing, or if evidence
179 14 concerning events occurring after the hearing is deemed
179 15 relevant to the proceeding. However, the committee shall not
179 16 review a decision in a proceeding if the division seeks to
179 17 collect a civil penalty pursuant to section 207.15, and those
179 18 decisions are final agency actions subject to direct judicial
179 19 review as provided in chapter 17A.

179 20 b. The contested case hearing shall be scheduled within
179 21 thirty days of receipt of the request by the division. If the
179 22 decision in the contested case is to revoke the permit, the
179 23 permittee shall be given a specific period to complete
179 24 reclamation, or the attorney general shall be requested to
179 25 institute bond forfeiture proceedings.

179 26 7. a. A permittee issued a notice or order under this
179 27 section or any person having an interest which is or may be
179 28 adversely affected by the notice or order or by its
179 29 modification, vacation or termination may apply to the
179 30 committee for review within thirty days of receipt of the
179 31 notice or order or within thirty days of its modification,
179 32 vacation or termination. The review shall be treated as a
179 33 contested case under chapter 17A.

179 34 b. Pending completion of any investigation or hearings
179 35 required by this section, the applicant may file with the



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180 1 division a written request that the administrator grant
180 2 temporary relief from any notice or order issued under this
180 3 section together with a detailed statement giving reasons for
180 4 granting such relief.

180 5 c. The administrator shall issue an order or decision
180 6 granting or denying the request for relief within five days of
180 7 its receipt. The administrator may grant such relief under
180 8 such conditions as the administrator may prescribe if all of
180 9 the following occur:

180 10 ~~a-~~ (1) A hearing has been held in the locality of the
180 11 permit area in which all parties were given an opportunity to
180 12 be heard. The hearing need not be held as a contested case
180 13 under chapter 17A.

180 14 ~~b-~~ (2) The applicant shows that there is substantial
180 15 likelihood that the findings of the committee will be
180 16 favorable to the applicant.

180 17 ~~e-~~ (3) Such relief will not adversely affect the health
180 18 or safety of the public or cause significant, imminent
180 19 environmental harm to land, air or water resources.

180 20 Sec. 220. Section 216.6, subsection 1, paragraph c, Code
180 21 2009, is amended to read as follows:

180 22 c. Employer, employment agency, labor organization, or the
180 23 employees, agents, or members thereof to directly or
180 24 indirectly advertise or in any other manner indicate or
180 25 publicize that individuals of any particular age, race, creed,
180 26 color, sex, sexual orientation, gender identity, national
180 27 origin, religion, or disability are unwelcome, objectionable,
180 28 not acceptable, or not solicited for employment or membership
180 29 unless based on the nature of the occupation.

180 30 (1) If a person with a disability is qualified to perform
180 31 a particular occupation by reason of training or experience,
180 32 the nature of that occupation shall not be the basis for
180 33 exception to the unfair or discriminating practices prohibited
180 34 by this subsection.

180 35 (2) An employer, employment agency, or their employees,



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181 1 servants, or agents may offer employment or advertise for
181 2 employment to only persons with disabilities, when other
181 3 applicants have available to them other employment compatible
181 4 with their ability which would not be available to persons
181 5 with disabilities because of their disabilities. Any such
181 6 employment or offer of employment shall not discriminate among
181 7 persons with disabilities on the basis of race, color, creed,
181 8 sex, sexual orientation, gender identity, or national origin.

181 9 Sec. 221. Section 216.16, subsections 2 and 6, Code 2009,
181 10 are amended to read as follows:

181 11 2. a. Upon a request by the complainant, and after the
181 12 expiration of sixty days from the timely filing of a complaint
181 13 with the commission, the commission shall issue to the
181 14 complainant a release stating that the complainant has a right
181 15 to commence an action in the district court. A release under
181 16 this subsection shall not be issued if a finding of no
181 17 probable cause has been made on the complaint by the
181 18 administrative law judge charged with that duty under section
181 19 216.15, subsection 3, a conciliation agreement has been
181 20 executed under section 216.15, the commission has served
181 21 notice of hearing upon the respondent pursuant to section
181 22 216.15, subsection 5, or the complaint is closed as an
181 23 administrative closure and two years have elapsed since the
181 24 issuance date of the closure.

181 25 b. Notwithstanding section 216.15, subsection 4, a party
181 26 may obtain a copy of all documents contained in a case file
181 27 where the commission has issued a release to the complainant
181 28 pursuant to this subsection.

181 29 6. It is the legislative intent of this chapter that every
181 30 complaint be at least preliminarily screened during the first
181 31 one hundred twenty days.

181 32 7. This section does not authorize administrative closures
181 33 if an investigation is warranted.

181 34 Sec. 222. Section 216B.3, subsection 16, paragraph b, Code
181 35 2009, is amended to read as follows:



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182 1 b. Of all new passenger vehicles and light pickup trucks
182 2 purchased by the commission, a minimum of ten percent of all
182 3 such vehicles and trucks purchased shall be equipped with
182 4 engines which utilize alternative methods of propulsion,
182 5 including but not limited to any of the following:
182 6 (1) A flexible fuel which is any of the following:
182 7 (a) E=85 gasoline as provided in section 214A.2.
182 8 (b) B=20 biodiesel blended fuel as provided in section
182 9 214A.2.
182 10 (c) A renewable fuel approved by the office of renewable
182 11 fuels and coproducts pursuant to section 159A.3.
182 12 (2) Compressed or liquefied natural gas.
182 13 (3) Propane gas.
182 14 (4) Solar energy.
182 15 (5) Electricity.
182 16 c. The provisions of ~~this~~ paragraph "b" do not apply to
182 17 vehicles and trucks purchased and directly used for law
182 18 enforcement or off-road maintenance work.
182 19 Sec. 223. Section 222.60, Code 2009, is amended to read as
182 20 follows:
182 21 222.60 COSTS PAID BY COUNTY OR STATE == DIAGNOSIS AND
182 22 EVALUATION.
182 23 1. All necessary and legal expenses for the cost of
182 24 admission or commitment or for the treatment, training,
182 25 instruction, care, habilitation, support and transportation of
182 26 persons with mental retardation, as provided for in the county
182 27 management plan provisions implemented pursuant to section
182 28 331.439, subsection 1, in a state resource center, or in a
182 29 special unit, or any public or private facility within or
182 30 without the state, approved by the director of the department
182 31 of human services, shall be paid by either:
182 32 ~~1-~~ a. The county in which such person has legal
182 33 settlement as defined in section 252.16.
182 34 ~~2-~~ b. The state when such person has no legal settlement
182 35 or when such settlement is unknown.



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183 1 2. a. Prior to a county of legal settlement approving the
183 2 payment of expenses for a person under this section, the
183 3 county may require that the person be diagnosed to determine
183 4 if the person has mental retardation or that the person be
183 5 evaluated to determine the appropriate level of services
183 6 required to meet the person's needs relating to mental
183 7 retardation. The diagnosis and the evaluation may be
183 8 performed concurrently and shall be performed by an individual
183 9 or individuals approved by the county who are qualified to
183 10 perform the diagnosis or the evaluation. Following the
183 11 initial approval for payment of expenses, the county of legal
183 12 settlement may require that an evaluation be performed at
183 13 reasonable time periods.

183 14 b. The cost of a county-required diagnosis and an
183 15 evaluation is at the county's expense. In the case of a
183 16 person without legal settlement or whose legal settlement is
183 17 unknown, the state may apply the diagnosis and evaluation
183 18 provisions of this ~~paragraph~~ subsection at the state's
183 19 expense.

183 20 c. A diagnosis or an evaluation under this section may be
183 21 part of a county's central point of coordination process under
183 22 section 331.440, provided that a diagnosis is performed only
183 23 by an individual qualified as provided in this section.

183 24 3. a. A diagnosis of mental retardation under this
183 25 section shall be made only when the onset of the person's
183 26 condition was prior to the age of eighteen years and shall be
183 27 based on an assessment of the person's intellectual
183 28 functioning and level of adaptive skills. The diagnosis shall
183 29 be made by an individual who is a psychologist or psychiatrist
183 30 who is professionally trained to administer the tests required
183 31 to assess intellectual functioning and to evaluate a person's
183 32 adaptive skills.

183 33 b. A diagnosis of mental retardation shall be made in
183 34 accordance with the criteria provided in the diagnostic and
183 35 statistical manual of mental disorders, fourth edition,



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184 1 published by the American psychiatric association.

184 2 Sec. 224. Section 229.10, subsection 1, Code 2009, is

184 3 amended to read as follows:

184 4 1. a. An examination of the respondent shall be conducted
184 5 by one or more licensed physicians, as required by the court's

184 6 order, within a reasonable time. If the respondent is

184 7 detained pursuant to section 229.11, subsection ~~2~~ 1, paragraph

184 8 "b", the examination shall be conducted within twenty=~~four~~

184 9 hours. If the respondent is detained pursuant to section

184 10 229.11, subsection 1, paragraph "a" or ~~3~~ "c", the examination

184 11 shall be conducted within forty=~~eight~~ hours. If the

184 12 respondent so desires, the respondent shall be entitled to a

184 13 separate examination by a licensed physician of the

184 14 respondent's own choice. The reasonable cost of the

184 15 examinations shall, if the respondent lacks sufficient funds

184 16 to pay the cost, be paid from county funds upon order of the

184 17 court.

184 18 b. Any licensed physician conducting an examination

184 19 pursuant to this section may consult with or request the

184 20 participation in the examination of any qualified mental

184 21 health professional, and may include with or attach to the

184 22 written report of the examination any findings or observations

184 23 by any qualified mental health professional who has been so

184 24 consulted or has so participated in the examination.

184 25 c. If the respondent is not taken into custody under

184 26 section 229.11, but the court is subsequently informed that

184 27 the respondent has declined to be examined by the licensed

184 28 physician or physicians pursuant to the court order, the court

184 29 may order such limited detention of the respondent as is

184 30 necessary to facilitate the examination of the respondent by

184 31 the licensed physician or physicians.

184 32 Sec. 225. Section 229.11, Code 2009, is amended to read as

184 33 follows:

184 34 229.11 JUDGE MAY ORDER IMMEDIATE CUSTODY.

184 35 1. If the applicant requests that the respondent be taken



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185 1 into immediate custody and the judge, upon reviewing the
185 2 application and accompanying documentation, finds probable
185 3 cause to believe that the respondent has a serious mental
185 4 impairment and is likely to injure the respondent or other
185 5 persons if allowed to remain at liberty, the judge may enter a
185 6 written order directing that the respondent be taken into
185 7 immediate custody by the sheriff or the sheriff's deputy and
185 8 be detained until the hospitalization hearing. The
185 9 hospitalization hearing shall be held no more than five days
185 10 after the date of the order, except that if the fifth day
185 11 after the date of the order is a Saturday, Sunday, or a
185 12 holiday, the hearing may be held on the next succeeding
185 13 business day. If the expenses of a respondent are payable in
185 14 whole or in part by a county, for a placement in accordance
185 15 with ~~subsection 1~~ paragraph "a", the judge shall give notice
185 16 of the placement to the central point of coordination process,
185 17 and for a placement in accordance with ~~subsection 2~~ paragraph
185 18 "b" or ~~3~~ "c", the judge shall order the placement in a
185 19 hospital or facility designated through the central point of
185 20 coordination process. The judge may order the respondent
185 21 detained for the period of time until the hearing is held, and
185 22 no longer, in accordance with ~~subsection 1~~ paragraph "a", if
185 23 possible, and if not then in accordance with ~~subsection 2~~
185 24 paragraph "b", or, only if neither of these alternatives is
185 25 available, in accordance with ~~subsection 3~~ paragraph "c".
185 26 Detention may be:
185 27 ~~1-~~ a. In the custody of a relative, friend or other
185 28 suitable person who is willing to accept responsibility for
185 29 supervision of the respondent, and the respondent may be
185 30 placed under such reasonable restrictions as the judge may
185 31 order including, but not limited to, restrictions on or a
185 32 prohibition of any expenditure, encumbrance or disposition of
185 33 the respondent's funds or property; or
185 34 ~~2-~~ b. In a suitable hospital the chief medical officer of
185 35 which shall be informed of the reasons why immediate custody



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186 1 has been ordered and may provide treatment which is necessary
186 2 to preserve the respondent's life, or to appropriately control
186 3 behavior by the respondent which is likely to result in
186 4 physical injury to the respondent or to others if allowed to
186 5 continue, but may not otherwise provide treatment to the
186 6 respondent without the respondent's consent; or

186 7 ~~3.~~ c. In the nearest facility in the community which is
186 8 licensed to care for persons with mental illness or substance
186 9 abuse, provided that detention in a jail or other facility
186 10 intended for confinement of those accused or convicted of
186 11 crime shall not be ordered.

186 12 2. The clerk shall furnish copies of any orders to the
186 13 respondent and to the applicant if the applicant files a
186 14 written waiver signed by the respondent.

186 15 Sec. 226. Section 229.12, subsection 3, Code 2009, is
186 16 amended to read as follows:

186 17 3. a. The respondent's welfare shall be paramount and the
186 18 hearing shall be conducted in as informal a manner as may be
186 19 consistent with orderly procedure, but consistent therewith
186 20 the issue shall be tried as a civil matter. Such discovery as
186 21 is permitted under the Iowa rules of civil procedure shall be
186 22 available to the respondent. The court shall receive all
186 23 relevant and material evidence which may be offered and need
186 24 not be bound by the rules of evidence. There shall be a
186 25 presumption in favor of the respondent, and the burden of
186 26 evidence in support of the contentions made in the application
186 27 shall be upon the applicant.

186 28 b. The licensed physician or qualified mental health
186 29 professional who examined the respondent shall be present at
186 30 the hearing unless the court for good cause finds that the
186 31 licensed physician's or qualified mental health professional's
186 32 presence or testimony is not necessary. The applicant,
186 33 respondent, and the respondent's attorney may waive the
186 34 presence or the telephonic appearance of the licensed
186 35 physician or qualified mental health professional who examined



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187 1 the respondent and agree to submit as evidence the written
187 2 report of the licensed physician or qualified mental health
187 3 professional. The respondent's attorney shall inform the
187 4 court if the respondent's attorney reasonably believes that
187 5 the respondent, due to diminished capacity, cannot make an
187 6 adequately considered waiver decision. "Good cause" for
187 7 finding that the testimony of the licensed physician or
187 8 qualified mental health professional who examined the
187 9 respondent is not necessary may include, but is not limited
187 10 to, such a waiver. If the court determines that the testimony
187 11 of the licensed physician or qualified mental health
187 12 professional is necessary, the court may allow the licensed
187 13 physician or the qualified mental health professional to
187 14 testify by telephone.

187 15 c. If upon completion of the hearing the court finds that
187 16 the contention that the respondent is seriously mentally
187 17 impaired has not been sustained by clear and convincing
187 18 evidence, it shall deny the application and terminate the
187 19 proceeding.

187 20 Sec. 227. Section 229.22, subsection 2, Code 2009, is
187 21 amended to read as follows:

187 22 2. a. In the circumstances described in subsection 1, any
187 23 peace officer who has reasonable grounds to believe that a
187 24 person is mentally ill, and because of that illness is likely
187 25 to physically injure the person's self or others if not
187 26 immediately detained, may without a warrant take or cause that
187 27 person to be taken to the nearest available facility as
187 28 defined in section 229.11, ~~subsections 2~~ subsection 1,
187 29 paragraphs "b" and 3 "c". A person believed mentally ill, and
187 30 likely to injure the person's self or others if not
187 31 immediately detained, may be delivered to a hospital by
187 32 someone other than a peace officer. Upon delivery of the
187 33 person believed mentally ill to the hospital, the examining
187 34 physician may order treatment of that person, including
187 35 chemotherapy, but only to the extent necessary to preserve the



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188 1 person's life or to appropriately control behavior by the
188 2 person which is likely to result in physical injury to that
188 3 person or others if allowed to continue. The peace officer
188 4 who took the person into custody, or other party who brought
188 5 the person to the hospital, shall describe the circumstances
188 6 of the matter to the examining physician. If the person is a
188 7 peace officer, the peace officer may do so either in person or
188 8 by written report. If the examining physician finds that
188 9 there is reason to believe that the person is seriously
188 10 mentally impaired, and because of that impairment is likely to
188 11 physically injure the person's self or others if not
188 12 immediately detained, the examining physician shall at once
188 13 communicate with the nearest available magistrate as defined
188 14 in section 801.4, subsection 10. The magistrate shall, based
188 15 upon the circumstances described by the examining physician,
188 16 give the examining physician oral instructions either
188 17 directing that the person be released forthwith or authorizing
188 18 the person's detention in an appropriate facility. The
188 19 magistrate may also give oral instructions and order that the
188 20 detained person be transported to an appropriate facility.
188 21 b. If the magistrate orders that the person be detained,
188 22 the magistrate shall, by the close of business on the next
188 23 working day, file a written order with the clerk in the county
188 24 where it is anticipated that an application may be filed under
188 25 section 229.6. The order may be filed by facsimile if
188 26 necessary. The order shall state the circumstances under
188 27 which the person was taken into custody or otherwise brought
188 28 to a facility, and the grounds supporting the finding of
188 29 probable cause to believe that the person is seriously
188 30 mentally impaired and likely to injure the person's self or
188 31 others if not immediately detained. The order shall confirm
188 32 the oral order authorizing the person's detention including
188 33 any order given to transport the person to an appropriate
188 34 facility. The clerk shall provide a copy of that order to the
188 35 chief medical officer of the facility to which the person was



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189 1 originally taken, to any subsequent facility to which the
189 2 person was transported, and to any law enforcement department
189 3 or ambulance service that transported the person pursuant to
189 4 the magistrate's order.

189 5 Sec. 228. Section 229A.7, subsection 5, Code 2009, is
189 6 amended to read as follows:

189 7 5. a. At trial, the court or jury shall determine
189 8 whether, beyond a reasonable doubt, the respondent is a
189 9 sexually violent predator. If the case is before a jury, the
189 10 verdict shall be unanimous that the respondent is a sexually
189 11 violent predator.

189 12 b. If the court or jury determines that the respondent is
189 13 a sexually violent predator, the respondent shall be committed
189 14 to the custody of the director of the department of human
189 15 services for control, care, and treatment until such time as
189 16 the person's mental abnormality has so changed that the person
189 17 is safe to be placed in a transitional release program or
189 18 discharged. The determination may be appealed.

189 19 Sec. 229. Section 229A.8, subsection 5, paragraph e, Code
189 20 2009, is amended to read as follows:

189 21 e. (1) The burden is on the committed person to show by a
189 22 preponderance of the evidence that there is competent evidence
189 23 which would lead a reasonable person to believe a final
189 24 hearing should be held to determine either of the following:

189 25 ~~(1)~~ (a) The mental abnormality of the committed person
189 26 has so changed that the person is not likely to engage in
189 27 predatory acts constituting sexually violent offenses if
189 28 discharged.

189 29 ~~(2)~~ (b) The committed person is suitable for placement in
189 30 a transitional release program pursuant to section 229A.8A.

189 31 (2) If the committed person shows by a preponderance of
189 32 the evidence that a final hearing should be held on either
189 33 determination under subparagraph (1), subparagraph division
189 34 (a) or ~~(2)~~ (b), or both, the court shall set a final hearing
189 35 within sixty days of the determination that a final hearing be



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190 1 held.

190 2 Sec. 230. Section 231.32, subsection 2, Code 2009, is
190 3 amended to read as follows:

190 4 2. a. The commission shall designate an area agency to
190 5 serve each planning and service area, after consideration of
190 6 the views offered by units of general purpose local
190 7 government. An area agency may be:

190 8 ~~a.~~ (1) An established office of aging which is operating
190 9 within a planning and service area designated by the
190 10 commission.

190 11 ~~b.~~ (2) Any office or agency of a unit of general purpose
190 12 local government, which is designated for the purpose of
190 13 serving as an area agency by the chief elected official of
190 14 such unit.

190 15 ~~c.~~ (3) Any office or agency designated by the appropriate
190 16 chief elected officials of any combination of units of general
190 17 purpose local government to act on behalf of the combination
190 18 for such purpose.

190 19 ~~d.~~ (4) Any public or nonprofit private agency in a
190 20 planning and service area or any separate organizational unit
190 21 within such agency which is under the supervision or direction
190 22 for this purpose of the department of elder affairs and which
190 23 can engage in the planning or provision of a broad range of
190 24 supportive services or nutrition services within the planning
190 25 and service area.

190 26 b. Each area agency shall provide assurance, determined
190 27 adequate by the commission, that the area agency has the
190 28 ability to develop an area plan and to carry out, directly or
190 29 through contractual or other arrangements, a program in
190 30 accordance with the plan within the planning and service area.
190 31 In designating an area agency on aging within the planning and
190 32 service area, the commission shall give preference to an
190 33 established office of aging, unless the commission finds that
190 34 no such office within the planning and service area has the
190 35 capacity to carry out the area plan.



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191 1 Sec. 231. Section 232.2, subsections 11 and 21, Code 2009,
191 2 are amended to read as follows:

191 3 11. a. "Custodian" means a stepparent or a relative
191 4 within the fourth degree of consanguinity to a child who has
191 5 assumed responsibility for that child, a person who has
191 6 accepted a release of custody pursuant to division IV, or a
191 7 person appointed by a court or juvenile court having
191 8 jurisdiction over a child.

191 9 b. The rights and duties of a custodian with respect to a
191 10 child are as follows:

191 11 ~~a.~~ (1) To maintain or transfer to another the physical
191 12 possession of that child.

191 13 ~~b.~~ (2) To protect, train, and discipline that child.

191 14 ~~c.~~ (3) To provide food, clothing, housing, and medical
191 15 care for that child.

191 16 ~~d.~~ (4) To consent to emergency medical care, including
191 17 surgery.

191 18 ~~e.~~ (5) To sign a release of medical information to a
191 19 health professional.

191 20 c. All rights and duties of a custodian shall be subject
191 21 to any residual rights and duties remaining in a parent or
191 22 guardian.

191 23 21. a. "Guardian" means a person who is not the parent of
191 24 a child, but who has been appointed by a court or juvenile
191 25 court having jurisdiction over the child, to have a permanent
191 26 self-sustaining relationship with the child and to make
191 27 important decisions which have a permanent effect on the life
191 28 and development of that child and to promote the general
191 29 welfare of that child. A guardian may be a court or a
191 30 juvenile court. Guardian does not mean conservator, as
191 31 defined in section 633.3, although a person who is appointed
191 32 to be a guardian may also be appointed to be a conservator.

191 33 b. Unless otherwise enlarged or circumscribed by a court
191 34 or juvenile court having jurisdiction over the child or by
191 35 operation of law, the rights and duties of a guardian with



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192 1 respect to a child shall be as follows:

192 2 ~~a.~~ (1) To consent to marriage, enlistment in the armed
192 3 forces of the United States, or medical, psychiatric, or
192 4 surgical treatment.

192 5 ~~b.~~ (2) To serve as guardian ad litem, unless the
192 6 interests of the guardian conflict with the interests of the
192 7 child or unless another person has been appointed guardian ad
192 8 litem.

192 9 ~~c.~~ (3) To serve as custodian, unless another person has
192 10 been appointed custodian.

192 11 ~~d.~~ (4) To make periodic visitations if the guardian does
192 12 not have physical possession or custody of the child.

192 13 ~~e.~~ (5) To consent to adoption and to make any other
192 14 decision that the parents could have made when the
192 15 parent-child relationship existed.

192 16 ~~f.~~ (6) To make other decisions involving protection,
192 17 education, and care and control of the child.

192 18 Sec. 232. Section 232.2, subsection 22, paragraph a, Code
192 19 2009, is amended to read as follows:

192 20 a. "Guardian ad litem" means a person appointed by the
192 21 court to represent the interests of a child in any judicial
192 22 proceeding to which the child is a party, and includes a court
192 23 appointed special advocate, except that a court appointed
192 24 special advocate shall not file motions or petitions pursuant
192 25 to section 232.54, ~~subsections~~ subsection 1, paragraphs "a"
192 26 and 4 "d", section 232.103, subsection 2, paragraph "c", and
192 27 section 232.111.

192 28 Sec. 233. Section 232.22, subsection 3, paragraph c, Code
192 29 2009, is amended to read as follows:

192 30 c. (1) A room in a facility intended or used for the
192 31 detention of adults if there is probable cause to believe that
192 32 the child has committed a delinquent act which if committed by
192 33 an adult would be a felony, or aggravated misdemeanor under
192 34 section 708.2 or 709.11, a serious or aggravated misdemeanor
192 35 under section 321J.2, or a violation of section 123.46, and if



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193 1 all of the following apply:

193 2 ~~(1)~~ (a) The child is at least fourteen years of age.

193 3 ~~(2)~~ (b) The child has shown by the child's conduct,
193 4 habits, or condition that the child constitutes an immediate
193 5 and serious danger to another or to the property of another,
193 6 and a facility or place enumerated in paragraph "a" or "b" is
193 7 unavailable, or the court determines that the child's conduct
193 8 or condition endangers the safety of others in the facility.

193 9 ~~(3)~~ (c) The facility has an adequate staff to supervise
193 10 and monitor the child's activities at all times.

193 11 ~~(4)~~ (d) The child is confined in a room entirely
193 12 separated from detained adults, is confined in a manner which
193 13 prohibits communication with detained adults, and is permitted
193 14 to use common areas of the facility only when no contact with
193 15 detained adults is possible.

193 16 (2) However, if the child is to be detained for a
193 17 violation of section 123.46 or section 321J.2, placement in a
193 18 facility pursuant to this paragraph "c" shall be made only
193 19 after an attempt has been made to notify the parents or legal
193 20 guardians of the child and request that the parents or legal
193 21 guardians take custody of the child. If the parents or legal
193 22 guardians cannot be contacted, or refuse to take custody of
193 23 the child, an attempt shall be made to place the child in
193 24 another facility, including but not limited to a local
193 25 hospital or shelter care facility. Also, a child detained for
193 26 a violation of section 123.46 or section 321J.2 pursuant to
193 27 this paragraph "c" shall only be detained in a facility with
193 28 adequate staff to provide continuous visual supervision of the
193 29 child.

193 30 Sec. 234. Section 232.22, subsection 5, Code 2009, is
193 31 amended to read as follows:

193 32 5. a. A child shall not be detained in a facility under
193 33 subsection 3, paragraph "c" for a period of time in excess of
193 34 six hours without the oral or written order of a judge or a
193 35 magistrate authorizing the detention. A judge or magistrate



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194 1 may authorize detention in a facility under subsection 3,
194 2 paragraph "c" for a period of time in excess of six hours but
194 3 less than twenty-four hours, excluding weekends and legal
194 4 holidays, but only if all of the following occur or exist:
194 5 ~~a.~~ (1) The facility serves a geographic area outside a
194 6 standard metropolitan statistical area as determined by the
194 7 United States census bureau.
194 8 ~~b.~~ (2) The court determines that an acceptable
194 9 alternative placement does not exist pursuant to criteria
194 10 developed by the department of human services.
194 11 ~~c.~~ (3) The facility has been certified by the department
194 12 of corrections as being capable of sight and sound separation
194 13 pursuant to this section and section 356.3.
194 14 ~~d.~~ (4) The child is awaiting an initial hearing before
194 15 the court pursuant to section 232.44.
194 16 b. The restrictions contained in this subsection relating
194 17 to the detention of a child in a facility under subsection 3,
194 18 paragraph "c" do not apply if the court has waived its
194 19 jurisdiction over the child for the alleged commission of a
194 20 felony offense pursuant to section 232.45.
194 21 Sec. 235. Section 232.49, subsection 3, Code 2009, is
194 22 amended to read as follows:
194 23 3. a. At any time after the filing of a delinquency
194 24 petition the court may order a physical or mental examination
194 25 of the child if the following circumstances apply:
194 26 ~~a.~~ (1) The court finds such examination to be in the best
194 27 interest of the child; and
194 28 ~~b.~~ (2) The parent, guardian or custodian and the child's
194 29 counsel agree.
194 30 b. An examination shall be conducted on an outpatient
194 31 basis unless the court, the child's counsel and the parent,
194 32 guardian or custodian agree that it is necessary the child be
194 33 committed to a suitable hospital, facility or institution for
194 34 the purpose of examination. Commitment for examination shall
194 35 not exceed thirty days and the civil commitment provisions of



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195 1 chapter 229 shall not apply.

195 2 Sec. 236. Section 232.52, subsection 6, Code 2009, is
195 3 amended to read as follows:

195 4 6. a. When the court orders the transfer of legal custody
195 5 of a child pursuant to subsection 2, paragraph "d", "e", or
195 6 "f", the order shall state that reasonable efforts as defined
195 7 in section 232.57 have been made. If deemed appropriate by
195 8 the court, the order may include a determination that
195 9 continuation of the child in the child's home is contrary to
195 10 the child's welfare. The inclusion of such a determination
195 11 shall not under any circumstances be deemed a prerequisite for
195 12 entering an order pursuant to this section. However, the
195 13 inclusion of such a determination, supported by the record,
195 14 may be used to assist the department in obtaining federal
195 15 funding for the child's placement. If such a determination is
195 16 included in the order, unless the court makes a determination
195 17 that further reasonable efforts are not required, reasonable
195 18 efforts shall be made to prevent permanent removal of a child
195 19 from the child's home and to encourage reunification of the
195 20 child with the child's parents and family. The reasonable
195 21 efforts may include but are not limited to early intervention
195 22 and follow-up programs implemented pursuant to section
195 23 232.191.

195 24 b. When the court orders the transfer of legal custody of
195 25 a child pursuant to subsection 2, paragraph "d", and the child
195 26 is sixteen years of age or older, the order shall specify the
195 27 services needed to assist the child in preparing for the
195 28 transition from foster care to adulthood. If the child has a
195 29 case permanency plan, the court shall consider the written
195 30 transition plan of services and needs assessment developed for
195 31 the child's case permanency plan. If the child does not have
195 32 a case permanency plan containing the transition plan and
195 33 needs assessment at the time the transfer order is entered,
195 34 the written transition plan and needs assessment shall be
195 35 developed and submitted for the court's consideration no later



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196 1 than six months from the date of the transfer order. The
196 2 court shall modify the initial transfer order as necessary to
196 3 specify the services needed to assist the child in preparing
196 4 for the transition from foster care to adulthood. If the
196 5 transition plan identifies services or other support needed to
196 6 assist the child when the child becomes an adult and the court
196 7 deems it to be beneficial to the child, the court may
196 8 authorize the individual who is the child's guardian ad litem
196 9 or court appointed special advocate to continue a relationship
196 10 with and provide advice to the child for a period of time
196 11 beyond the child's eighteenth birthday.

196 12 Sec. 237. Section 232.54, Code 2009, is amended to read as
196 13 follows:

196 14 232.54 TERMINATION, MODIFICATION, OR VACATION AND
196 15 SUBSTITUTION OF DISPOSITIONAL ORDER.

196 16 1. At any time prior to its expiration, a dispositional
196 17 order may be terminated, modified, or vacated and another
196 18 dispositional order substituted therefor only in accordance
196 19 with the following provisions:

196 20 ~~1.~~ a. With respect to a dispositional order made pursuant
196 21 to section 232.52, subsection 2, paragraph "a", "b", or "c",
196 22 and upon the motion of a child, a child's parent or guardian,
196 23 a child's guardian ad litem, a person supervising the child
196 24 under a dispositional order, a county attorney, or upon its
196 25 own motion, the court may terminate the order and discharge
196 26 the child, modify the order, or vacate the order and
196 27 substitute another order pursuant to the provisions of section
196 28 232.52. Notice shall be afforded all parties, and a hearing
196 29 shall be held at the request of any party.

196 30 ~~2.~~ b. With respect to a dispositional order made pursuant
196 31 to section 232.52, subsection 2, paragraphs "d" and "e", the
196 32 court shall grant a motion of the person to whom custody has
196 33 been transferred for termination of the order and discharge of
196 34 the child, for modification of the order by imposition of less
196 35 restrictive conditions, or for vacation of the order and



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197 1 substitution of a less restrictive order unless there is clear
197 2 and convincing evidence that there has not been a change of
197 3 circumstance sufficient to grant the motion. Notice shall be
197 4 afforded all parties, and a hearing shall be held at the
197 5 request of any party or upon the court's own motion.

197 6 ~~3.~~ c. With respect to a dispositional order made pursuant
197 7 to section 232.52, subsection 2, paragraphs "d", or "e", or
197 8 "f", the court shall grant a motion of a person or agency to
197 9 whom custody has been transferred for modification of the
197 10 order by transfer to an equally restrictive placement, unless
197 11 there is clear and convincing evidence that there has not been
197 12 a change of circumstance sufficient to grant the motion.
197 13 Notice shall be afforded all parties, and a hearing shall be
197 14 held at the request of any party or upon the court's own
197 15 motion.

197 16 ~~4.~~ d. With respect to a dispositional order made pursuant
197 17 to section 232.52, subsection 2, paragraphs "d", "e", or "f",
197 18 the court may, after notice and hearing, either grant or deny
197 19 a motion of the child, the child's parent or guardian, or the
197 20 child's guardian ad litem, to terminate the order and
197 21 discharge the child, to modify the order either by imposing
197 22 less restrictive conditions or by transfer to an equally or
197 23 less restrictive placement, or to vacate the order and
197 24 substitute a less restrictive order. A motion may be made
197 25 pursuant to this paragraph no more than once every six months.

197 26 ~~5.~~ e. With respect to a dispositional order made pursuant
197 27 to section 232.52, subsection 2, paragraphs "d" and "e", the
197 28 court may, after notice and a hearing at which there is
197 29 presented clear and convincing evidence to support such an
197 30 action, either grant or deny a motion by a county attorney or
197 31 by a person or agency to whom custody has been transferred, to
197 32 modify an order by imposing more restrictive conditions or to
197 33 vacate the order and substitute a more restrictive order.

197 34 ~~6.~~ f. With respect to a temporary transfer order made
197 35 pursuant to section 232.52, subsection 9, if the court finds



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198 1 that removal of a child from the state training school is
198 2 necessary to safeguard the child's physical or emotional
198 3 health and is in the best interests of the child, the court
198 4 shall grant the director's motion for a substitute
198 5 dispositional order to place the child in a facility which has
198 6 been designated to be an alternative placement site for the
198 7 state training school.

198 8 ~~7.~~ g. With respect to a juvenile court dispositional
198 9 order entered regarding a child who has received a youthful
198 10 offender deferred sentence under section 907.3A, the
198 11 dispositional order may be terminated prior to the child
198 12 reaching the age of eighteen upon motion of the child, the
198 13 person or agency to whom custody of the child has been
198 14 transferred, or the county attorney following a hearing before
198 15 the juvenile court if it is shown by clear and convincing
198 16 evidence that it is in the best interests of the child and the
198 17 community to terminate the order. The hearing may be waived
198 18 if all parties to the proceeding agree. The dispositional
198 19 order regarding a child who has received a youthful offender
198 20 deferred sentence may also be terminated prior to the child
198 21 reaching the age of eighteen upon motion of the county
198 22 attorney, if the waiver of the child to district court was
198 23 conditioned upon the terms of an agreement between the county
198 24 attorney and the child, and the child violates the terms of
198 25 the agreement after the waiver order has been entered. The
198 26 district court shall discharge the child's youthful offender
198 27 status upon receiving a termination order under this section.

198 28 ~~8.~~ h. With respect to a dispositional order entered
198 29 regarding a child who has received a youthful offender
198 30 deferred sentence under section 907.3A, the juvenile court
198 31 may, in the case of a child who violates the terms of the
198 32 order, modify or terminate the order in accordance with the
198 33 following:

198 34 ~~a.~~ (1) After notice and hearing at which the facts of the
198 35 child's violation of the terms of the order are found, the



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199 1 juvenile court may refuse to modify the order, modify the
199 2 order and impose a more restrictive order, or, after an
199 3 assessment of the child by a juvenile court officer in
199 4 consultation with the judicial district department of
199 5 correctional services and if the child is age fourteen or
199 6 over, terminate the order and return the child to the
199 7 supervision of the district court under chapter 907.
199 8 ~~b.~~ (2) The juvenile court shall only terminate an order
199 9 under this ~~subsection~~ paragraph "h" if after considering the
199 10 best interests of the child and the best interests of the
199 11 community the court finds that the child should be returned to
199 12 the supervision of the district court.
199 13 ~~e.~~ (3) A youthful offender over whom the juvenile court
199 14 has terminated the dispositional order under this ~~subsection~~
199 15 paragraph "h" shall be treated in the manner of an adult who
199 16 has been arrested for a violation of probation under section
199 17 908.11 for sentencing purposes only.
199 18 2. Notice requirements of this section shall be satisfied
199 19 by providing reasonable notice to the persons required to be
199 20 provided notice for adjudicatory hearings under section
199 21 232.37, except that notice shall be waived regarding a person
199 22 who was notified of the adjudicatory hearing and who failed to
199 23 appear. At a hearing under this section all relevant and
199 24 material evidence shall be admitted.
199 25 Sec. 238. Section 232.55, subsection 2, Code 2009, is
199 26 amended to read as follows:
199 27 2. a. Adjudication and disposition proceedings under this
199 28 division are not admissible as evidence against a person in a
199 29 subsequent proceeding in any other court before or after the
199 30 person reaches majority except in a sentencing proceeding
199 31 after conviction of the person for an offense other than a
199 32 simple or serious misdemeanor.
199 33 b. Adjudication and disposition proceedings may properly
199 34 be included in a presentence investigation report prepared
199 35 pursuant to chapter 901 and section 906.5.



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200 1 c. However, the use of adjudication and disposition
200 2 proceedings pursuant to this subsection shall be subject to
200 3 the restrictions contained in section 232.150.
200 4 3. This section does not apply to dispositional orders
200 5 entered regarding a child who has received a youthful offender
200 6 deferred sentence under section 907.3A who is not discharged
200 7 from probation before or upon the child's eighteenth birthday.
200 8 Sec. 239. Section 232.71B, subsection 11, Code 2009, is
200 9 amended to read as follows:
200 10 11. FACILITY PROTOCOL.
200 11 a. The department shall apply a protocol, developed in
200 12 consultation with facilities providing care to children, for
200 13 conducting an assessment of reports of abuse of children
200 14 allegedly caused by employees of facilities providing care to
200 15 children. As part of such an assessment, the department shall
200 16 notify the licensing authority for the facility, the governing
200 17 body of the facility, and the administrator in charge of the
200 18 facility of any of the following:
200 19 ~~a.~~ (1) A violation of facility policy noted in the
200 20 assessment.
200 21 ~~b.~~ (2) An instance in which facility policy or lack of
200 22 facility policy may have contributed to the reported incident
200 23 of alleged child abuse.
200 24 ~~c.~~ (3) An instance in which general practice in the
200 25 facility appears to differ from the facility's written policy.
200 26 b. The licensing authority, the governing body, and the
200 27 administrator in charge of the facility shall take any lawful
200 28 action which may be necessary or advisable to protect children
200 29 receiving care.
200 30 Sec. 240. Section 232.182, subsection 5, Code 2009, is
200 31 amended to read as follows:
200 32 5. After the hearing is concluded, the court shall make
200 33 and file written findings as to whether reasonable efforts, as
200 34 defined in section 232.102, subsection 10, have been made and
200 35 whether the voluntary foster family care placement is in the



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201 1 child's best interests.

201 2 a. The court shall order foster family care placement in
201 3 the child's best interests if the court finds that all of the
201 4 following conditions exist:

201 5 ~~a.~~ (1) The child has an emotional, physical, or
201 6 intellectual disability which requires care and treatment.

201 7 ~~b.~~ (2) The child's parent, guardian, or custodian has
201 8 demonstrated a willingness or ability to fulfill the
201 9 responsibilities defined in the case permanency plan.

201 10 ~~c.~~ (3) Reasonable efforts have been made and the
201 11 placement is in the child's best interests.

201 12 ~~d.~~ (4) A determination that services or support provided
201 13 to the family of a child with mental retardation, other
201 14 developmental disability, or organic mental illness will not
201 15 enable the family to continue to care for the child in the
201 16 child's home.

201 17 b. If the court finds that reasonable efforts have not
201 18 been made and that services or support are available to
201 19 prevent the placement, the court may order the services or
201 20 support to be provided to the child and the child's family.

201 21 c. If the court finds that the foster care placement is
201 22 necessary and the child's parent, guardian, or custodian has
201 23 not demonstrated a commitment to fulfill the responsibilities
201 24 defined in the child's case permanency plan, the court shall
201 25 cause a child in need of assistance petition to be filed.

201 26 Sec. 241. Section 237.3, subsection 2, paragraph g, Code
201 27 2009, is amended to read as follows:

201 28 g. (1) The adequacy of programs available to children
201 29 receiving child foster care provided by agencies, including
201 30 but not limited to:

201 31 ~~(1)~~ (a) Dietary services.

201 32 ~~(2)~~ (b) Social services.

201 33 ~~(3)~~ (c) Activity programs.

201 34 ~~(4)~~ (d) Behavior management procedures.

201 35 ~~(5)~~ (e) Educational programs, including special education



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202 1 as defined in section 256B.2, subsection 2 where appropriate,
202 2 which are approved by the state board of education.
202 3 (2) The department shall not promulgate rules which
202 4 regulate individual licensees in the subject areas enumerated
202 5 in this paragraph "g".
202 6 Sec. 242. Section 249A.3, subsections 2, 4, 5A, 5B, and
202 7 14, Code 2009, are amended to read as follows:
202 8 2. a. Medical assistance may also, within the limits of
202 9 available funds and in accordance with section 249A.4,
202 10 subsection 1, be provided to, or on behalf of, other
202 11 individuals and families who are not excluded under subsection
202 12 5 of this section and whose incomes and resources are
202 13 insufficient to meet the cost of necessary medical care and
202 14 services in accordance with the following order of priorities:
202 15 ~~a.~~ (1) As allowed under 42 U.S.C. }
202 16 1396a(a)(10)(A)(ii)(XIII), individuals with disabilities, who
202 17 are less than sixty-five years of age, who are members of
202 18 families whose income is less than two hundred fifty percent
202 19 of the most recently revised official poverty guidelines
202 20 published by the United States department of health and human
202 21 services for the family, who have earned income and who are
202 22 eligible for medical assistance or additional medical
202 23 assistance under this section if earnings are disregarded. As
202 24 allowed by 42 U.S.C. } 1396a(r)(2), unearned income shall also
202 25 be disregarded in determining whether an individual is
202 26 eligible for assistance under this ~~paragraph~~ subparagraph.
202 27 For the purposes of determining the amount of an individual's
202 28 resources under this ~~paragraph~~ subparagraph and as allowed by
202 29 42 U.S.C. } 1396a(r)(2), a maximum of ten thousand dollars of
202 30 available resources shall be disregarded, and any additional
202 31 resources held in a retirement account, in a medical savings
202 32 account, or in any other account approved under rules adopted
202 33 by the department shall also be disregarded. Individuals
202 34 eligible for assistance under this ~~paragraph~~ subparagraph,
202 35 whose individual income exceeds one hundred fifty percent of



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203 1 the official poverty guidelines published by the United States
203 2 department of health and human services for an individual,
203 3 shall pay a premium. The amount of the premium shall be based
203 4 on a sliding fee schedule adopted by rule of the department
203 5 and shall be based on a percentage of the individual's income.
203 6 The maximum premium payable by an individual whose income
203 7 exceeds one hundred fifty percent of the official poverty
203 8 guidelines shall be commensurate with the cost of state
203 9 employees' group health insurance in this state. The payment
203 10 to and acceptance by an automated case management system or
203 11 the department of the premium required under this ~~paragraph~~
203 12 subparagraph shall not automatically confer initial or
203 13 continuing program eligibility on an individual. A premium
203 14 paid to and accepted by the department's premium payment
203 15 process that is subsequently determined to be untimely or to
203 16 have been paid on behalf of an individual ineligible for the
203 17 program shall be refunded to the remitter in accordance with
203 18 rules adopted by the department.
203 19 ~~b-~~ (2) (a) As provided under the federal Breast and
203 20 Cervical Cancer Prevention and Treatment Act of 2000, Pub. L.
203 21 No. 106=354, women who meet all of the following criteria:
203 22 ~~(1)~~ (i) Are not described in 42 U.S.C. }
203 23 1396a(a)(10)(A)(i).
203 24 ~~(2)~~ (ii) Have not attained age sixty=five.
203 25 ~~(3)~~ (iii) Have been screened for breast and cervical
203 26 cancer under the United States centers for disease control and
203 27 prevention breast and cervical cancer early detection program
203 28 established under 42 U.S.C. } 300k et seq., in accordance with
203 29 the requirements of 42 U.S.C. } 300n, and need treatment for
203 30 breast or cervical cancer. A woman is considered screened for
203 31 breast and cervical cancer under this subparagraph subdivision
203 32 if the woman is screened by any provider or entity, and the
203 33 state grantee of the United States centers for disease control
203 34 and prevention funds under Title XV of the federal Public
203 35 Health Services Act has elected to include screening



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204 1 activities by that provider or entity as screening activities
204 2 pursuant to Title XV of the federal Public Health Services
204 3 Act. This screening includes but is not limited to breast or
204 4 cervical cancer screenings or related diagnostic services
204 5 provided by family planning or community health centers and
204 6 breast cancer screenings funded by the Susan G. Komen
204 7 foundation which are provided to women who meet the
204 8 eligibility requirements established by the state grantee of
204 9 the United States centers for disease control and prevention
204 10 funds under Title XV of the federal Public Health Services
204 11 Act.

204 12 ~~(4)~~ (iv) Are not otherwise covered under creditable
204 13 coverage as defined in 42 U.S.C. } 300gg(c).

204 14 (b) A woman who meets the criteria of this ~~paragraph~~
204 15 subparagraph (2) shall be presumptively eligible for medical
204 16 assistance.

204 17 ~~e-~~ (3) Individuals who are receiving care in a hospital
204 18 or in a basic nursing home, intermediate nursing home, skilled
204 19 nursing home or extended care facility, as defined by section
204 20 135C.1, and who meet all eligibility requirements for federal
204 21 supplemental security income except that their income exceeds
204 22 the allowable maximum therefor, but whose income is not in
204 23 excess of the maximum established by subsection 4 for
204 24 eligibility for medical assistance and is insufficient to meet
204 25 the full cost of their care in the hospital or health care
204 26 facility on the basis of standards established by the
204 27 department.

204 28 ~~d-~~ (4) Individuals under twenty-one years of age living
204 29 in a licensed foster home, or in a private home pursuant to a
204 30 subsidized adoption arrangement, for whom the department
204 31 accepts financial responsibility in whole or in part and who
204 32 are not eligible under subsection 1.

204 33 ~~e-~~ (5) Individuals who are receiving care in an
204 34 institution for mental diseases, and who are under twenty-one
204 35 years of age and whose income and resources are such that they



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205 1 are eligible for the family investment program, or who are
205 2 sixty=five years of age or older and who meet the conditions
205 3 for eligibility in paragraph "a" ~~of this subsection,~~
205 4 subparagraph (1).

205 5 ~~f.~~ (6) Individuals and families whose incomes and
205 6 resources are such that they are eligible for federal
205 7 supplemental security income or the family investment program,
205 8 but who are not actually receiving such public assistance.

205 9 ~~g.~~ (7) Individuals who are receiving state supplementary
205 10 assistance as defined by section 249.1 or other persons whose
205 11 needs are considered in computing the recipient's assistance
205 12 grant.

205 13 ~~h.~~ (8) Individuals under twenty=one years of age who
205 14 qualify on a financial basis for, but who are otherwise
205 15 ineligible to receive assistance under the family investment
205 16 program.

205 17 ~~i.~~ (9) As allowed under 42 U.S.C. }
205 18 1396a(a)(10)(A)(ii)(XVII), individuals under twenty=one years
205 19 of age who were in foster care under the responsibility of the
205 20 state on the individual's eighteenth birthday, and whose
205 21 income is less than two hundred percent of the most recently
205 22 revised official poverty guidelines published by the United
205 23 States department of health and human services. Medical
205 24 assistance may be provided for an individual described by this
205 25 ~~paragraph~~ subparagraph regardless of the individual's
205 26 resources.

205 27 ~~j.~~ (10) Women eligible for family planning services under
205 28 a federally approved demonstration waiver.

205 29 ~~k.~~ (11) Individuals and families who would be eligible
205 30 under subsection 1 or ~~2 of this section~~ this subsection except
205 31 for excess income or resources, or a reasonable category of
205 32 those individuals and families.

205 33 ~~l.~~ (12) Individuals who have attained the age of
205 34 twenty=one but have not yet attained the age of sixty=five who
205 35 qualify on a financial basis for, but who are otherwise



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206 1 ineligible to receive, federal supplemental security income or
206 2 assistance under the family investment program.

206 3 b. Notwithstanding the provisions of this subsection
206 4 establishing priorities for individuals and families to
206 5 receive medical assistance, the department may determine
206 6 within the priorities listed in this subsection which persons
206 7 shall receive medical assistance based on income levels
206 8 established by the department, subject to the limitations
206 9 provided in subsection 4.

206 10 4. Discretionary medical assistance, within the limits of
206 11 available funds and in accordance with section 249A.4,
206 12 subsection 1, may be provided to or on behalf of those
206 13 individuals and families described in subsection 2, paragraph
206 14 ~~"k"~~ "a", subparagraph (11), of this section.

206 15 5A. In determining eligibility for children under
206 16 subsection 1, paragraphs "b", "f", "g", "j", "k", "n", and
206 17 "s"; subsection 2, ~~paragraphs "e", "e", "f", "h",~~ paragraph
206 18 "a", subparagraphs (3), (5), (6), (8), and ~~"k"~~ (11); and
206 19 subsection 5, paragraph "b", all resources of the family,
206 20 other than monthly income, shall be disregarded.

206 21 5B. In determining eligibility for adults under subsection
206 22 1, paragraphs "b", "e", "h", "j", "k", "n", "s", and "t";
206 23 subsection 2, ~~paragraphs "d", "e", "h", "k",~~ paragraph "a",
206 24 ~~subparagraphs (4), (5), (8), (11), and "l" (12);~~ and
206 25 subsection 5, paragraph "b", one motor vehicle per household
206 26 shall be disregarded.

206 27 14. Once initial eligibility for the family medical
206 28 assistance program-related medical assistance is determined
206 29 for a child described under subsection 1, paragraph "b", "f",
206 30 "g", "j", "k", "l", or "n" or under subsection 2, paragraph
206 31 ~~"e", "f", or "h",~~ "a", subparagraph (5), (6), or (8), the
206 32 department shall provide continuous eligibility for a period
206 33 of up to twelve months, until the child's next annual review
206 34 of eligibility under the medical assistance program, if the
206 35 child would otherwise be determined ineligible due to excess



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207 1 countable income but otherwise remains eligible.

207 2 Sec. 243. Section 249A.4, subsection 7, Code 2009, is
207 3 amended to read as follows:

207 4 7. Shall provide for the professional freedom of those
207 5 licensed practitioners who determine the need for or provide
207 6 medical care and services, and shall provide freedom of choice
207 7 to recipients to select the provider of care and services,
207 8 except when the recipient is eligible for participation in a
207 9 health maintenance organization or prepaid health plan which
207 10 limits provider selection and which is approved by the
207 11 department.

207 12 a. However, this shall not limit the freedom of choice to
207 13 recipients to select providers in instances where such
207 14 provider services are eligible for reimbursement under the
207 15 medical assistance program but are not provided under the
207 16 health maintenance organization or under the prepaid health
207 17 plan, or where the recipient has an already established
207 18 program of specialized medical care with a particular
207 19 provider. The department may also restrict the recipient's
207 20 selection of providers to control the individual recipient's
207 21 overuse of care and services, provided the department can
207 22 document this overuse. The department shall promulgate rules
207 23 for determining the overuse of services, including rights of
207 24 appeal by the recipient.

207 25 b. Advanced registered nurse practitioners licensed
207 26 pursuant to chapter 152 shall be regarded as approved
207 27 providers of health care services, including primary care, for
207 28 purposes of managed care or prepaid services contracts under
207 29 the medical assistance program. This paragraph shall not be
207 30 construed to expand the scope of practice of an advanced
207 31 registered nurse practitioner pursuant to chapter 152.

207 32 Sec. 244. Section 249A.6, subsection 3, paragraph c, Code
207 33 2009, is amended to read as follows:

207 34 c. An attorney representing an applicant for or recipient
207 35 of assistance on a claim upon which the department has a lien



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208 1 under this section shall notify the department of the claim of
208 2 which the attorney has actual knowledge, prior to filing a
208 3 claim, commencing an action or negotiating a settlement offer.

208 4 (1) Actual knowledge under this section shall include the
208 5 notice to the attorney pursuant to subsection 2.

208 6 (2) The mailing and deposit in a United States post office
208 7 or public mailing box of the notice, addressed to the
208 8 department at its state or district office location, is
208 9 adequate legal notice of the claim.

208 10 Sec. 245. Section 252J.8, subsection 4, Code 2009, is
208 11 amended to read as follows:

208 12 4. a. A licensing authority that is issued a certificate
208 13 of noncompliance shall initiate procedures for the suspension,
208 14 revocation, or denial of issuance or renewal of licensure to
208 15 an individual. The licensing authority shall utilize existing
208 16 rules and procedures for suspension, revocation, or denial of
208 17 the issuance or renewal of a license.

208 18 b. In addition, the licensing authority shall provide
208 19 notice to the individual of the licensing authority's intent
208 20 to suspend, revoke, or deny issuance or renewal of a license
208 21 under this chapter. The suspension, revocation, or denial
208 22 shall be effective no sooner than thirty days following
208 23 provision of notice to the individual.

208 24 c. The notice shall state all of the following:

208 25 ~~a.~~ (1) The licensing authority intends to suspend,
208 26 revoke, or deny issuance or renewal of an individual's license
208 27 due to the receipt of a certificate of noncompliance from the
208 28 unit.

208 29 ~~b.~~ (2) The individual must contact the unit to schedule a
208 30 conference or to otherwise obtain a withdrawal of a
208 31 certificate of noncompliance.

208 32 ~~c.~~ (3) Unless the unit furnishes a withdrawal of a
208 33 certificate of noncompliance to the licensing authority within
208 34 thirty days of the issuance of the notice under this section,
208 35 the individual's license will be revoked, suspended, or



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209 1 denied.

209 2 ~~d.~~ (4) If the licensing authority's rules and procedures
209 3 conflict with the additional requirements of this section, the
209 4 requirements of this section shall apply.

209 5 (5) Notwithstanding section 17A.18, the individual does
209 6 not have a right to a hearing before the licensing authority
209 7 to contest the authority's actions under this chapter but may
209 8 request a court hearing pursuant to section 252J.9 within
209 9 thirty days of the provision of notice under this ~~section~~
209 10 subsection.

209 11 Sec. 246. Section 252J.9, Code 2009, is amended to read as
209 12 follows:

209 13 252J.9 DISTRICT COURT HEARING.

209 14 1. Following the issuance of a written decision by the
209 15 unit under section 252J.6 which includes the issuance of a
209 16 certificate of noncompliance, or following provision of notice
209 17 to the individual by a licensing authority pursuant to section
209 18 252J.8, an individual may seek review of the decision and
209 19 request a hearing before the district court as follows:

209 20 a. If the action is a result of section 252J.2, subsection
209 21 2, paragraph "a", in the county in which the underlying
209 22 support order is filed, by filing an application with the
209 23 district court, and sending a copy of the application to the
209 24 unit by regular mail.

209 25 b. If the action is a result of section 252J.2, subsection
209 26 2, paragraph "b", and the individual is not an obligor, in a
209 27 county in which the dependent child or children reside if the
209 28 child or children reside in Iowa; in the county in which the
209 29 dependent child or children last received public assistance if
209 30 the child or children received public assistance in Iowa; or
209 31 in the county in which the individual resides if the action is
209 32 the result of a request from a child support agency in a
209 33 foreign jurisdiction.

209 34 2. An application shall be filed to seek review of the
209 35 decision by the unit or following issuance of notice by the



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210 1 licensing authority no later than within thirty days after the
210 2 issuance of the notice pursuant to section 252J.8. The clerk
210 3 of the district court shall schedule a hearing and mail a copy
210 4 of the order scheduling the hearing to the individual and the
210 5 unit and shall also mail a copy of the order to the licensing
210 6 authority, if applicable. The unit shall certify a copy of
210 7 its written decision and certificate of noncompliance,
210 8 indicating the date of issuance, and the licensing authority
210 9 shall certify a copy of a notice issued pursuant to section
210 10 252J.8, to the court prior to the hearing.

210 11 ~~2.~~ 3. The filing of an application pursuant to this
210 12 section shall automatically stay the actions of a licensing
210 13 authority pursuant to section 252J.8. The hearing on the
210 14 application shall be scheduled and held within thirty days of
210 15 the filing of the application. However, if the individual
210 16 fails to appear at the scheduled hearing, the stay shall be
210 17 lifted and the licensing authority shall continue procedures
210 18 pursuant to section 252J.8.

210 19 ~~3.~~ 4. The scope of review by the district court shall be
210 20 limited to demonstration of a mistake of fact relating to the
210 21 delinquency of the obligor or the noncompliance of the
210 22 individual with a subpoena or warrant. Issues related to
210 23 visitation, custody, or other provisions not related to the
210 24 support provisions of a support order are not grounds for a
210 25 hearing under this chapter.

210 26 ~~4.~~ 5. Support orders shall not be modified by the court
210 27 in a hearing under this chapter.

210 28 ~~5.~~ 6. If the court finds that the unit was in error in
210 29 issuing a certificate of noncompliance, or in failing to issue
210 30 a withdrawal of a certificate of noncompliance, the unit shall
210 31 issue a withdrawal of a certificate of noncompliance to the
210 32 appropriate licensing authority.

210 33 Sec. 247. Section 257.11, subsection 4, paragraph b, Code
210 34 2009, is amended to read as follows:

210 35 b. Notwithstanding paragraph "a", a school district which



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211 1 received supplementary weighting for an alternative high
211 2 school program for the school budget year beginning July 1,
211 3 1999, shall receive an amount of supplementary weighting for
211 4 the next three school budget years as follows:
211 5 (1) For the budget year beginning July 1, 2000, the
211 6 greater of the amount of supplementary weighting determined
211 7 pursuant to paragraph "a", or sixty-five percent of the amount
211 8 received for the budget year beginning July 1, 1999.
211 9 (2) For the budget year beginning July 1, 2001, the
211 10 greater of the amount of supplementary weighting determined
211 11 pursuant to paragraph "a", or forty percent of the amount
211 12 received for the budget year beginning July 1, 1999.
211 13 (3) For the budget year beginning July 1, 2002, and
211 14 succeeding budget years, the amount of supplementary weighting
211 15 determined pursuant to paragraph "a".
211 16 c. If a school district receives an amount pursuant to
211 17 ~~this~~ paragraph "b" which exceeds the amount the district would
211 18 otherwise have received pursuant to paragraph "a", the
211 19 department of management shall annually determine the amount
211 20 of the excess that would have been state aid and the amount
211 21 that would have been property tax if the school district had
211 22 generated that amount pursuant to paragraph "a", and shall
211 23 include the amounts in the state aid payments and property tax
211 24 levies of school districts. The department of management
211 25 shall recalculate the supplementary weighting amount received
211 26 each year to reflect the amount of the reduction in funding
211 27 from one budget year to the next pursuant to paragraph "b",
211 28 subparagraphs (1) through (3). It is the intent of the
211 29 general assembly that when weights are recalculated under this
211 30 subsection, the total amounts generated by each weight shall
211 31 be approximately equal.
211 32 Sec. 248. Section 275.41, subsection 5, Code 2009, is
211 33 amended to read as follows:
211 34 5. The board of the newly formed district shall appoint an
211 35 acting superintendent and an acting board secretary. The



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212 1 appointment of the acting superintendent shall not be subject
212 2 to the continuing contract provision of sections 279.20,
212 3 279.23, and 279.24.
212 4 6. Section 49.8, subsection 4, shall not permit a director
212 5 to remain on the board of a school district after the
212 6 effective date of a boundary change which places the
212 7 director's residence outside the boundaries of the district.
212 8 Vacancies so caused on any board shall be filled in the manner
212 9 provided in sections 279.6 and 279.7.
212 10 Sec. 249. Section 280.10, Code 2009, is amended to read as
212 11 follows:
212 12 280.10 EYE=PROTECTIVE DEVICES.
212 13 1. Every student and teacher in any public or nonpublic
212 14 school shall wear industrial quality eye=protective devices at
212 15 all times while participating, and while in a room or other
212 16 enclosed area where others are participating, in any phase or
212 17 activity of a course which may subject the student or teacher
212 18 to the risk or hazard of eye injury from the materials or
212 19 processes used in any of the following courses:
212 20 ~~1-~~ a. Vocational or industrial arts shops or laboratories
212 21 involving experience with any of the following:
212 22 ~~a-~~ (1) Hot molten metals.
212 23 ~~b-~~ (2) Milling, sawing, turning, shaping, cutting,
212 24 grinding or stamping of any solid materials.
212 25 ~~c-~~ (3) Heat treatment, tempering or kiln firing of any
212 26 metal or other materials.
212 27 ~~d-~~ (4) Gas or electric arc welding.
212 28 ~~e-~~ (5) Repair or servicing of any vehicle while in the
212 29 shop.
212 30 ~~f-~~ (6) Caustic or explosive materials.
212 31 ~~2-~~ b. Chemical or combined chemical=physical laboratories
212 32 involving caustic or explosive chemicals or hot liquids or
212 33 solids when risk is involved. Visitors to such shops and
212 34 laboratories shall be furnished with and required to wear the
212 35 necessary safety devices while such programs are in progress.



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213 1 2. It shall be the duty of the teacher or other person
213 2 supervising the students in said courses to see that the above
213 3 requirements are complied with. Any student failing to comply
213 4 with such requirements may be temporarily suspended from
213 5 participation in the course and the registration of a student
213 6 for the course may be canceled for willful, flagrant or
213 7 repeated failure to observe the above requirements.

213 8 3. The board of directors of each local public school
213 9 district and the authorities in charge of each nonpublic
213 10 school shall provide the safety devices required herein. Such
213 11 devices may be paid for from the general fund, but the board
213 12 may require students and teachers to pay for the safety
213 13 devices and shall make them available to students and teachers
213 14 at no more than the actual cost to the district or school.

213 15 4. "Industrial quality eye-protective devices", as used in
213 16 this section, means devices meeting American ~~National~~
213 17 ~~Standard, Practice national standard, practice for~~
213 18 ~~Occupational occupational and Educational Eye educational eye~~
213 19 ~~and Face Protection face protection~~ promulgated by the
213 20 American ~~National Standards Institute, Inc~~ national standards
213 21 institute, inc.

213 22 Sec. 250. Section 321.40, subsection 7, Code 2009, is
213 23 amended to read as follows:

213 24 7. The county treasurer shall refuse to renew the
213 25 registration of a vehicle registered to an applicant if the
213 26 county treasurer knows that the applicant has one or more
213 27 uncontested, delinquent parking tickets issued pursuant to
213 28 section 321.236, subsection 1, paragraph ~~"a"~~ "b", subparagraph
213 29 (1), owing to the county, or owing to a city with which the
213 30 county has an agreement authorized under section 331.553.
213 31 However, a county treasurer may renew the registration if the
213 32 treasurer determines that an error was made by the county or
213 33 city in identifying the vehicle involved in the parking
213 34 violation or if the citation has been dismissed as against the
213 35 owner of the vehicle pursuant to section 321.484. This



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214 1 subsection does not apply to the transfer of a registration or
214 2 the issuance of a new registration. Notwithstanding section
214 3 28E.10, a county treasurer may utilize the department's
214 4 vehicle registration and titling system to facilitate the
214 5 purposes of this ~~paragraph~~ subsection.

214 6 Sec. 251. Section 321.105A, subsection 2, paragraph c,
214 7 subparagraph (25), Code 2009, is amended to read as follows:

214 8 (25) Vehicles subject to registration under this chapter
214 9 with a gross vehicle weight rating of less than sixteen
214 10 thousand pounds, excluding motorcycles and motorized bicycles,
214 11 when purchased for lease and titled by the lessor licensed
214 12 pursuant to chapter 321F and actually leased for a period of
214 13 twelve months or more if the lease of the vehicle is subject
214 14 to the fee for new registration under subsection 3.

214 15 (a) A lessor may maintain the exemption under this
214 16 subparagraph (25) for a qualifying lease that terminates at
214 17 the conclusion or prior to the contracted expiration date if
214 18 the lessor does not use the vehicle for any purpose other than
214 19 for lease.

214 20 (b) Once the vehicle is used by the lessor for a purpose
214 21 other than for lease, the exemption under this subparagraph
214 22 (25) no longer applies and, unless there is another exemption
214 23 from the fee for new registration, the fee for new
214 24 registration is due on the fair market value of the vehicle
214 25 determined at the time the lessor uses the vehicle for a
214 26 purpose other than for lease, payable to the department.

214 27 (c) If the lessor holds the vehicle exclusively for sale,
214 28 the fee for new registration is due and payable on the
214 29 purchase price of the vehicle at the time of purchase pursuant
214 30 to this subsection.

214 31 Sec. 252. Section 321.236, subsections 1, 12, and 13, Code
214 32 2009, are amended to read as follows:

214 33 1. Regulating the standing or parking of vehicles.

214 34 a. Parking meter, snow route, and overtime parking
214 35 violations which are denied shall be charged and proceed



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215 1 before a court the same as other traffic violations. Filing
215 2 fees and court costs shall be assessed as provided in section
215 3 602.8106, subsection 1 and section 805.6, subsection 1,
215 4 paragraph "a" for parking violation cases.

215 5 b. Parking violations which are admitted:

215 6 ~~a.~~ (1) May be charged and collected upon a simple notice
215 7 of a fine payable to the city clerk, if authorized by
215 8 ordinance. The fine for each violation charged under a simple
215 9 notice of a fine shall be established by ordinance. The fine
215 10 may be increased by five dollars if the parking violation is
215 11 not paid within thirty days of the date upon which the
215 12 violation occurred, if authorized by ordinance. Violations of
215 13 section 321L.4, subsection 2, may be charged and collected
215 14 upon a simple notice of a one hundred dollar fine payable to
215 15 the city clerk, if authorized by ordinance. No costs or other
215 16 charges shall be assessed. All fines collected by a city
215 17 pursuant to this paragraph shall be retained by the city and
215 18 all fines collected by a county pursuant to this paragraph
215 19 shall be retained by the county, except as provided by an
215 20 agreement between a city and a county treasurer for the
215 21 collection of fines pursuant to section 331.553, subsection 8.

215 22 ~~b.~~ (2) Notwithstanding any such ordinance, may be
215 23 prosecuted under the provisions of sections 805.7 to 805.13 or
215 24 as any other traffic violation.

215 25 c. (1) If the local authority regulating the standing or
215 26 parking of vehicles under this subsection is located in a
215 27 county where the renewal of registration of a vehicle shall be
215 28 refused for unpaid restitution under section 321.40, the
215 29 simple notice of fine under paragraph ~~"a"~~ "b" shall contain
215 30 the following statement:

215 31 "FAILURE TO PAY RESTITUTION OWED BY YOU CAN BE GROUNDS FOR
215 32 REFUSING TO RENEW YOUR MOTOR VEHICLE'S REGISTRATION."

215 33 (2) This paragraph "c" does not invalidate forms for
215 34 notice of parking violations in existence prior to July 1,
215 35 1980. Existing forms may be used until supplies are



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216 1 exhausted.

216 2 d. (1) If the local authority regulating the standing or
216 3 parking of vehicles under this subsection is a county or is a
216 4 city which has an agreement with a county treasurer by which
216 5 the renewal of registration of a vehicle shall be refused for
216 6 uncontested and unpaid parking fines under section 321.40, the
216 7 simple notice of a fine under paragraph "a" "b" shall contain
216 8 the following statement:

216 9 "FAILURE TO PAY PARKING FINES OWED BY YOU CAN BE GROUNDS
216 10 FOR REFUSING TO RENEW YOUR MOTOR VEHICLE'S REGISTRATION."

216 11 (2) This paragraph "d" does not invalidate forms for
216 12 notice of parking violations in existence prior to July 1,
216 13 2007. Existing forms may be used until supplies are
216 14 exhausted.

216 15 e. Cities that enter into chapter 28E agreements for the
216 16 collection of delinquent parking fines in conjunction with
216 17 renewal of motor vehicle registrations pursuant to section
216 18 321.40 shall be responsible for computer programming costs
216 19 incurred by the department to accommodate the collection and
216 20 dissemination of delinquent parking ticket information to
216 21 county treasurers, with each such city paying a per capita
216 22 share of the costs as provided in this paragraph. The
216 23 department's programming costs shall be paid by the first city
216 24 to enter into such an agreement. Thereafter, cities that
216 25 enter into such agreements on or before June 30, 2010, shall
216 26 pay a pro rata share of the department's programming costs on
216 27 or before September 30, 2010, to the city which first paid the
216 28 costs, based on the respective populations of each city as of
216 29 the last decennial census.

216 30 12. Designating highways or portions of highways as snow
216 31 routes.

216 32 a. When conditions of snow or ice exist on the traffic
216 33 surface of a designated snow route, it is unlawful for the
216 34 driver of a vehicle to impede or block traffic if the driving
216 35 wheels of the vehicle are not equipped with snow tires, tire



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217 1 chains, or a nonslip differential.
217 2 b. A person charged with impeding or blocking traffic for
217 3 lack of snow tires, chains, or nonslip differential shall have
217 4 the charge dismissed upon a showing to the court that the
217 5 person's motor vehicle was equipped with snow tires, chains,
217 6 or a nonslip differential.
217 7 13. Establishing a rural residence district.
217 8 a. The board of supervisors of a county with respect to
217 9 highways under its jurisdiction may establish, by ordinance or
217 10 resolution, rural residence districts and may, by ordinance or
217 11 resolution, regulate the speed and parking of vehicles within
217 12 the rural residence district consistent with sections 321.239,
217 13 321.285, and 321.293.
217 14 b. Before establishing a rural residence district, the
217 15 board of supervisors shall hold a public hearing on the
217 16 proposal, notice of which shall be published in a newspaper
217 17 having a general circulation in the area where the proposed
217 18 district is located at least twenty days before the date of
217 19 hearing. The notice shall state the time and place of the
217 20 hearing, the proposed location of the district, and other data
217 21 considered pertinent by the board of supervisors.
217 22 Sec. 253. Section 423.4, subsection 6, paragraph a, Code
217 23 2009, is amended to read as follows:
217 24 a. (1) The owner of a collaborative educational facility
217 25 in this state may make application to the department for the
217 26 refund of the sales or use tax upon the sales price of all
217 27 sales of goods, wares, or merchandise, or from services
217 28 furnished to a contractor, used in the fulfillment of a
217 29 written construction contract with the owner of the
217 30 collaborative educational facility for the original
217 31 construction, or additions or modifications to, a building or
217 32 structure to be used as part of the collaborative educational
217 33 facility.
217 34 (2) To receive the refund under this subsection, a
217 35 collaborative educational facility must meet all of the



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218 1 following criteria:

218 2 ~~(1)~~ (a) The contract for construction of the building or
218 3 structure is entered into on or after April 1, 2003.

218 4 ~~(2)~~ (b) The building or structure is located within the
218 5 corporate limits of a city in the state with a population in
218 6 excess of one hundred ninety-five thousand residents.

218 7 ~~(3)~~ (c) The sole purpose of the building or structure is
218 8 to provide facilities for a collaborative of public and
218 9 private educational institutions that provide education to
218 10 students.

218 11 ~~(4)~~ (d) The owner of the building or structure is a
218 12 nonprofit corporation governed by chapter 504 or former
218 13 chapter 504A which is exempt from federal income tax pursuant
218 14 to section 501(a) of the Internal Revenue Code.

218 15 (3) References to "building" or "structure" in
218 16 ~~subparagraphs (1) subparagraph (2), subparagraph divisions (a)~~
218 17 through ~~(4)~~ (d) include any additions or modifications to the
218 18 building or structure.

218 19 Sec. 254. Section 425A.4, subsection 4, Code 2009, is
218 20 amended to read as follows:

218 21 4. The assessor shall retain a permanent file of current
218 22 family farm credit claims filed in the assessor's office.

218 23 5. The county recorder shall give notice to the assessor
218 24 of each transfer of title filed in the recorder's office. The
218 25 notice shall describe the tract of agricultural land
218 26 transferred, the name of the person transferring the title to
218 27 the tract, and the name of the person to whom title to the
218 28 tract has been transferred.

218 29 Sec. 255. Section 427B.2, subsection 3, Code 2009, is
218 30 amended to read as follows:

218 31 3. The board of supervisors of a county which has not
218 32 appointed a zoning commission may provide for a partial
218 33 exemption from property taxation of the actual value added to
218 34 industrial real estate as provided under section 427B.1 in an
218 35 area where the partial exemption could not otherwise be



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219 1 granted under this chapter where the actual value added is to
219 2 industrial real estate existing on July 1, 1979.

219 3 4. To grant an exemption under the provisions of this
219 4 section, the county board of supervisors shall comply with all
219 5 of the requirements imposed by this chapter upon the city
219 6 council of a city.

219 7 Sec. 256. Section 445.36A, subsection 2, Code 2009, is
219 8 amended to read as follows:

219 9 2. Partial payment of taxes which are delinquent may be
219 10 made to the county treasurer. For the installment being paid,
219 11 payment shall first be applied to any interest, fees, and
219 12 costs accrued and the remainder applied to the taxes due. A
219 13 partial payment must equal or exceed the amount of interest,
219 14 fees, and costs of the installment being paid. A partial
219 15 payment made under this subsection shall be apportioned in
219 16 accordance with section 445.57. If the payment does not
219 17 include the whole of any installment of the delinquent tax,
219 18 the unpaid tax shall continue to accrue interest pursuant to
219 19 section 445.39. Partial payment shall not be permitted in
219 20 lieu of redemption if the property has been sold for taxes
219 21 under chapter 446 and under any circumstances shall not
219 22 constitute an extension of the time period for a sale under
219 23 chapter 446.

219 24 3. Current year taxes may be paid at any time regardless
219 25 of any outstanding prior year delinquent tax.

219 26 4. This section does not apply to the payment of
219 27 manufactured or mobile home taxes, special assessments, or
219 28 rates or charges.

219 29 Sec. 257. Section 450.68, Code 2009, is amended to read as
219 30 follows:

219 31 450.68 INFORMATION CONFIDENTIAL.

219 32 1. a. Any and all information acquired by the department
219 33 of revenue under and by virtue of the means and methods
219 34 provided for by sections 450.66 and 450.67 shall be deemed and
219 35 held as confidential and shall not be disclosed by the



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220 1 department except so far as the same may be necessary for the
220 2 enforcement and collection of the inheritance tax provided for
220 3 by the laws of this state; provided, however, that the
220 4 director of revenue may authorize the examination of the
220 5 information by other state officers, or, if a reciprocal
220 6 arrangement exists, by tax officers of another state or of the
220 7 federal government.

220 8 b. Federal tax returns, copies of returns, return
220 9 information as defined in section 6103(b) of the Internal
220 10 Revenue Code, and state inheritance tax returns, which are
220 11 required to be filed with the department for the enforcement
220 12 of the inheritance tax laws of this state, shall be deemed and
220 13 held as confidential by the department. However, such returns
220 14 or return information, may be disclosed by the director to
220 15 officers or employees of other state agencies, subject to the
220 16 same confidentiality restrictions imposed on the officers and
220 17 employees of the department.

220 18 2. It shall be unlawful for any present or former officer
220 19 or employee of the state to disclose, except as provided by
220 20 law, any return, return information or any other information
220 21 deemed and held confidential under the provisions of this
220 22 section. Any person violating the provisions of this section
220 23 shall be guilty of a serious misdemeanor.

220 24 Sec. 258. Section 554.2504, Code 2009, is amended to read
220 25 as follows:

220 26 554.2504 SHIPMENT BY SELLER.

220 27 Where the seller is required or authorized to send the
220 28 goods to the buyer and the contract does not require the
220 29 seller to deliver them at a particular destination, then
220 30 unless otherwise agreed the seller must:

220 31 ~~a.~~ 1. ~~put~~ Put the goods in the possession of such a
220 32 carrier and make such a contract for their transportation as
220 33 may be reasonable having regard to the nature of the goods and
220 34 other circumstances of the case; and

220 35 ~~b.~~ 2. ~~obtain~~ Obtain and promptly deliver or tender in due



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221 1 form any document necessary to enable the buyer to obtain
221 2 possession of the goods or otherwise required by the agreement
221 3 or by usage of trade; and
221 4 ~~e. 3. promptly~~ Promptly notify the buyer of the shipment.
221 5 Failure to notify the buyer under ~~paragraph "e"~~ this
221 6 subsection or to make a proper contract under ~~paragraph "a"~~
221 7 subsection 1 is a ground for rejection only if material delay
221 8 or loss ensues.
221 9 Sec. 259. Section 554.2615, Code 2009, is amended to read
221 10 as follows:
221 11 554.2615 EXCUSE BY FAILURE OF PRESUPPOSED CONDITIONS.
221 12 Except so far as a seller may have assumed a greater
221 13 obligation and subject to section 554.2614 on substituted
221 14 performance:
221 15 ~~a. 1.~~ 1. Delay in delivery or nondelivery in whole or in
221 16 part by a seller who complies with ~~paragraphs "b"~~ subsections
221 17 2 and "e" 3, is not a breach of the seller's duty under a
221 18 contract for sale if performance as agreed has been made
221 19 impracticable by the occurrence of a contingency the
221 20 nonoccurrence of which was a basic assumption on which the
221 21 contract was made or by compliance in good faith with any
221 22 applicable foreign or domestic governmental regulation or
221 23 order whether or not it later proves to be invalid.
221 24 ~~b. 2.~~ 2. Where the causes mentioned in ~~paragraph "a"~~
221 25 subsection 1 affect only a part of the seller's capacity to
221 26 perform, the seller must allocate production and deliveries
221 27 among the seller's customers but may at the seller's option
221 28 include regular customers not then under contract as well as
221 29 the seller's own requirements for further manufacture. The
221 30 seller may so allocate in any manner which is fair and
221 31 reasonable.
221 32 ~~e. 3.~~ 3. The seller must notify the buyer seasonably that
221 33 there will be delay or nondelivery and, when allocation is
221 34 required under ~~paragraph "b"~~ subsection 2, of the estimated
221 35 quota thus made available for the buyer.



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222 1 Sec. 260. Section 716.6, Code 2009, is amended to read as
222 2 follows:
222 3 716.6 CRIMINAL MISCHIEF IN THE FOURTH AND FIFTH DEGREES.
222 4 1. Criminal mischief is criminal mischief in the fourth
222 5 degree if the cost of replacing, repairing, or restoring the
222 6 property so damaged, defaced, altered, or destroyed exceeds
222 7 two hundred dollars, but does not exceed five hundred dollars.
222 8 Criminal mischief in the fourth degree is a serious
222 9 misdemeanor.
222 10 2. All criminal mischief which is not criminal mischief in
222 11 the first degree, second degree, third degree, or fourth
222 12 degree is criminal mischief in the fifth degree. Criminal
222 13 mischief in the fifth degree is a simple misdemeanor.
222 14 Sec. 261. Section 805.8A, subsection 1, paragraph a, Code
222 15 2009, is amended to read as follows:
222 16 a. For parking violations under sections 321.236, 321.239,
222 17 321.358, 321.360, and 321.361, the scheduled fine is five
222 18 dollars, except if the local authority has established the
222 19 fine by ordinance pursuant to section 321.236, subsection 1.
222 20 The scheduled fine for a parking violation pursuant to section
222 21 321.236 increases by five dollars, as authorized by ordinance
222 22 pursuant to section 321.236, subsection 1, if the parking
222 23 violation is not paid within thirty days of the date upon
222 24 which the violation occurred. For purposes of calculating the
222 25 unsecured appearance bond required under section 805.6, the
222 26 scheduled fine shall be five dollars, or if the amount of the
222 27 fine is greater than five dollars, the unsecured appearance
222 28 bond shall be the amount of the fine established by the local
222 29 authority pursuant to section 321.236, subsection 1. However,
222 30 violations charged by a city or county upon simple notice of a
222 31 fine instead of a uniform citation and complaint as permitted
222 32 by section 321.236, subsection 1, paragraph "a" "b",
222 33 subparagraph (1), are not scheduled violations, and this
222 34 section shall not apply to any offense charged in that manner.
222 35 For a parking violation under section 321.362 or 461A.38, the



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223 1 scheduled fine is ten dollars.

223 2 Sec. 262. Section 907.3A, subsection 1, Code 2009, is
223 3 amended to read as follows:

223 4 1. Notwithstanding section 907.3 but subject to any
223 5 conditions of the waiver order, the trial court shall, upon a
223 6 plea of guilty or a verdict of guilty, defer sentence of a
223 7 youthful offender over whom the juvenile court has waived
223 8 jurisdiction pursuant to section 232.45, subsection 7, and
223 9 place the juvenile on youthful offender status. The court
223 10 shall transfer supervision of the youthful offender to the
223 11 juvenile court for disposition in accordance with section
223 12 232.52. The court shall require supervision of the youthful
223 13 offender in accordance with section 232.54, subsection § 1,
223 14 paragraph "h", or subsection 2 of this section.

223 15 Notwithstanding section 901.2, a presentence investigation
223 16 shall not be ordered by the court subsequent to an entry of a
223 17 plea of guilty or verdict of guilty or prior to deferral of
223 18 sentence of a youthful offender under this section.

223 19 Sec. 263. CODE EDITOR DIRECTIVES.

223 20 1. The Code editor is directed to renumber sections
223 21 554.2308, 554.2310, 554.2317, 554.2324, 554.2515, 554.2601,
223 22 554.2610, 554.2613, 554.2722, 554.4407, and 554.4503, Code
223 23 2009, in accordance with established Code section hierarchy
223 24 and correct internal references in the Code and in any enacted
223 25 Iowa Acts as necessary.

223 26 2. The Code editor is directed to number or renumber to
223 27 eliminate unnumbered paragraphs in sections 85B.5, 123.107,
223 28 124.203, 126.15, 135B.11, 137F.7, 138.12, 147A.8, 152B.3,
223 29 154A.12, 160.5, 172A.11, 174.12, 182.15, 183A.5, 184.4, 189.9,
223 30 189A.3, 190.3, 199.7, 215A.6, 218.95, 222.43, 225C.37, 226.7,
223 31 229.25, 231.14, 236.3, 241.2, 252H.2, 280.9, 358.20, and
223 32 441.19, Code 2009, and correct internal references in the Code
223 33 and in any enacted Iowa Acts as necessary.

223 34 3. The Code editor is directed to number or renumber to
223 35 eliminate unnumbered paragraphs within the following subunits



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224 1 in sections 85.38, subsection 2; 123.30, subsection 3; 123.53,
224 2 subsection 2; 125.13, subsection 1; 125.80, subsection 1;
224 3 126.18, subsection 2; 135C.19, subsection 2; 135C.23,
224 4 subsection 2; 135C.30, subsection 4; 139A.8, subsection 4;
224 5 142A.4, subsection 9; 148C.4, subsection 2; 153.33, subsection
224 6 1; 164.30, subsection 2; 166D.9, subsection 3; 175.36,
224 7 subsection 1; 200.3, subsection 13; 200.8, subsection 1;
224 8 200.10, subsection 2; 200A.6, subsection 2; 203.19, subsection
224 9 2; 203C.12A, subsection 9; 206.19, subsection 5; 206.31,
224 10 subsection 2; 207.12, subsection 1; 207.13, subsection 1;
224 11 214A.2, subsection 2; 216.17, subsection 1; 222.73, subsection
224 12 2; 226.1, subsection 2; 228.2, subsection 2; 228.5, subsection
224 13 2; 228.7, subsection 2; 229.2, subsection 1; 231C.17,
224 14 subsection 4; 232.8, subsection 3; 232.21, subsection 2;
224 15 232.45, subsections 7, 11, and 14; 232.98, subsection 1;
224 16 232.102, subsection 1; 232.147, subsection 6; 234.1,
224 17 subsection 2; 235A.1, subsection 1; 236.2, subsection 2;
224 18 237.20, subsections 1 and 4; 239B.2, subsection 3; 252.16,
224 19 subsection 4; 252E.5, subsection 6; 252F.3, subsection 3;
224 20 252G.4, subsection 1; 256.44, subsection 1, paragraph "b";
224 21 260C.22, subsections 3 and 4; 261A.7, subsection 4; 272C.3,
224 22 subsection 4; 273.10, subsections 3 and 6; 275.25, subsections
224 23 1 and 2; and 424.3, subsection 1; Code 2009, and correct
224 24 internal references in the Code and in any enacted Iowa Acts
224 25 as necessary.
224 26 4. The Code editor is directed to strike the words
224 27 "subparagraph subdivision" or "subparagraph subdivisions" and
224 28 insert the words "subparagraph division" or "subparagraph
224 29 divisions", as appropriate, in sections 7K.1, 8.41, 12C.16,
224 30 15A.9, 15E.208, 15E.209, 15G.203, 16.100, 34A.7A, 96.19,
224 31 97B.1A, 97B.8B, 97B.80C, 100B.31, 124.401, 135.11, 142C.3,
224 32 154C.3, 216.8A, 232.22, 235B.3, 235E.2, 249H.7, 257.31,
224 33 260C.18C, 321.105A, 331.441, 422.5, 427.1, 455B.474, 455E.11,
224 34 455F.8A, 455G.1, 455J.7, 457B.1, 490.1110, 501.412, 502A.4,
224 35 505A.1, 518.14, 518A.12, 523A.901, 523H.6, 602.8107, and



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House Study Bill 240 continued

225 1 692B.2, Code 2009.

225 2 DIVISION III

225 3 EFFECTIVE DATES

225 4 Sec. 264. EFFECTIVE DATES == APPLICABILITY.

225 5 1. The section of this Act, amending 2008 Iowa Acts,
225 6 chapter 1088, section 44, being deemed of immediate
225 7 importance, takes effect upon enactment and applies
225 8 retroactively to July 1, 2008.

225 9 2. The section of this Act, adding a new section to 2008
225 10 Iowa Acts, chapter 1088, being deemed of immediate importance,
225 11 takes effect upon enactment and applies retroactively to July
225 12 1, 2008.

225 13 3. The section of this Act, amending 2008 Iowa Acts,
225 14 chapter 1181, section 5, being deemed of immediate importance,
225 15 takes effect upon enactment and applies retroactively to July
225 16 1, 2008.

225 17 4. The section of this Act, amending section 261E.12,
225 18 subsection 1, paragraph "d", as enacted by 2008 Iowa Acts,
225 19 chapter 1181, section 63, being deemed of immediate
225 20 importance, takes effect upon enactment and applies
225 21 retroactively to July 1, 2008.

225 22 5. The section of this Act, amending 2008 Iowa Acts,
225 23 chapter 1187, section 9, being deemed of immediate importance,
225 24 takes effect upon enactment and applies retroactively to July
225 25 1, 2008.

225 26 6. The section of this Act, adding a new section to 2008
225 27 Iowa Acts, chapter 1191, takes effect August 1, 2009.

225 28 EXPLANATION

225 29 This bill makes Code changes and corrections that are
225 30 considered to be nonsubstantive and noncontroversial, in
225 31 addition to style changes. Changes made include updating or
225 32 correcting names of and references to public and private
225 33 entities and funds, correcting internal Code and subject
225 34 matter references, updating internal Code references to
225 35 reflect new changes to Code section hierarchical levels,



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226 1 renumbering and reorganizing various provisions to eliminate
226 2 unnumbered paragraphs and facilitate citation, and making
226 3 various grammatical corrections. The Code sections in which
226 4 the technical, grammatical, and other nonsubstantive changes
226 5 are made include all of the following:

226 6 DIVISION I. Code section 1.1: Adds the word "Iowa" to a
226 7 reference to the Iowa Constitution to facilitate hypertext
226 8 linkage from this Code section to that document.

226 9 Code section 2.32A: Corrects the terminology used to refer
226 10 to the legislative leader responsible for making legislative
226 11 appointments.

226 12 Code section 7C.13: Corrects the use of the official name
226 13 of the office of auditor of state in language relating to
226 14 audits of student loan bond issuers.

226 15 Code section 7E.5: Standardizes references to the
226 16 divisions within the department of human rights in accordance
226 17 with department preferences.

226 18 Code section 8.6: Standardizes the style within the Code
226 19 section governing the department of management director's
226 20 duties.

226 21 Code sections 8.11(2)(b), 15.102(7)(b)(3), 15.247(8)(b)(2),
226 22 260C.29(6), 261.102(5), and 314.14(1)(c)(1): Changes
226 23 terminology used to refer to Americans of African descent to
226 24 the standard term used elsewhere in the Code.

226 25 Code section 9D.3: Makes a grammatical change in language
226 26 relating to the filing of professional liability insurance by
226 27 travel agencies and agents.

226 28 Code section 9G.7: Updates language used to describe the
226 29 duty of the land office, within the office of the secretary of
226 30 state, to correct clerical errors in certain land records.

226 31 Code sections 9H.4, 459.312, 508.36, 508C.8, and 515.35:
226 32 Changes internal references from "subparagraph subdivision" to
226 33 "subparagraph division" and from "subparagraph subdivision
226 34 part" to "subparagraph subdivision" to reflect the change in
226 35 terminology used to refer to the two Code section units that



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227 1 are below the subparagraph level.
227 2 Code section 12A.7: Matches the style of two provisions to
227 3 the style used in other language describing the permissible
227 4 contents of authorizing documents for state-issued bonds.
227 5 Code sections 15.316 and 15.317: Changes the word
227 6 "program" to "part" in Code section 15.316 to reflect the
227 7 "purposes" language of Code section 15.317, and adds into Code
227 8 section 15.317 the name of the community economic betterment
227 9 program which is established in that Code section.
227 10 Code section 15.339: Adds the official name to the
227 11 entrepreneurial ventures assistance program's enabling
227 12 language.
227 13 Code section 15E.63: Reorganizes and adds paragraph
227 14 designations to a portion of the Iowa capital investment
227 15 board's enabling language.
227 16 Code section 15G.201A: Changes the word "division" to
227 17 "subchapter" to correctly refer to the Code chapter subunit
227 18 that contains this Code section.
227 19 Code section 15G.205(3): Corrects a clerical error in
227 20 language relating to use of funds for renewable fuel
227 21 infrastructure programs.
227 22 Code section 16.5: Changes the style of language
227 23 describing the Iowa finance authority's rulemaking authority
227 24 regarding competitive bidding.
227 25 Code section 16.100A: Restructures the usage in language
227 26 describing the terms and holders of the positions of
227 27 chairperson and vice chairperson of the council on
227 28 homelessness.
227 29 Code section 23A.2(10): Eliminates redundant language in
227 30 an internal reference to Code section 331.461, subsections 1
227 31 and 2.
227 32 Code section 29A.33: Corrects the punctuation between two
227 33 complete and independent clauses by changing the comma to a
227 34 semicolon.
227 35 Code section 29B.17: Updates the structure of language



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228 1 pertaining to the jurisdiction of general courts-martial.
228 2 Code section 48A.27: Updates language used to describe a
228 3 registered voter's indication for the election commission to
228 4 change political party designation or nonparty political
228 5 organization affiliation on the voter's registration.
228 6 Code section 49.13: Corrects the use of a preposition in
228 7 language describing when certain high school students with
228 8 disabilities may participate as a member of a precinct
228 9 election board.
228 10 Code section 50.29: Updates language on a form for a
228 11 certificate of election.
228 12 Code section 68A.405: Corrects an internal reference to a
228 13 subsection that designates the exception to an attribution
228 14 statement requirement on certain published materials.
228 15 Code section 68A.503: Restructures language prohibiting
228 16 the use of moneys received from insurance companies, various
228 17 financial institutions, and corporations for campaign purposes
228 18 or express advocacy to simplify the initial clauses and the
228 19 end clause purposes.
228 20 Code section 84A.1A: Restructures and adds paragraph
228 21 designations in language describing the workforce development
228 22 board.
228 23 Code sections 96.9, 175.28, 175.29, and 455B.171: Updates
228 24 the citation style used in each of these Code sections to
228 25 refer to federal Acts.
228 26 Code section 100C.1: Rewrites a reflexive expression in
228 27 the definition of the term "alarm system contractor".
228 28 Code section 103A.1: Changes the word "chapter" to
228 29 "division" in language referring to the portion of the Code
228 30 chapter establishing the state building code.
228 31 Code section 103A.8A: Changes a definite article to an
228 32 indefinite article in language describing when certain energy
228 33 conservation requirements adopted by the state building code
228 34 commissioner apply.
228 35 Code sections 124.203, 124.205, 124.207, 124.209, and



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229 1 124.211: Updates language and renumbers provisions describing
229 2 the criteria for schedules I through V of the controlled
229 3 substance Code chapter.
229 4 Code section 135.17: Replaces the word "person" with the
229 5 word "student" in language relating to dental screening of
229 6 children enrolled in public or nonpublic schools.
229 7 Code section 135.62: Updates, renumbers to eliminate
229 8 unnumbered paragraphs, and adds subsection headnotes within
229 9 this provision establishing the state health facilities
229 10 council.
229 11 Code section 135.107: Moves language and renumbers to
229 12 restructure and eliminate unnumbered paragraphs within the
229 13 language establishing the center for rural health and primary
229 14 care and the advisory committee to the center.
229 15 Code section 135.141: Moves an unnumbered paragraph
229 16 relating to rulemaking to become a part of a lettered
229 17 paragraph relating to the same rulemaking procedure, to
229 18 eliminate the unnumbered paragraph.
229 19 Code section 135.157: Changes the word "chapter" to
229 20 "division" in this definitions section for the division of
229 21 Code chapter 135 establishing the medical home approach to
229 22 health care delivery.
229 23 Code section 135.159: Correct a reference by name to the
229 24 healthy opportunities for parents to experience success
229 25 (HOPES)=healthy families Iowa (HFI) program.
229 26 Code section 135B.7: Numbers and separates paragraph
229 27 elements in language relating to the establishment and
229 28 enforcement of standards for hospitals.
229 29 Code section 135B.28: Numbers and strikes the word "said"
229 30 to update this provision describing the proper contents of a
229 31 hospital bill.
229 32 Code section 135C.16: Moves a modifying clause to improve
229 33 the readability of language describing the period of time
229 34 during which certain department=approved facility construction
229 35 or alterations cannot be considered deficient or ineligible



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230 1 for licensing.
230 2 Code section 136B.2: Reverses the order of and adds
230 3 paragraph designations to requirements for and prohibiting
230 4 disclosure of radon testing results.
230 5 Code sections 139A.21, 206.12, and 455E.11: Restructures
230 6 and renumbers provisions within Code section 206.12 relating
230 7 to ingredient statements for pesticides to eliminate
230 8 unnumbered paragraphs and corrects internal reference in Code
230 9 sections 139A.21 and 455E.11 to the restructured provisions.
230 10 Code section 147.8: Separates an enumeration of the types
230 11 of information that licensing boards must keep into a numbered
230 12 list.
230 13 Code section 147.11: Corrects the grammar of this
230 14 provision to refer to the reactivation of a license, instead
230 15 of a licensee.
230 16 Code sections 147.87 and 147.89: Replaces the word "its"
230 17 with appropriate modifying language relating to the authority
230 18 of health care practitioner boards.
230 19 Code section 148.3: Strikes the word "present" to correct
230 20 the grammar in language describing the forms of evidence of
230 21 medical education deemed acceptable to the board of medicine.
230 22 Code section 153.36: Rewrites an internal "through"
230 23 reference to eliminate references to Code sections which have
230 24 been repealed or reserved.
230 25 Code section 159.5(12) and (13): Renumbers and updates
230 26 language describing the elements of a swine tuberculosis
230 27 eradication program and corrects an internal reference.
230 28 Code section 159.20(2): Separates definitions of terms
230 29 into lettered paragraphs and makes a minor grammatical change
230 30 in a provision relating to sales of agricultural commodities.
230 31 Code section 161A.4: Restructures and renumbers language
230 32 establishing the soil conservation division and the state soil
230 33 conservation committee in the department of agriculture and
230 34 land stewardship.
230 35 Code sections 161A.7 and 161A.61: Restructures and



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231 1 renumbers language defining the powers of soil and water
231 2 conservation districts. Internal references to Code section
231 3 161A.7 are also corrected in Code section 161A.61.
231 4 Code section 161C.4: Restructures and renumbers language
231 5 establishing the water protection fund within the soil
231 6 conservation division of the department of agriculture and
231 7 land stewardship.
231 8 Code section 169.8: Restructures and numbers language
231 9 relating to the qualifications needed for a person to be
231 10 licensed to practice veterinary medicine.
231 11 Code section 169.13: Restructures and renumbers language
231 12 establishing the disciplinary authority of the board of
231 13 veterinary medicine.
231 14 Code section 172A.4: Restructures, renumbers, and updates
231 15 the style of language establishing financial responsibility
231 16 requirements for licensed slaughterhouse brokers and dealers.
231 17 Code section 175.30: Restructures, by moving a set of
231 18 definitions and numbering, provisions establishing loans for
231 19 beginning or displaced farmers.
231 20 Code section 176A.3: Separates, alphabetizes, and numbers
231 21 definitions in a provision defining terms relating to county
231 22 agricultural extension.
231 23 Code section 176A.8: Letters paragraphs and conforms the
231 24 style of a previously unnumbered paragraph to the style set by
231 25 initial language of this Code section that establishes the
231 26 powers and duties of county agricultural extension councils.
231 27 Code sections 177.2, 177.3, and 466B.3: Corrects
231 28 references by name to the college of agriculture and life
231 29 sciences at the Iowa state university college of agriculture.
231 30 Code section 177A.6: Renumbers to eliminate unnumbered
231 31 paragraphs, changes the word "make" to "adopt" in language
231 32 relating to rulemaking, and updates the style of language in a
231 33 provision relating to rules of the state entomologist.
231 34 Code sections 186.1 and 186.5: Corrects references by name
231 35 to the Iowa state horticulture society.



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232 1 Code section 190A.3: Adds the full name of the
232 2 farm-to-school program to language describing the purpose of
232 3 the program.
232 4 Code section 190C.5: Moves language and renumbers language
232 5 regarding the establishment and collection of fees for
232 6 certification of producers and products under the state
232 7 organic agricultural products program.
232 8 Code section 198.4: Numbers an unnumbered paragraph and
232 9 changes a definite article to an indefinite article in
232 10 language describing when persons must be licensed to
232 11 manufacture or distribute commercial feed.
232 12 Code section 202B.201(1)(b): Moves definitions of the
232 13 terms "finance" and "control" to the end of a subparagraph
232 14 relating to financing of swine operations and renumbers to
232 15 eliminate an unnumbered paragraph.
232 16 Code section 203.15(4)(c): Rennumbers and moves a
232 17 qualifying phrase in language describing the bonds that must
232 18 be filed with the department of agriculture and land
232 19 stewardship by grain dealers.
232 20 Code section 203D.1: Makes a minor grammatical change in a
232 21 definition of "first point of sale" in provisions relating to
232 22 title to grain.
232 23 Code section 203D.6(1): Restructures and renumbers
232 24 language relating to claims for indemnification that are filed
232 25 with the grain depositors and sellers indemnity fund.
232 26 Code section 206.5: Moves language and renumbers
232 27 provisions to consolidate all of the rulemaking language and
232 28 eliminate unnumbered paragraphs in requirements for
232 29 certification of commercial pesticide applicators.
232 30 Code section 206.8: Rennumbers to eliminate unnumbered
232 31 paragraphs and moves exception language to the end of this
232 32 provision establishing licensing fees for pesticide dealers.
232 33 Code section 216.8: Moves a definition of a term and
232 34 renumbers this provision prohibiting unfair or discriminatory
232 35 practices in housing.



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233 1 Code section 216E.7: Updates a citation to the Code
233 2 chapter providing for licensing of audiologists.
233 3 Code section 225C.19: Updates the style of this provision
233 4 that describes when and for whom the emergency mental health
233 5 crisis services system is available.
233 6 Code sections 225C.35, 225C.36, and 225C.51: Changes the
233 7 word "division" to "subchapter" to avoid confusion between
233 8 internal references to the Code chapter subunit and references
233 9 to the division of mental health and disability services of
233 10 the department of human services.
233 11 Code section 231.42: Renumbers and updates a reference by
233 12 name to the long-term care resident's advocate, within the
233 13 provision establishing the office and advocate's duties.
233 14 Code section 232.44(1): Restructures and letters
233 15 paragraphs in this subsection and adds a clarifying reference
233 16 in language relating to detention or shelter care hearings.
233 17 Code section 235B.5: Moves a definition of the term
233 18 "sexual exploitation" from within a subparagraph and places
233 19 the definition within a new subsection in this Code section to
233 20 eliminate an unnumbered paragraph.
233 21 Code section 235E.4: Adds the word "when" to language
233 22 describing when certain provisions in other Code chapters
233 23 apply to Code chapter 235E.
233 24 Code section 237.18(8): Deletes redundant introductory
233 25 language and capitalizes a verb to conform the style of
233 26 language describing the state foster care review board's
233 27 duties.
233 28 Code section 237A.5(2)(c): Moves an unnumbered paragraph
233 29 relating to a preevaluation notice to within the immediately
233 30 preceding lettered paragraph that describes the process
233 31 leading up to an evaluation.
233 32 Code section 257.6: Substitutes the word "or" for a comma
233 33 to correct the punctuation in language that is not a series.
233 34 Code sections 260C.11 and 273.8: Replaces the word
233 35 "organization" with the word "organizational" in language



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234 1 describing the initial organizational meetings of merged area
234 2 and area education agency boards.
234 3 Code section 261D.3: Adds the word "legislative" to
234 4 language relating to legislative membership on the Midwestern
234 5 higher education compact.
234 6 Code section 261E.7: Deletes the word "act" from a
234 7 reference by name to the postsecondary enrollment options
234 8 program.
234 9 Code section 261F.1: Changes the word "website" to the
234 10 word "internet site" in language identifying the location
234 11 where notice concerning services that are deemed by the
234 12 attorney general to not constitute an improper gift under
234 13 educational loan regulations.
234 14 Code section 272D.1: Adds the word "that" to language
234 15 defining what constitutes a certificate of noncompliance
234 16 issued by the child support recovery unit.
234 17 Code section 285.1: Adds the word "to" in language
234 18 relating to provision of transportation services to nonpublic
234 19 school children.
234 20 Code section 297.11: Updates language relating to
234 21 impermissible uses of school property.
234 22 Code section 321.24: Substitutes the word "for" for the
234 23 word "of" in language regarding issuance of certificates of
234 24 title for certain vehicles.
234 25 Code section 321.52: Corrects grammatical and semantics
234 26 issues and letters unnumbered paragraphs within a provision
234 27 relating to junking of vehicles.
234 28 Code section 321.236: Updates style language relating to
234 29 when local authorities have the power to enact certain traffic
234 30 regulations and eliminates a punctuation problem by dividing a
234 31 sentence in two.
234 32 Code sections 321.292 and 321.356: Deletes a redundant use
234 33 of the word "foregoing" in specific references to other
234 34 statutes.
234 35 Code section 321L.2: Redesignates paragraphs and corrects



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235 1 the reference by name to a persons with disabilities parking
235 2 permit.
235 3 Code section 321L.5: Substitutes language for asterisks in
235 4 the corresponding locations in a table relating to the
235 5 required minimum number of persons with disabilities parking
235 6 spaces.
235 7 Code section 331.382: Letters paragraphs and changes a
235 8 string cite to a number of Code chapters to facilitate
235 9 electronic hypertext linkage.
235 10 Code section 358.9: Numbers, letters, and moves a
235 11 provision in language regarding selection of sanitary district
235 12 trustees.
235 13 Code section 411.8(1)(b): Changes a reference from "normal
235 14 rate of contribution" to "normal contribution rate", which is
235 15 a defined term within this Code section.
235 16 Code section 421B.6: Renumbers an existing numbered list
235 17 within a paragraph using established Code hierarchy.
235 18 Code sections 422.11V, 422.33, 422.60, and 432.12L:
235 19 Completes an incomplete internal reference to part 9 of
235 20 subchapter II of Code chapter 15.
235 21 Code section 424.16: Strikes a colon, eliminates language
235 22 used to indicate a series, and combines the language
235 23 identifying the single criteria with the balance of the
235 24 language establishing when the comprehensive petroleum
235 25 underground storage tank board is required to notify persons
235 26 who owe an environmental protection charge or who have filed
235 27 an environmental protection charge return that an
235 28 administrative change in the cost factor has become effective.
235 29 Code section 427B.20: Moves definitions to the forefront
235 30 and renumbers the balance of the provisions to eliminate
235 31 unnumbered paragraphs in requirements for local option
235 32 remedial action property tax credit public hearings.
235 33 Code section 441.47: Renumbers an existing numbered list
235 34 within a paragraph using established Code hierarchy in
235 35 language relating to equalization of property tax assessment



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236 1 levels.

236 2 Code section 455B.151: Corrects a reference by name to the

236 3 small business stationary source technical and environmental

236 4 compliance assistance program.

236 5 Code section 455B.176: Updates punctuation used in this

236 6 enumeration of reasons upon which a decision by the

236 7 environmental protection commission to establish, modify, or

236 8 repeal a water quality standard may be based.

236 9 Code section 455D.19: Moves a definition of the term

236 10 "regulated metal" from the current placement as an unnumbered

236 11 paragraph within the definition of the term "intentional

236 12 introduction" to a new lettered paragraph in appropriate

236 13 alphabetical placement.

236 14 Code section 468.119: Renumbers to eliminate unnumbered

236 15 paragraphs and updates an internal reference within language

236 16 relating to annexation of land by a levee or drainage

236 17 district.

236 18 Code section 469.6: Moves language relating to the

236 19 compensation of legislative members of the Iowa power fund

236 20 board to place the language with other language relating to

236 21 compensation of board members.

236 22 Code section 483A.25: Changes a reference to the senate

236 23 committee on natural resources, in language relating to

236 24 reports submitted to the general assembly regarding the

236 25 pheasant and quail restoration program, due to the change in

236 26 the senate committee's name.

236 27 Code sections 489.302 and 489.401: Strikes the word "and"

236 28 and adds a comma in language preceding lettered paragraphs to

236 29 correct the relationship between the immediately preceding

236 30 qualifying clause and the succeeding paragraphs containing

236 31 additional conditions.

236 32 Code section 490.1112: Changes a reference from "organic"

236 33 documents to "organizational" documents to correct an

236 34 inadvertent clerical error in 2008 Iowa Acts, chapter 1162.

236 35 Code section 554.2709: Strikes a reference to the "the



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237 1 next" section and replaces it with a numeric citation to Code
237 2 section 554.2710.
237 3 Code section 554.11101: Updates a citation to a 1974 Iowa
237 4 Act to facilitate future electronic hypertext linkage.
237 5 Code section 554.11102: Redrafts a string citation to
237 6 eliminate references to repealed provisions.
237 7 Code section 602.4201: Updates references to the rules of
237 8 appellate procedure to reflect the new renumbering of those
237 9 provisions.
237 10 Code section 714F.1: Strikes the word "proceeding" in
237 11 references to foreclosure and tax sales to conform to standard
237 12 usage and substitutes the word "foreclosed" for "affected"
237 13 before the word "homeowner" so that the defined term is used
237 14 to refer to the same person.
237 15 Code section 714F.4: Substitutes the words "electronic
237 16 mail" for "electronically mailed" before the word "address" in
237 17 language describing the types of addresses that may be
237 18 provided and used by foreclosed homeowners to provide notice
237 19 of cancellation.
237 20 Code section 714F.8: Adds the words "payment of" in a
237 21 series to improve readability of the series.
237 22 Code section 716.5: Restructures and renumbers a provision
237 23 establishing the crime of criminal mischief in the third
237 24 degree.
237 25 2008 Iowa Acts, chapter 1088, section 44: Corrects a
237 26 grammatical error in a series by replacing a comma with the
237 27 word "or". This change is made effective upon enactment and
237 28 retroactively applicable to July 1, 2008, in division III of
237 29 this Act.
237 30 2008 Iowa Acts, chapter 1088: Adds a new section to this
237 31 Act which amends Code section 152B.13, subsection 1, paragraph
237 32 "a", to correct an internal reference to Code section 147.14,
237 33 which was renumbered in section 13 of this same Act. This
237 34 change is made effective upon enactment and retroactively
237 35 applicable to July 1, 2008, in division III of this Act.



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238 1 2008 Iowa Acts, chapter 1181, section 5: Corrects a
238 2 reference to the 2008 Iowa Act which enacted the entrepreneurs
238 3 with disabilities program pursuant to Code section 259.4.
238 4 This change is made effective upon enactment and retroactively
238 5 applicable to July 1, 2008, in division III of this Act.

238 6 2008 Iowa Acts, chapter 1181, section 63: Corrects a
238 7 clerical error in two citations to a new Code section. This
238 8 change is made effective upon enactment and retroactively
238 9 applicable to July 1, 2008, in division III of this Act.

238 10 2008 Iowa Acts, chapter 1187, section 9: Corrects a Code
238 11 section reference to a 2007 Iowa Act in an allocation of funds
238 12 provision. This change is made effective upon enactment and
238 13 retroactively applicable to July 1, 2008, in division III of
238 14 this Act.

238 15 2008 Iowa Acts, chapter 1191: Adds a new effective date
238 16 section to this 2008 Act so that the effective date of an
238 17 amendment in this 2008 Act to Code section 100C.6 as enacted
238 18 in 2008 Iowa Acts, House File 2646 (2008 Iowa Acts, chapter
238 19 1094) will match the effective date of the original enactment.
238 20 This change is made effective August 1, 2009, in division III
238 21 of this Act.

238 22 DIVISION II. The Code sections in this division are
238 23 amended by numbering and renumbering the provisions within
238 24 volume II, one provision in volume I, and scattered provisions
238 25 in volumes III through VI, and by changing textual references
238 26 as necessary. In addition, in one of the Code editor
238 27 directives, Code section hierarchical level references are
238 28 changed to reflect necessary changes to existing established
238 29 Code section hierarchy.

238 30 The purposes of the numbering and renumbering are to
238 31 conform certain provisions to existing Code section hierarchy,
238 32 to eliminate "unanchored" unnumbered paragraphs within the
238 33 Code sections, to facilitate Code section readability, and to
238 34 facilitate citation to those Code sections. The purpose of
238 35 the changes to Code section hierarchical level references is



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239 1 that it was discovered, as a result of efforts to identify and
239 2 eliminate unnumbered paragraphs, that the existing Code
239 3 section hierarchy was inadequate to deal with even current
239 4 levels of Code section hierarchy. The unnumbered paragraphs
239 5 had masked the problem. The changes will allow the
239 6 introduction of additional, lower levels within current Code
239 7 sections, and accommodate new provisions that may require
239 8 these additional levels.
239 9 LSB 2129HC 83
239 10 lh/rj/5



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House Study Bill 241

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 specifying a maximum finance charge applicable to delayed
- 2 deposit service transactions, making related modifications,
- 3 making penalties applicable, and providing a penalty.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2111YC 83
- 6 rn/nh/5



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House Study Bill 241 continued

PAG LIN

1 1 Section 1. Section 533D.9, subsections 1 and 2, Code 2009,
1 2 are amended to read as follows:
1 3 1. A licensee shall not charge ~~a fee in excess of fifteen~~
1 4 ~~dollars on the first one hundred dollars on the face amount of~~
1 5 ~~a check or more than ten dollars on subsequent one hundred~~
1 6 ~~dollar increments on the face amount of the check for services~~
1 7 ~~provided by the licensee, or pro rata for any portion of one~~
1 8 ~~hundred dollars face value~~ any interest, penalties, fees, or
1 9 other charges which when combined exceed an annual percentage
1 10 rate of thirty-six percent of the amount loaned, as computed
1 11 pursuant to the federal Truth in Lending Act.

1 12 2. A licensee shall give to the maker of the check, at the
1 13 time any delayed deposit service transaction is made, or if
1 14 there are two or more makers, to one of them, notice written
1 15 in clear, understandable language disclosing all of the
1 16 following:

1 17 a. The fee to be charged for the transaction.
1 18 b. The annual percentage rate of the sum of any interest,
1 19 penalties, fees, or other charges, as computed pursuant to the
1 20 federal Truth in Lending Act.

1 21 c. The date on which the check will be deposited or
1 22 presented for negotiation.

1 23 ~~d. Any penalty, not to exceed fifteen dollars, which the~~
1 24 ~~licensee will charge if the check is not negotiable on the~~
1 25 ~~date agreed upon. A penalty to be charged pursuant to this~~
1 26 ~~section shall only be collected by the licensee once on a~~
1 27 ~~check no matter how long the check remains unpaid. A penalty~~
1 28 ~~to be charged pursuant to this section is a licensee's~~
1 29 ~~exclusive remedy and if a licensee charges a penalty pursuant~~
1 30 ~~to this section no other penalties under this chapter or any~~
1 31 ~~other provision apply.~~

1 32 Sec. 2. Section 533D.9, Code 2009, is amended by adding
1 33 the following new subsection:

1 34 NEW SUBSECTION. 4. In addition to the penalty provisions
1 35 in section 533D.15, and notwithstanding section 533D.12,



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2 1 subsection 2, the superintendent shall revoke the license of a
2 2 licensee found in violation of this section.

2 3 Sec. 3. Section 533D.15, Code 2009, is amended to read as
2 4 follows:

2 5 533D.15 CRIMINAL VIOLATION ~~== OPERATION OF BUSINESS~~
~~2 6 WITHOUT LICENSE ==~~ INJUNCTION.

2 7 A person required to be licensed under this chapter who
2 8 operates a delayed deposit services business in this state
2 9 without first obtaining a license under this chapter or while
2 10 such license is suspended or revoked by the superintendent, or
2 11 who otherwise violates any provision of this chapter, is
2 12 guilty of a serious misdemeanor. In addition to the criminal
2 13 penalty provided for in this section, the superintendent may
2 14 also commence an action to enjoin the operation of the
2 15 business.

2 16 EXPLANATION

2 17 This bill modifies provisions applicable to the regulation
2 18 of delayed deposit services businesses licensed pursuant to
2 19 Code chapter 533D.

2 20 The bill provides that the combined interest, penalties,
2 21 fees, or other charges imposed by a licensee upon a maker of a
2 22 check shall not exceed an annual percentage rate of 36 percent
2 23 as computed pursuant to the federal Truth in Lending Act. The
2 24 bill modifies a provision requiring disclosure of the annual
2 25 percentage rate to specify that it is based on the sum of
2 26 interest, penalties, fees, or other charges. The bill deletes
2 27 current restrictions on the amount of fees which may be
2 28 charged per \$100 loan increment by a licensee and deletes a
2 29 provision establishing a penalty not to exceed \$15 which may
2 30 be imposed upon the maker of a check if the check proves not
2 31 negotiable, to correspond with the inclusion of any interest,
2 32 fees, charges, and penalties within the 36 percent annual
2 33 percentage rate maximum.

2 34 The bill expands the current criminal penalty of a serious
2 35 misdemeanor for operation of a delayed deposit services



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3 1 business without a license to apply to any violation of Code
3 2 chapter 533D. A serious misdemeanor is punishable by
3 3 confinement for no more than one year and a fine of at least
3 4 \$315 but not more than \$1,875. The bill also expands
3 5 injunction from operation of a business to be applicable to
3 6 any violation of the Code chapter, and specifies that a
3 7 violation of Code section 533D.9, containing provisions
3 8 relating to charges and required disclosures, shall result in
3 9 the revocation of a license.
3 10 LSB 2111YC 83
3 11 rn/nh/5.1



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House Study Bill 242

SENATE/HOUSE FILE
BY (PROPOSED OFFICE OF
ENERGY INDEPENDENCE BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to renewable energy production by specifying an
- 2 electricity distributed renewable generation standard.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1300DP 83
- 5 rn/rj/14



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House Study Bill 242 continued

PAG LIN

1 1 Section 1. Section 476.42, Code 2009, is amended to read
1 2 as follows:

1 3 476.42 DEFINITIONS.

1 4 As used in this division, unless the context otherwise
1 5 requires:

1 6 1. "Alternate energy production facility" means any or all
1 7 of the following:

1 8 a. A solar, wind turbine, waste management, resource
1 9 recovery, refuse-derived fuel, agricultural crops or residues,
1 10 or woodburning facility of up to five hundred kilowatts of
1 11 nameplate generating capacity which is engaged in distributed
1 12 renewable generation.

1 13 b. Land, systems, buildings, or improvements that are
1 14 located at the project site and are necessary or convenient to
1 15 the construction, completion, or operation of the facility.

1 16 c. Transmission or distribution facilities necessary to
1 17 conduct the energy produced by the facility to users located
1 18 at or near the project site.

1 19 A facility which is a qualifying facility under 18 C.F.R.
1 20 part 292, subpart B is not precluded from being an alternate
1 21 energy production facility under this division.

1 22 2. "Distributed renewable generation" means electric
1 23 generation sited at a customer premises providing electric
1 24 energy to the customer load on that site, or providing
1 25 wholesale capacity and energy to an electric utility for use
1 26 by multiple customers in contiguous distribution substation
1 27 service areas.

1 28 ~~2.~~ 3. "Electric utility" means a public utility that
1 29 furnishes electricity to the public for compensation.

1 30 ~~3.~~ 4. "Next generating plant" means an electric utility's
1 31 assumed next coal-fired base load electric generating plant,
1 32 whether planned or not, based on current technology and
1 33 undiscounted current cost.

1 34 ~~4.~~ 5. "Small hydro facility" means any or all of the
1 35 following:



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House Study Bill 242 continued

2 1 a. A hydroelectric facility at a dam which is engaged in
2 2 distributed renewable generation.

2 3 b. Land, systems, buildings, or improvements that are
2 4 located at the project site and are necessary or convenient to
2 5 the construction, completion, or operation of the facility.

2 6 c. Transmission or distribution facilities necessary to
2 7 conduct the energy produced by the facility to users located
2 8 at or near the project site.

2 9 A facility which is a qualifying facility under 18 C.F.R.
2 10 part 292, subpart B is not precluded from being a small hydro
2 11 facility under this division.

2 12 Sec. 2. Section 476.44, subsection 2, Code 2009, is
2 13 amended to read as follows:

2 14 2. a. ~~An electric utility subject to this division,~~
~~2 15 except a utility that elects rate regulation pursuant to~~
~~2 16 section 476.1A, shall not be required to own or purchase, at~~
~~2 17 any one time, more than its share of one hundred five~~
~~2 18 megawatts of power from alternative energy production~~
~~2 19 facilities or small hydro facilities at the rates established~~
~~2 20 pursuant to section 476.43. The board shall allocate the one~~
~~2 21 hundred five megawatts based upon each utility's percentage of~~
~~2 22 the total Iowa retail peak demand, for the year beginning~~
~~2 23 January 1, 1990, of all utilities subject to this section. If~~
~~2 24 a utility undergoes reorganization as defined in section~~
~~2 25 476.76, the board shall combine the allocated purchases of~~
~~2 26 power for each utility involved in the reorganization.~~

2 27 b. ~~Notwithstanding the one hundred five megawatt maximum,~~
~~2 28 the board may increase the amount of power that a utility is~~
~~2 29 required to own or purchase at the rates established pursuant~~
~~2 30 to section 476.43 if the board finds that a utility, including~~
~~2 31 a reorganized utility, exceeds its 1990 Iowa retail peak~~
~~2 32 demand by twenty percent and the additional power the utility~~
~~2 33 is required to purchase will encourage the development of~~
~~2 34 alternate energy production facilities and small hydro~~
~~2 35 facilities. The increase shall not exceed the utility's~~



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~~3 1 increase in peak demand multiplied by the ratio of the
3 2 utility's share of the one hundred five megawatt maximum to
3 3 its 1990 Iowa retail peak demand. An electric utility shall
3 4 produce or purchase at least the following percentages of its
3 5 total annual Iowa retail electric sales from alternate energy
3 6 production facilities or small hydro facilities engaged in
3 7 distributed renewable generation, as follows:~~

- ~~3 8 a. One-tenth of one percent by 2011.~~
- ~~3 9 b. Twenty-five hundredths of one percent by 2013.~~
- ~~3 10 c. Four-tenths of one percent by 2014.~~
- ~~3 11 d. Sixty-five hundredths of one percent by 2015.~~
- ~~3 12 e. Eight-tenths of one percent by 2016.~~
- ~~3 13 f. One percent by 2016 and each year thereafter.~~

EXPLANATION

3 15 This bill relates to alternate and renewable energy
3 16 production.

3 17 The bill adds to the current definitions of an "alternate
3 18 energy production facility" and a "small hydro facility" in
3 19 Code section 476.42 that such a facility shall not exceed a
3 20 maximum nameplate generating capacity of 500 kilowatts in
3 21 distributed renewable generation. The bill defines
3 22 "distributed renewable generation" as electric generation
3 23 sited at a customer premises providing electric energy to the
3 24 customer load on that site, or providing wholesale capacity
3 25 and energy to an electric utility for use by multiple
3 26 customers in contiguous distribution substation service areas.

3 27 The bill requires electric utilities to produce or purchase
3 28 increasing, specified percentages of their total annual Iowa
3 29 retail electric sales from alternate energy production
3 30 facilities or small hydro facilities engaged in distributed
3 31 renewable generation, by specified dates. The maximum
3 32 percentage shall be one percent on and after 2016.

3 33 LSB 1300DP 83

3 34 rn/rj/14.1



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House Study Bill 243

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 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 2355YC 83
6 rn/nh/5



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House Study Bill 243 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



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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 2355YC 83
2 15 rn/nh/5



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House Study Bill 244

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

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

A BILL FOR

1 An Act concerning the deferred retirement option plan under the
2 municipal fire and police retirement system of Iowa and
3 providing an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1937HC 83
6 ec/nh/8



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House Study Bill 244 continued

PAG LIN

1 1 Section 1. MUNICIPAL FIRE AND POLICE RETIREMENT SYSTEM ==
1 2 DEFERRED RETIREMENT OPTION PLAN == EXTENSION OF PLAN
1 3 PARTICIPATION PERIOD.

1 4 1. Notwithstanding any provision of chapter 411 to the
1 5 contrary, an eligible member of the municipal fire and police
1 6 retirement system who has elected to participate in the
1 7 deferred retirement option plan as created in section 411.6C
1 8 as of the date the system has received a favorable ruling from
1 9 the internal revenue service regarding this section and who
1 10 has not terminated their participation in the plan as of the
1 11 readjustment period shall have the option, during the
1 12 readjustment period, to extend the member's participation in
1 13 the plan by one year, up to a maximum of five years
1 14 participation in the plan, upon written application with the
1 15 retirement system. However, the option may only be exercised
1 16 if the employer of the eligible member has authorized all
1 17 eligible employees of the employer to exercise the option
1 18 provided in this section. For purposes of this section, the
1 19 readjustment period shall be a one-time period of three months
1 20 as established by the board of trustees for the municipal fire
1 21 and police retirement system.

1 22 2. This section shall not be implemented until the system
1 23 has received a favorable ruling from the internal revenue
1 24 service regarding this section. Upon receiving the favorable
1 25 ruling, the board of trustees of the system shall establish,
1 26 as expeditiously as possible, the readjustment period.

1 27 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
1 28 immediate importance, takes effect upon enactment.

1 29 EXPLANATION

1 30 This bill provides that an eligible member of the municipal
1 31 fire and police retirement system of Iowa (MFPRSI) who is
1 32 participating in the deferred retirement option plan (DROP)
1 33 but has not terminated their participation in DROP as of a
1 34 specified readjustment period has the option to extend their
1 35 participation in the plan by one year, up to a maximum of five



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2 1 years, during that readjustment period. However, the bill
2 2 provides that the option may only be exercised if the
2 3 applicable employer agrees that all eligible employees may
2 4 take the option. The bill provides that the readjustment
2 5 period shall be a one-time three-month period which shall be
2 6 established by the MFPSI board once the system receives a
2 7 favorable determination from the internal revenue service that
2 8 the provisions of the bill can be implemented.

2 9 The bill takes effect upon enactment.

2 10 LSB 1937HC 83

2 11 ec/nh/8



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House Study Bill 245

HOUSE FILE
BY (PROPOSED COMMITTEE ON
LABOR BILL BY
CHAIRPERSON OLSON)

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

A BILL FOR

- 1 An Act relating to workers' compensation benefits for certain
- 2 work-related injuries that occur outside this state.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1882HC 83
- 5 av/rj/14



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House Study Bill 245 continued

PAG LIN

1 1 Section 1. Section 85.71, subsection 1, paragraph a, Code
1 2 2009, is amended to read as follows:
1 3 a. The employer has a place of business in this state and
1 4 the employee ~~regularly works at or from that place of business~~
1 5 is domiciled in this state.

1 6 EXPLANATION

1 7 Code section 85.71 is amended to provide that if an
1 8 employee suffers a work-related injury while working outside
1 9 of Iowa, and would have been entitled to workers' compensation
1 10 benefits under Iowa law if the injury had occurred in Iowa,
1 11 the employee is entitled to such benefits under Iowa law if
1 12 the employer has a place of business in this state and the
1 13 employee is domiciled in this state. Other provisions of Code
1 14 section 85.71 which provide benefits under Iowa law for
1 15 employees working outside the state are not amended.

1 16 LSB 1882HC 83

1 17 av/rj/14



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House Study Bill 246

HOUSE FILE
BY (PROPOSED COMMITTEE ON
LABOR BILL BY
CHAIRPERSON OLSON)

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

A BILL FOR

- 1 An Act relating to the imposition of penalty benefits in workers'
- 2 compensation cases.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1886HC 83
- 5 av/rj/8



Iowa General Assembly
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House Study Bill 246 continued

PAG LIN

1 1 Section 1. Section 86.13, Code 2009, is amended to read as
1 2 follows:

1 3 86.13 COMPENSATION PAYMENTS.

1 4 1. If an employer or insurance carrier pays weekly
1 5 compensation benefits to an employee, the employer or
1 6 insurance carrier shall file with the workers' compensation
1 7 commissioner in the form and manner required by the workers'
1 8 compensation commissioner a notice of the commencement of the
1 9 payments. The payments establish conclusively that the
1 10 employer and insurance carrier have notice of the injury for
1 11 which benefits are claimed but the payments do not constitute
1 12 an admission of liability under this chapter or chapter 85,
1 13 85A, or 85B.

1 14 2. If an employer or insurance carrier fails to file the
1 15 notice required by this section, the failure stops the running
1 16 of the time periods in section 85.26 as of the date of the
1 17 first payment. If commenced, the payments shall be terminated
1 18 only when the employee has returned to work, or upon thirty
1 19 days' notice stating the reason for the termination and
1 20 advising the employee of the right to file a claim with the
1 21 workers' compensation commissioner.

1 22 3. This section does not prevent the parties from reaching
1 23 an agreement for settlement regarding compensation. However,
1 24 the agreement is valid only if signed by all parties and
1 25 approved by the workers' compensation commissioner.

1 26 4. a. If a denial, a delay in commencement payment, or a
1 27 termination of benefits occurs without reasonable or probable
~~1 28 cause or excuse known to the employer or insurance carrier at~~
1 29 the time of the denial, delay in payment, or termination of
1 30 benefits, the workers' compensation commissioner shall award
1 31 benefits in addition to those benefits payable under this
1 32 chapter, or chapter 85, 85A, or 85B, up to fifty percent of
1 33 the amount of benefits that were unreasonably denied, delayed,
1 34 or denied terminated without reasonable excuse.

1 35 b. The workers' compensation commissioner shall award



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2 1 benefits under this subsection if the commissioner finds both
2 2 of the following facts:

2 3 (1) The employee has demonstrated a denial, delay in
2 4 payment, or termination of benefits.

2 5 (2) The employer has failed to prove a reasonable excuse
2 6 for the denial, delay in payment, or termination of benefits.

2 7 c. In order to be considered a reasonable excuse under
2 8 paragraph "b", an excuse shall satisfy all of the following
2 9 criteria:

2 10 (1) The excuse was preceded by a reasonable investigation
2 11 and evaluation by the employer or insurance carrier into
2 12 whether benefits were owed to the employee.

2 13 (2) The results of the reasonable investigation and
2 14 evaluation were the actual basis upon which the employer or
2 15 insurance carrier contemporaneously relied to deny, delay
2 16 payment of, or terminate benefits.

2 17 (3) The employer or insurance carrier contemporaneously
2 18 conveyed the basis for the denial, delay in payment, or
2 19 termination of benefits to the employee at the time of the
2 20 denial, delay, or termination of benefits.

2 21 EXPLANATION

2 22 This bill relates to the imposition of additional workers'
2 23 compensation benefits because benefits were unreasonably
2 24 denied, delayed in payment, or terminated.

2 25 Code section 86.13 is amended to provide that such
2 26 additional benefits, up to 50 percent of the benefits
2 27 wrongfully withheld, shall be awarded if a denial, delay in
2 28 payment, or termination of workers' compensation benefits
2 29 occurs without reasonable excuse that was known to the
2 30 employer or insurance carrier at the time the benefits were
2 31 denied, delayed in payment, or terminated.

2 32 The bill requires the workers' compensation commissioner to
2 33 award the additional benefits if the employee proves that a
2 34 denial, delay in payment, or termination of benefits has
2 35 occurred and the employer fails to prove a reasonable excuse



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3 1 for the denial, delay in payment, or termination.
3 2 The bill provides that in order to be considered a
3 3 reasonable excuse, an excuse must be preceded by a reasonable
3 4 investigation and evaluation by the employer or insurance
3 5 carrier of whether benefits were owed to the employee; the
3 6 results of the reasonable investigation and evaluation must be
3 7 the actual basis upon which the employer or insurance carrier
3 8 contemporaneously relied in executing the denial, delay in
3 9 payment, or termination of benefits; and the employer or
3 10 insurance carrier must convey the basis for the denial, delay
3 11 in payment, or termination of benefits to the employee
3 12 contemporaneously with such denial, delay in payment, or
3 13 termination.
3 14 LSB 1886HC 83
3 15 av/rj/8



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House Study Bill 247

HOUSE FILE
BY (PROPOSED COMMITTEE
ON LABOR BILL BY
CHAIRPERSON OLSON)

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

A BILL FOR

1 An Act requiring additional workers' compensation payments for
2 scheduled injuries that result in a reduction in the injured
3 employee's earning capacity.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1884HC 83
6 av/rj/14



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House Study Bill 247 continued

PAG LIN

1 1 Section 1. Section 85.34, subsection 2, Code 2009, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. w. If an employee sustains an injury
1 4 described in paragraphs "a" through "t" and is unable to
1 5 return to employment providing substantially similar earnings
1 6 to the earnings provided in the employment in which the
1 7 employee was engaged at the time of the injury, compensation
1 8 shall be paid during the number of weeks in relation to five
1 9 hundred weeks as the reduction in the employee's earning
1 10 capacity bears in relation to the earning capacity that the
1 11 employee possessed when the injury occurred. If the employee
1 12 is permanently and totally disabled as a result of such an
1 13 injury the employee may be entitled to benefits under
1 14 subsection 3.

1 15 EXPLANATION

1 16 This bill amends Code section 85.34 to provide that for
1 17 purposes of workers' compensation, an employee who sustains a
1 18 scheduled injury and is unable to return to employment
1 19 providing substantially similar earnings to that of the
1 20 preinjury employment earning capacity, shall be paid
1 21 compensation during the number of weeks in relation to 500
1 22 weeks as the reduction in the employee's earning capacity
1 23 caused by the disability bears in relation to the earning
1 24 capacity that the employee possessed when the injury occurred.

1 25 LSB 1884HC 83

1 26 av/rj/14



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House Study Bill 248

HOUSE FILE
BY (PROPOSED COMMITTEE ON
LABOR BILL BY CHAIRPERSON
OLSON)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act prohibiting employers from infringing on employees'
2 political activities after work hours and if not using company
3 resources.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2446HC 83
6 ak/nh/5



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House Study Bill 248 continued

PAG LIN

1 1 Section 1. NEW SECTION. 730.6 EMPLOYEE POLITICAL
 1 2 EXPRESSION RIGHTS.
 1 3 1. An employer shall not discharge, discipline, sanction,
 1 4 or otherwise penalize, or threaten to discharge, discipline,
 1 5 sanction, or otherwise penalize an employee because the
 1 6 employee participates in political activity or political
 1 7 expression if the political activity or political expression
 1 8 takes place outside of work hours, off of the employer's
 1 9 property, and does not involve the use of the employer's
 1 10 property, or for political signage on an employee's personal
 1 11 vehicle.
 1 12 2. Subsection 1 does not apply to any provision of law or
 1 13 an employment policy that prohibits employees from
 1 14 participating in political activity or political expression,
 1 15 including political signage on a personal vehicle, due to the
 1 16 nature or scope of their employment.
 1 17 3. An employee alleging to be aggrieved by a violation of
 1 18 this section may file a civil action within ninety days after
 1 19 the date of the alleged violation in a court of competent
 1 20 jurisdiction in the county where the violation is alleged to
 1 21 have occurred or where the employer has its principal office.
 1 22 The court may award a prevailing employee all appropriate
 1 23 relief, including reinstatement, back pay, and reestablishment
 1 24 of any employee benefits to which the employee would otherwise
 1 25 have been eligible if such violation had not occurred. The
 1 26 court shall award a prevailing employee treble damages in an
 1 27 amount up to three times the amount of all other damages
 1 28 awarded, reasonable attorney fees, and costs.
 1 29 4. This section shall not be construed to limit an
 1 30 employee's right to bring any other action allowed by law
 1 31 against an employer for wrongful termination or to diminish or
 1 32 impair the rights of a person under a collective bargaining
 1 33 agreement.

EXPLANATION

1 34
 1 35 This bill prohibits employers from discharging,



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2 1 disciplining, sanctioning, or otherwise penalizing or
2 2 threatening to do any of these acts because an employee
2 3 participates in political activity or political expression if
2 4 the political activity or political expression takes place
2 5 outside of work hours, off of the employer's property, and
2 6 does not involve the use of the employer's property, or for
2 7 political signage on an employee's personal vehicle. The bill
2 8 does not apply to any provision of law or employment policy
2 9 that prohibits employees from participating in political
2 10 activity or political expression, including political signage
2 11 on a personal vehicle, due to the nature or scope of their
2 12 employment.
2 13 An employee who has been aggrieved by a violation by an
2 14 employer may file a civil action against the employer for back
2 15 pay, reinstatement, reestablishment of benefits, treble
2 16 damages up to three times the amount of all other damages
2 17 awarded, attorney fees, and costs.
2 18 LSB 2446HC 83
2 19 ak/nh/5



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House Study Bill 249

HOUSE FILE
 BY (PROPOSED COMMITTEE ON
 ECONOMIC GROWTH BILL BY
 CHAIRPERSON THOMAS)

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

Passed Senate, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the rulemaking process and the judicial review
 2 of administrative rules, the assessment of court costs and
 3 attorney fees, rulemaking requirements specific to the
 4 environmental protection commission and the natural resource
 5 commission, and including effective date and applicability
 6 provisions.
 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 8 TLSB 2219YC 83
 9 jr/rj/5



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1 1 Section 1. Section 17A.2, Code 2009, is amended by adding
1 2 the following new subsections:
1 3 NEW SUBSECTION. 4A. "Compliance assistance letter" means
1 4 a written communication to a person by an agency that
1 5 identifies an alleged violation of a federal or state statute,
1 6 agency rule, or executive order but does not identify any
1 7 rights to appeal the agency's determination through a
1 8 contested case proceeding.
1 9 NEW SUBSECTION. 10A. "Regulated person" means a person
1 10 that may be impacted by a proposed rule through an increased
1 11 regulatory burden, including increased compliance or reporting
1 12 costs, but does not include an increased regulatory burden due
1 13 to the adoption by reference of a required federal regulation.
1 14 Sec. 2. Section 17A.4, subsection 1, paragraph a, Code
1 15 2009, is amended to read as follows:
1 16 a. Give notice of its intended action by submitting the
1 17 notice to the administrative rules coordinator and the
1 18 administrative code editor. The administrative rules
1 19 coordinator shall assign an ARC number to each rulemaking
1 20 document. The administrative code editor shall publish each
1 21 notice meeting the requirements of this chapter in the Iowa
1 22 administrative bulletin created pursuant to section 17A.6.
1 23 Any notice of intended action shall be published at least
1 24 ~~thirty-five~~ sixty days in advance of the action. The notice
1 25 shall include a statement of either the terms or substance of
1 26 the intended action or a description of the subjects and
1 27 issues involved, and the time when, the place where, and the
1 28 manner in which interested persons may present their views.
1 29 Sec. 3. Section 17A.4, subsection 1, paragraph b, Code
1 30 2009, is amended to read as follows:
1 31 b. Afford all interested persons not less than ~~twenty~~
1 32 sixty days after publication of the notice of intended action
1 33 to submit data, views, or arguments in writing. If timely
1 34 requested in writing by ~~twenty-five~~ interested persons, by a
1 35 governmental subdivision, by the administrative rules review



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2 1 committee, by an agency, or by an association having not less
2 2 than twenty-five members, the agency must give interested
2 3 persons an opportunity to make oral presentation. The
2 4 opportunity for oral presentation must be held at least twenty
2 5 days after publication of the notice of its time and place in
2 6 the Iowa administrative bulletin. The agency shall consider
2 7 fully all written and oral submissions respecting the proposed
2 8 rule. Within one hundred eighty days following either the
2 9 notice published according to the provisions of paragraph "a"
2 10 or within one hundred eighty days after the last date of the
2 11 oral presentations on the proposed rule, whichever is later,
2 12 the agency shall adopt a rule pursuant to the rulemaking
2 13 proceeding or shall terminate the proceeding by publishing
2 14 notice of termination in the Iowa administrative bulletin.

2 15 Sec. 4. Section 17A.4, subsection 2, Code 2009, is amended
2 16 to read as follows:

2 17 2. An agency shall include in a preamble to each rule it
2 18 adopts a reference to the authority delegated to the agency by
2 19 any provision of law, pursuant to which the rule is adopted.

2 20 An agency shall also include in a preamble to each rule it
2 21 adopts a brief explanation of the principal reasons for its
2 22 action and, if applicable, a brief explanation of the
2 23 principal reasons for its failure to provide in that rule for
2 24 the waiver of the rule in specified situations if no such
2 25 waiver provision is included in the rule. This explanatory
2 26 requirement does not apply when the agency adopts a rule that
2 27 only defines the meaning of a provision of law if the agency
2 28 does not possess delegated authority to bind the courts to any
2 29 extent with its definition. ~~In addition, if requested to do~~
~~2 30 so by an interested person, either prior to adoption or within~~
~~2 31 thirty days thereafter, the~~ The agency shall issue a concise
2 32 statement of the principal reasons for and against the rule
2 33 adopted, incorporating therein the reasons for overruling
2 34 considerations urged against the rule. ~~This concise statement~~
~~2 35 shall be issued either at the time of the adoption of the rule~~



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~~3 1 or within thirty=five days after the agency receives the
3 2 request. Each oral or written submission respecting the rule
3 3 shall be addressed provided, however, that similar comments
3 4 may be grouped together and addressed in one response. The
3 5 transcript of the rulemaking hearing shall not suffice as the
3 6 response to comments required by this subsection. The agency
3 7 statement shall be made available to the public thirty=five
3 8 days before adoption of the rule except in the case of a rule
3 9 adopted without notice pursuant to subsection 3. In the case
3 10 of a rule adopted without notice pursuant to subsection 3, the
3 11 statement shall be made available to the public within
3 12 thirty=five days after adoption of the rule. The statement
3 13 shall be available in electronic format, including but not
3 14 limited to access to the documents through the internet. In
3 15 judicial review of agency action pursuant to section 17A.19,
3 16 the agency shall not modify its reasoning, justification, or
3 17 basis for the rule from the preamble or statement issued
3 18 pursuant to this subsection.~~

3 19 Sec. 5. Section 17A.4, subsection 6, paragraph a, Code
3 20 2009, is amended to read as follows:

3 21 a. If the administrative rules review committee created by
3 22 section 17A.8, the governor, or the attorney general finds
3 23 objection to all or some portion of a proposed or adopted rule
3 24 because that rule is deemed to be unreasonable, arbitrary,
3 25 capricious, or ~~otherwise beyond the authority delegated to~~
3 26 based on an erroneous interpretation of a provision of law by
3 27 the agency, the committee, governor, or attorney general may,
3 28 in writing, notify the agency of the objection. In the case
3 29 of a rule issued under subsection 3, or a rule made effective
3 30 under section 17A.5, subsection 2, paragraph "b", the
3 31 committee, governor, or attorney general may notify the agency
3 32 of such an objection. The committee, governor, or attorney
3 33 general shall also file a certified copy of such an objection
3 34 in the office of the administrative code editor and a notice
3 35 to the effect that an objection has been filed shall be



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4 1 published in the next issue of the Iowa administrative
4 2 bulletin and in the Iowa administrative code when that rule is
4 3 printed in it. The burden of proof shall then be on the
4 4 agency in any proceeding for judicial review or for
4 5 enforcement of the rule heard subsequent to the filing to
4 6 establish that the rule or portion of the rule timely objected
4 7 to according to the above procedure is not unreasonable,
4 8 arbitrary, capricious, or ~~otherwise beyond the authority~~
~~4 9 delegated to it based on an erroneous interpretation of a~~
4 10 provision of law.

4 11 Sec. 6. Section 17A.4A, Code 2009, is amended to read as
4 12 follows:

4 13 17A.4A REGULATORY ANALYSIS.

4 14 1. An agency shall issue a regulatory analysis of a
4 15 proposed rule that complies with subsection 2, ~~paragraph "a",~~
4 16 if, within ~~thirty-two~~ forty days after the published notice of
4 17 proposed rule adoption, a written request for the analysis is
4 18 submitted to the agency by the administrative rules review
4 19 committee or the administrative rules coordinator. An agency
4 20 shall issue a regulatory analysis of a proposed rule that
4 21 complies with subsection 2, ~~paragraph "b",~~ if the rule would
4 22 have a substantial impact on ~~small business~~ a regulated person
4 23 and if, within ~~thirty-two~~ forty days after the published
4 24 notice of proposed rule adoption, a written request for
4 25 analysis is submitted to the agency by the administrative
4 26 rules review committee, the administrative rules coordinator,
4 27 at least twenty-five persons signing that request who each
4 28 qualify as a ~~small business~~ regulated person or by an
4 29 organization representing at least twenty-five such persons.
4 30 If a rule has been adopted without prior notice and an
4 31 opportunity for public participation in reliance upon section
4 32 17A.4, subsection 3, the written request for an analysis that
4 33 complies with subsection 2, ~~paragraph "a" or "b",~~ may be made
4 34 within seventy days of publication of the rule.

4 35 2. a. Except to the extent that a written request for a



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- 5 1 regulatory analysis expressly waives one or more of the
5 2 following, the regulatory analysis must contain all of the
5 3 following:
- 5 4 (1) A description of the classes of persons who probably
5 5 will be affected by the proposed rule, including classes that
5 6 will bear the costs of the proposed rule and classes that will
5 7 benefit from the proposed rule.
- 5 8 (2) A description of the probable quantitative and
5 9 qualitative impact of the proposed rule, economic or
5 10 otherwise, upon affected classes of persons, including a
5 11 description of the nature and amount of all of the different
5 12 kinds of costs that would be incurred in complying with the
5 13 proposed rule.
- 5 14 (3) The probable costs to the agency and to any other
5 15 agency of the implementation and enforcement of the proposed
5 16 rule and any anticipated effect on state revenues.
- 5 17 (4) A comparison of the probable costs and benefits of the
5 18 proposed rule to the probable costs and benefits of inaction.
- 5 19 (5) A determination of whether less costly methods or less
5 20 intrusive methods exist for achieving the purpose of the
5 21 proposed rule.
- 5 22 (6) A description of any alternative methods for achieving
5 23 the purpose of the proposed rule that were seriously
5 24 considered by the agency and the reasons why they were
5 25 rejected in favor of the proposed rule.
- 5 26 (7) An identification of the problem the proposed rule is
5 27 intended to address, a determination of whether the proposed
5 28 rule is necessary to address the problem, and a description of
5 29 how the proposed rule addresses the problem.
- 5 30 (8) A citation to and summary of each scientific or
5 31 statistical study, report, or analysis that serves as a basis
5 32 for the proposed rule, together with an indication of how the
5 33 full text of the study, report, or analysis may be obtained.
- 5 34 b. In the case of a rule that would have a substantial
5 35 impact on ~~small business~~ a regulated person, the regulatory



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6 1 analysis must contain a discussion of whether it would be
6 2 feasible and practicable to do any of the following to reduce
6 3 the impact of the rule on ~~small business~~ a regulated person:

6 4 (1) Establish less stringent compliance or reporting
6 5 requirements in the rule for ~~small business~~ a regulated
6 6 person.

6 7 (2) Establish less stringent schedules or deadlines in the
6 8 rule for compliance or reporting requirements for ~~small~~
6 9 ~~business~~ a regulated person.

6 10 (3) Consolidate or simplify the rule's compliance or
6 11 reporting requirements for ~~small business~~ a regulated person.

6 12 (4) Establish performance standards to replace design or
6 13 operational standards in the rule for ~~small business~~ a
6 14 regulated person.

6 15 (5) Exempt ~~small business~~ a regulated person from any or
6 16 all requirements of the rule.

6 17 c. The agency shall reduce the impact of a proposed rule
6 18 that would have a substantial impact on ~~small business~~ a
6 19 regulated person by using a method discussed in paragraph "b"
6 20 if the agency finds that the method is legal and feasible in
6 21 meeting the statutory objectives which are the basis of the
6 22 proposed rule.

6 23 3. Each regulatory analysis must include quantifications
6 24 of the data to the extent practicable and must take account of
6 25 both short-term and long-term consequences.

6 26 4. Upon receipt by an agency of a timely request for a
6 27 regulatory analysis, the agency shall extend the period
6 28 specified in this chapter for each of the following until at
6 29 least twenty days after publication in the administrative
6 30 bulletin of a concise summary of the regulatory analysis:

6 31 a. The end of the period during which persons may make
6 32 written submissions on the proposed rule.

6 33 b. The end of the period during which an oral proceeding
6 34 may be requested.

6 35 c. The date of any required oral proceeding on the



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7 1 proposed rule.

7 2 5. In the case of a rule adopted without prior notice and
7 3 an opportunity for public participation in reliance upon
7 4 section 17A.4, subsection 3, the summary must be published
7 5 within seventy days of the request.

7 6 6. The published summary of the regulatory analysis must
7 7 also indicate where persons may obtain copies of the full text
7 8 of the regulatory analysis and where, when, and how persons
7 9 may present their views on the proposed rule and demand an
7 10 oral proceeding thereon if one is not already provided. The
7 11 agency shall issue a concise statement in response to all
7 12 written or oral submissions respecting the regulatory analysis
7 13 pursuant to section 17A.4, subsection 2, as if the regulatory
7 14 analysis were a rule. A final regulatory analysis shall be
7 15 published in the Iowa administrative bulletin upon adoption of
7 16 the rule, subject to section 17A.6, subsection 3, which shall
7 17 apply to the publication of the final regulatory analysis as
7 18 if it were a rule. Agencies shall make available to the
7 19 public, to the maximum extent feasible, the published summary
7 20 and the full text of the regulatory analysis and the final
7 21 regulatory analysis described in this subsection in an
7 22 electronic format, including, but not limited to, access to
7 23 the documents through the internet.

7 24 7. If the agency has made a good faith effort to comply
7 25 with the requirements of subsections 1 through 3, the rule may
7 26 not be invalidated on the ground that the contents of the
7 27 regulatory analysis are insufficient or inaccurate. In
7 28 judicial review of agency action pursuant to section 17A.19,
7 29 the agency shall not modify its reasoning, justification, or
7 30 basis for the rule from the regulatory analysis issued
7 31 pursuant to this section or statement issued pursuant to this
7 32 subsection.

7 33 8. a. ~~For the purpose of this section, "small business"~~
7 34 ~~means any entity including but not limited to an individual,~~
7 35 ~~partnership, corporation, joint venture, association, or~~



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~~8 1 cooperative, to which all of the following apply:~~

~~8 2 (1) It is not an affiliate or subsidiary of an entity~~
~~8 3 dominant in its field of operation.~~

~~8 4 (2) It has either twenty or fewer full-time equivalent~~
~~8 5 positions or less than one million dollars in annual gross~~
~~8 6 revenues in the preceding fiscal year.~~

~~8 7 b. For purposes of this definition, "dominant in its field~~
~~8 8 of operation" means having more than twenty full-time~~
~~8 9 equivalent positions and more than one million dollars in~~
~~8 10 annual gross revenues, and "affiliate or subsidiary of an~~
~~8 11 entity dominant in its field of operation" means an entity~~
~~8 12 which is at least twenty percent owned by an entity dominant~~
~~8 13 in its field of operation, or by partners, officers,~~
~~8 14 directors, majority stockholders, or their equivalent, of an~~
~~8 15 entity dominant in that field of operation.~~

8 16 Sec. 7. Section 17A.8, Code 2009, is amended by adding the
8 17 following new subsection:

8 18 NEW SUBSECTION. 10. If three or more members of the
8 19 committee make a written submission respecting a rule, whether
8 20 proposed or adopted, the agency shall respond in writing to
8 21 the submission within twenty days of the submission. Such
8 22 submission, and the response to it, shall be available to the
8 23 public for inspection.

8 24 Sec. 8. NEW SECTION. 17A.9B COMPLIANCE ASSISTANCE
8 25 LETTER.

8 26 An agency may issue a compliance assistance letter to any
8 27 person or agency. A compliance assistance letter may identify
8 28 an alleged violation of a federal or state statute, rule, or
8 29 executive order, and recommend actions to remedy the alleged
8 30 violation. A compliance assistance letter shall not affect
8 31 the legal rights, duties, or privileges of the person or
8 32 agency to which the letter is issued. A compliance assistance
8 33 letter shall not be used by or on behalf of an agency for any
8 34 evidentiary purpose, including but not limited to evidence in
8 35 an enforcement action, a submission to a national database of



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9 1 violations, justification for a referral to the attorney
9 2 general, or justification for a higher penalty.

9 3 Sec. 9. Section 17A.19, subsection 8, paragraph a, Code
9 4 2009, is amended to read as follows:

9 5 a. The burden of demonstrating the required prejudice and
9 6 the invalidity of agency action is on the party asserting
9 7 invalidity. However, if the authority delegated to an agency
9 8 by a provision of law is challenged, the agency shall bear the
9 9 burden of demonstrating the lack of prejudice. If an agency
9 10 fails to meet the burden of proof, the court shall declare the
9 11 rule or portion of the rule objected to invalid and judgment
9 12 shall be rendered against the agency for all fees and other
9 13 expenses. Such fees and other expenses shall include but not
9 14 be limited to reasonable attorney fees, expert witness fees,
9 15 court costs, and contested case expenses. Such fees and
9 16 expenses shall be payable by the director of the department of
9 17 administrative services from the support appropriations of the
9 18 agency which issued the rule in question.

9 19 Sec. 10. Section 17A.19, subsection 10, Code 2009, is
9 20 amended by adding the following new paragraph:

9 21 NEW PARAGRAPH. o. Based on broad statutory authority
9 22 without a specific law being implemented. For purposes of
9 23 this paragraph, a grant of broad statutory authority means a
9 24 state statute generally describing the purpose, power, and
9 25 function of an agency, or a state statute which establishes
9 26 legislative purpose, intent, or policy. Rules that are
9 27 related to the purpose of the enabling legislation or within
9 28 the class of the agency's powers and duties shall be
9 29 considered to be based on broad statutory authority unless
9 30 specifically authorized by state statute.

9 31 Sec. 11. Section 17A.19, subsection 11, Code 2009, is
9 32 amended to read as follows:

9 33 11. In making the determinations required by subsection
9 34 10, paragraphs "a" through "~~n~~" "o", the court shall do all of
9 35 the following:



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10 1 a. Shall not give any deference to the view of the agency
10 2 with respect to whether particular matters have been vested by
10 3 a provision of law in the discretion of the agency.

10 4 b. Should not give any deference to the view of the agency
10 5 with respect to particular matters that have not been vested
10 6 by a provision of law in the discretion of the agency.

10 7 c. Shall give appropriate deference to the view of the
10 8 agency with respect to particular matters that have been
10 9 vested by a provision of law in the discretion of the agency.

10 10 Sec. 12. Section 17A.19, subsection 12, Code 2009, is
10 11 amended to read as follows:

10 12 12. A defendant in a suit for civil enforcement of agency
10 13 action may defend on any of the grounds specified in
10 14 subsection 10, paragraphs "a" through ~~"n"~~ "o", if that
10 15 defendant, at the time the enforcement suit was filed, would
10 16 have been entitled to rely upon any of those grounds as a
10 17 basis for invalidating the agency action in a suit for
10 18 judicial review of that action brought at the time the
10 19 enforcement suit was filed. If a suit for civil enforcement
10 20 of agency action in a contested case is filed within the time
10 21 period in which the defendant could have filed a petition for
10 22 judicial review of that agency action, and the agency
10 23 subsequently dismisses its suit for civil enforcement of that
10 24 agency action against the defendant, the defendant may, within
10 25 thirty days of that dismissal, file a petition for judicial
10 26 review of the original agency action at issue if the defendant
10 27 relied upon any of the grounds for judicial review in
10 28 subsection 10, paragraphs "a" through ~~"n"~~ "o", in a responsive
10 29 pleading to the enforcement action, or if the time to file a
10 30 responsive pleading had not yet expired at the time the
10 31 enforcement action was dismissed.

10 32 Sec. 13. Section 17A.33, Code 2009, is amended to read as
10 33 follows:

10 34 17A.33 REVIEW BY ADMINISTRATIVE RULES REVIEW COMMITTEE.

10 35 1. The administrative rules review committee shall review



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11 1 existing rules, as time permits, to determine if there are
11 2 adverse or beneficial effects from these rules. The committee
11 3 shall give a high priority to rules that are referred to it by
11 4 small business ~~as defined in section 17A.4A~~. The review of
11 5 these rules shall be forwarded to the appropriate standing
11 6 committees of the house and senate.

11 7 2. For the purpose of this section, "small business" means
11 8 any entity including but not limited to an individual,
11 9 partnership, corporation, joint venture, association, or
11 10 cooperative, to which all of the following apply:

11 11 a. It is not an affiliate or subsidiary of an entity
11 12 dominant in its field of operation.

11 13 b. It has either twenty or fewer full-time equivalent
11 14 positions or less than one million dollars in annual gross
11 15 revenues in the preceding fiscal year.

11 16 Sec. 14. Section 455A.4, Code 2009, is amended by adding
11 17 the following new subsections:

11 18 NEW SUBSECTION. 6. The director, deputy director, or
11 19 division administrators shall recommend rules to the
11 20 environmental protection commission or the natural resource
11 21 commission for the implementation of their respective
11 22 responsibilities before a notice of intended action is given
11 23 pursuant to section 17A.4.

11 24 NEW SUBSECTION. 7. All rules adopted by a commission must
11 25 be approved in writing by the director. A rule adopted by the
11 26 commission without written approval of the director is void.

11 27 Sec. 15. Section 455A.5, Code 2009, is amended by adding
11 28 the following new subsection:

11 29 NEW SUBSECTION. 7. All rules adopted by the commission
11 30 must be approved in writing by the director. A rule adopted
11 31 by the commission without written approval of the director is
11 32 void.

11 33 Sec. 16. Section 455A.6, Code 2009, is amended by adding
11 34 the following new subsection:

11 35 NEW SUBSECTION. 7. All rules adopted by the commission



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12 1 must be approved in writing by the director. A rule adopted
12 2 by the commission without written approval of the director is
12 3 void.

12 4 Sec. 17. NEW SECTION. 455A.22 RULEMAKING PROCESS.

12 5 The environmental protection commission and the natural
12 6 resource commission shall give written notice to the director
12 7 of the department of economic development and the secretary of
12 8 agriculture no less than sixty days prior to approval of a
12 9 notice of intended action under section 17A.4. The notice
12 10 shall include a description of the subject matter of the rule
12 11 and include the most recent draft of the notice of intended
12 12 action. Written or oral submissions may be made by the
12 13 director of the department of economic development and the
12 14 secretary of agriculture no later than the conclusion of the
12 15 public comment period provided pursuant to section 17A.4. All
12 16 recommendations in such submissions shall be advisory in
12 17 nature and shall not be binding on the director of the
12 18 department of natural resources or the environmental
12 19 protection commission or the natural resource commission. The
12 20 environmental protection commission and the natural resource
12 21 commission shall give written notice of intent to adopt rules
12 22 pursuant to section 17A.4, subsection 3, to the department of
12 23 economic development director and the secretary of
12 24 agriculture, no less than ten days prior to filing the rule
12 25 with the administrative rules coordinator. The environmental
12 26 protection commission and the natural resource commission
12 27 shall respond to all recommendations including the reasons for
12 28 overruling any recommendations made by the director of the
12 29 department of economic development and the secretary of
12 30 agriculture.

12 31 Sec. 18. Section 625.29, subsection 1, paragraph a, Code
12 32 2009, is amended by striking the paragraph.

12 33 Sec. 19. Section 625.29, subsection 3, Code 2009, is
12 34 amended to read as follows:

12 35 3. A party seeking an award for fees and other expenses



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13 1 under this section must file a claim for relief as a part of
13 2 the civil action or as a part of the action for judicial
13 3 review brought against the state pursuant to chapter 17A. If
13 4 the amount sought includes an attorney's fees or fees for an
13 5 expert, the application shall include an itemized statement
13 6 for these fees indicating the actual time expended in
13 7 representing the party and the rate at which the fees were
13 8 computed. ~~The party seeking relief must establish that the~~
~~13 9 state's case was not supported by substantial evidence.~~

13 10 Sec. 20. EFFECTIVE DATE. This Act, being deemed of
13 11 immediate importance, takes effect upon enactment.

13 12 Sec. 21. APPLICABILITY. This Act applies to all rules
13 13 published as a notice of intended action or adopted on or
13 14 after the effective date of this Act. If a rule is amended on
13 15 or after the effective date of this Act, this Act applies to
13 16 the entire rule being amended, not just to the amended portion
13 17 of the rule.

13 18 EXPLANATION

13 19 This bill revises Code section 17A.4, relating to the
13 20 administrative rulemaking process, by expanding the period for
13 21 public comment from 20 to 60 days and by requiring that each
13 22 proposed rule set out the statutory authority and a detailed
13 23 statement of reasons for the proposal not less than 35 days
13 24 before the rule is adopted. The statement must address all
13 25 issues raised during the rulemaking. On judicial review, the
13 26 agency cannot modify its reasoning, justification, or basis
13 27 for the rule from the preamble or statement.

13 28 The bill revises the authority of the governor, the
13 29 administrative rules review committee, or the attorney general
13 30 to object to the provisions of a rule. Currently, grounds for
13 31 an objection include a finding that a rule is beyond the
13 32 authority delegated to the agency. The bill revises this to a
13 33 finding that the rule is based on an erroneous interpretation
13 34 of a provision of law.

13 35 The bill also revises current procedures for the regulatory



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14 1 analysis of administrative rules in Code section 17A.4A. The
14 2 time frame for requesting the statement is expanded from 32 to
14 3 40 days and adds new criteria that must be addressed.

14 4 The bill also revises that portion of the regulatory
14 5 analysis that is specific to small business. Any reference to
14 6 small business is removed and the term "regulated person" is
14 7 substituted. That term is defined as any person that may be
14 8 impacted by a proposed rule through an increased regulatory
14 9 burden, including increased compliance or reporting costs.

14 10 The bill amends Code section 17A.8, relating to the
14 11 administrative rules review committee, by allowing three or
14 12 more members to make a written submission to an agency
14 13 promulgating a rule and by requiring a written response within
14 14 20 days of the submission.

14 15 The bill creates a new provision for a compliance
14 16 assistance letter, similar to the existing provisions for a
14 17 declaratory order. This process allows a person to seek
14 18 advice from an agency relating to alleged violation of a
14 19 federal or state statute, rule, or executive order, and
14 20 recommend actions to remedy the alleged violation. The letter
14 21 cannot be used by or on behalf of an agency for any
14 22 evidentiary purpose.

14 23 The bill also revises provisions relating to the judicial
14 24 review of agency actions under Code section 17A.19. The bill
14 25 requires an agency to prove that it has the required legal
14 26 authority to support its contested action. If the agency
14 27 fails, the court is required to declare the rule or portion of
14 28 the rule objected to invalid and judgment shall be rendered
14 29 against the agency for all fees, including attorney fees and
14 30 other expenses.

14 31 The bill adds a new ground on which an agency action may be
14 32 overturned by a reviewing court: that the rule is based on
14 33 broad statutory authority without a specific law being
14 34 implemented.

14 35 The bill revises rulemaking specific to the department of



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15 1 natural resources, requiring that all rules adopted by either
15 2 the environmental protection commission or the natural
15 3 resource commission must be approved in writing by the
15 4 director. A rule adopted by a commission without written
15 5 approval of the director is void. The bill also establishes a
15 6 specific rulemaking process for the department in new Code
15 7 section 455A.22, requiring special notice to the department of
15 8 economic development and the secretary of agriculture no less
15 9 than 60 days prior to the commencement of rulemaking.

15 10 The bill revises Code section 625.29, relating to the
15 11 assessment of court costs and attorney fees to a person
15 12 challenging an agency action. The bill eliminates the agency
15 13 defense that the state's case was supported by substantial
15 14 evidence.

15 15 The bill provides that the new requirements apply to all
15 16 rules noticed, adopted, or amended on or after the effective
15 17 date of the bill.

15 18 The bill takes effect upon enactment.

15 19 LSB 2219YC 83

15 20 jr/rj/5



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

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

A BILL FOR

1 An Act relating to the applicability of the motor vehicle dealer
2 licensing requirements to certain financial institutions which
3 are holders of retail installment contracts secured by motor
4 vehicles.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 2409HC 83
7 lh/nh/24



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House Study Bill 250 continued

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1 1 Section 1. Section 322.2, unnumbered paragraph 2, Code
 1 2 2009, is amended by striking the unnumbered paragraph.
 1 3 Sec. 2. Section 322.15, Code 2009, is amended to read as
 1 4 follows:
 1 5 322.15 LIBERAL CONSTRUCTION == EXCEPTION.
 1 6 1. All provisions of this chapter shall be liberally
 1 7 construed to the end that the practice or commission of fraud
 1 8 in the sale, barter, or disposition of motor vehicles at
 1 9 retail in this state may be prohibited and prevented, and
 1 10 irresponsible, unreliable, or dishonest persons may be
 1 11 prevented from engaging in the business of selling, bartering,
 1 12 or otherwise dealing in motor vehicles at retail in this state
 1 13 and reliable persons may be encouraged to engage in the
 1 14 business of selling, bartering, and otherwise dealing in motor
 1 15 vehicles at retail in this state.

1 16 2. This chapter shall not be construed to require the
 1 17 licensing of any bank, savings and loan, credit union, or
 1 18 trust company as to any motor vehicle on which that bank,
 1 19 savings and loan, credit union, or trust company is a holder
 1 20 of a retail installment contract secured by that motor
 1 21 vehicle.

EXPLANATION

1 22 This bill strikes language from the definitions section of
 1 23 Code chapter 322 dealing with the licensing of motor vehicle
 1 24 dealers, and adds a new exception to the provision that
 1 25 outlines how the chapter is to be construed. The language
 1 26 that is stricken was added in 1957 Iowa Acts, chapter 311, and
 1 27 states that "nothing contained herein is to be construed to
 1 28 require the licensing or to apply to any bank, credit union or
 1 29 trust company in Iowa". The language added in this bill
 1 30 includes savings and loan companies, in addition to banks,
 1 31 credit unions, or trust companies, to the list of financial
 1 32 institutions excepted from licensing under Code chapter 322
 1 33 and limits the exception to those listed financial
 1 34 institutions which are holders of a retail installment
 1 35



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- 2 1 contract secured by a motor vehicle.
- 2 2 LSB 2409HC 83
- 2 3 lh/nh/24



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House Study Bill 251

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

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

A BILL FOR

- 1 An Act relating to the reorganization of
- 2 operating=while=intoxicated criminal offenses, making related
- 3 changes, and providing an effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1856HC 83
- 6 rh/nh/8



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1 1 Section 1. Section 321J.2, Code 2009, is amended by
1 2 striking the section and inserting in lieu thereof the
1 3 following:
1 4 321J.2 OPERATING WHILE UNDER THE INFLUENCE OF ALCOHOL OR A
1 5 DRUG OR WHILE HAVING AN ALCOHOL CONCENTRATION OF .08 OR MORE
1 6 (OWI).
1 7 1. A person commits the offense of operating while
1 8 intoxicated if the person operates a motor vehicle in this
1 9 state in any of the following conditions:
1 10 a. While under the influence of an alcoholic beverage or
1 11 other drug or a combination of such substances.
1 12 b. While having an alcohol concentration of .08 or more.
1 13 c. While any amount of a controlled substance is present
1 14 in the person, as measured in the person's blood or urine.
1 15 2. A person who violates subsection 1 commits:
1 16 a. A serious misdemeanor for the first offense.
1 17 b. An aggravated misdemeanor for a second offense.
1 18 c. A class "D" felony for a third offense and each
1 19 subsequent offense.
1 20 3. A first offense is punishable by all of the following:
1 21 a. A minimum period of imprisonment in the county jail of
1 22 forty-eight hours, but not to exceed one year, to be served as
1 23 ordered by the court, less credit for any time the person was
1 24 confined in a jail or detention facility following arrest or
1 25 for any time the person spent in a court-ordered
1 26 operating-while-intoxicated program that provides law
1 27 enforcement security. However, the court, in ordering service
1 28 of the sentence and in its discretion, may accommodate the
1 29 defendant's work schedule.
1 30 b. (1) With the consent of the defendant, the court may
1 31 defer judgment pursuant to section 907.3 and may place the
1 32 defendant on probation upon conditions as it may require.
1 33 Upon a showing that the defendant is not fulfilling the
1 34 conditions of probation, the court may revoke probation and
1 35 impose any sentence authorized by law. Before taking such



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2 1 action, the court shall give the defendant an opportunity to
2 2 be heard on any matter relevant to the proposed action. Upon
2 3 violation of the conditions of probation, the court may
2 4 proceed as provided in chapter 908. Upon fulfillment of the
2 5 conditions of probation and the payment of fees imposed and
2 6 not waived by the judicial district department of correctional
2 7 services under section 905.14, the defendant shall be
2 8 discharged without entry of judgment.

2 9 (2) A person is not eligible for a deferred judgment under
2 10 section 907.3 if the person has been convicted of a violation
2 11 of this section or the person's driver's license has been
2 12 revoked under this chapter, and any of the following apply:

2 13 (a) If the defendant's alcohol concentration established
2 14 by the results of an analysis of a specimen of the defendant's
2 15 blood, breath, or urine withdrawn in accordance with this
2 16 chapter exceeds .15, regardless of whether or not the alcohol
2 17 concentration indicated by the chemical test minus the
2 18 established margin of error inherent in the device or method
2 19 used to conduct the test equals an alcohol concentration of
2 20 .15 or more.

2 21 (b) If the defendant has previously been convicted of a
2 22 violation of subsection 1 or a statute in another state
2 23 substantially corresponding to subsection 1.

2 24 (c) If the defendant has previously received a deferred
2 25 judgment or sentence for a violation of subsection 1 or for a
2 26 violation of a statute in another state substantially
2 27 corresponding to subsection 1.

2 28 (d) If the defendant refused to consent to testing
2 29 requested in accordance with section 321J.6.

2 30 (e) If the offense under this chapter results in bodily
2 31 injury to a person other than the defendant.

2 32 c. (1) At the time of or after pronouncing judgment and
2 33 with the consent of the defendant, the court may defer the
2 34 sentence pursuant to section 907.3 and assign the defendant to
2 35 the judicial district department of correctional services.



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3 1 The court may assign the defendant to supervision or services
3 2 under section 901B.1 at the level of sanctions which the
3 3 district department determines to be appropriate.
3 4 (2) A person is not eligible for a deferred sentence under
3 5 section 907.3 if any of the following apply:
3 6 (a) If the defendant's alcohol concentration established
3 7 by the results of an analysis of a specimen of the defendant's
3 8 blood, breath, or urine withdrawn in accordance with this
3 9 chapter exceeds .15, regardless of whether or not the alcohol
3 10 concentration indicated by the chemical test minus the
3 11 established margin of error inherent in the device or method
3 12 used to conduct the test equals an alcohol concentration of
3 13 .15 or more.
3 14 (b) If the defendant has previously been convicted of a
3 15 violation of subsection 1, or a violation of a statute in
3 16 another state substantially corresponding to subsection 1.
3 17 (c) If the defendant has previously received a deferred
3 18 judgment or sentence for a violation of subsection 1, or for a
3 19 violation of a statute in another state substantially
3 20 corresponding to subsection 1.
3 21 (d) If the defendant refused to consent to testing
3 22 requested in accordance with section 321J.6.
3 23 (e) If the offense under this chapter results in bodily
3 24 injury to a person other than the defendant.
3 25 d. (1) By record entry at the time of or after
3 26 sentencing, the court may suspend the sentence and place the
3 27 defendant on probation upon such terms and conditions as it
3 28 may require including commitment to an alternate jail facility
3 29 or a community correctional residential treatment facility to
3 30 be followed by a term of probation as specified in section
3 31 907.7, or commitment of the defendant to the judicial district
3 32 department of correctional services for supervision or
3 33 services under section 901B.1 at the level of sanctions which
3 34 the district department determines to be appropriate and the
3 35 payment of fees imposed under section 905.14. A person so



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4 1 committed who has probation revoked shall be given credit for
4 2 such time served.

4 3 (2) However, the court shall not suspend the mandatory
4 4 minimum sentence of incarceration imposed pursuant to
4 5 paragraph "a". Furthermore, the court shall not suspend any
4 6 part of a sentence not involving incarceration imposed
4 7 pursuant to this subsection beyond the mandatory minimum if
4 8 any of the following apply:

4 9 (a) If the defendant's alcohol concentration established
4 10 by the results of an analysis of a specimen of the defendant's
4 11 blood, breath, or urine withdrawn in accordance with this
4 12 chapter exceeds .15, regardless of whether or not the alcohol
4 13 concentration indicated by the chemical test minus the
4 14 established margin of error inherent in the device or method
4 15 used to conduct the test equals an alcohol concentration of
4 16 .15 or more.

4 17 (b) If the defendant has previously been convicted of a
4 18 violation of subsection 1, or a violation of a statute in
4 19 another state substantially corresponding to subsection 1.

4 20 (c) If the defendant has previously received a deferred
4 21 judgment or sentence for a violation of subsection 1, or for a
4 22 violation of a statute in another state substantially
4 23 corresponding to subsection 1.

4 24 (d) If the defendant refused to consent to testing
4 25 requested in accordance with section 321J.6.

4 26 (e) If the offense under this chapter results in bodily
4 27 injury to a person other than the defendant.

4 28 e. Assessment of a fine of one thousand two hundred fifty
4 29 dollars. However, in the discretion of the court, if no
4 30 personal or property injury has resulted from the defendant's
4 31 actions, the court may waive up to six hundred twenty-five
4 32 dollars of the fine when the defendant presents to the court
4 33 at the end of the minimum period of ineligibility a temporary
4 34 restricted license issued pursuant to section 321J.20.

4 35 (1) Upon the entry of a deferred judgment, a civil penalty



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5 1 shall be assessed as provided in section 907.14 in an amount
5 2 not less than the amount of the criminal fine authorized
5 3 pursuant to this paragraph "e".

5 4 (2) As an alternative to a portion or all of the fine, the
5 5 court may order the person to perform unpaid community
5 6 service. However, the court shall not order the person to
5 7 perform unpaid community service in lieu of a civil penalty or
5 8 victim restitution. Surcharges and fees shall also be
5 9 assessed pursuant to chapter 911.

5 10 f. Revocation of the person's driver's license for a
5 11 minimum period of one hundred eighty days up to a maximum
5 12 revocation period of one year, pursuant to section 321J.4,
5 13 subsection 1, section 321J.9, or section 321J.12, subsection
5 14 2. If a revocation occurs due to test refusal under section
5 15 321J.9, the defendant shall be ineligible for a temporary
5 16 restricted license for a period of ninety days.

5 17 (1) A defendant whose alcohol concentration is .08 or more
5 18 but not more than .10 shall not be eligible for any temporary
5 19 restricted license for at least thirty days if a test was
5 20 obtained and an accident resulting in personal injury or
5 21 property damage occurred. The defendant shall be ordered to
5 22 install an ignition interlock device of a type approved by the
5 23 commissioner of public safety on all vehicles owned or
5 24 operated by the defendant if the defendant seeks a temporary
5 25 restricted license. There shall be no such period of
5 26 ineligibility if no such accident occurred, and the defendant
5 27 shall not be ordered to install an ignition interlock device.

5 28 (2) A defendant whose alcohol concentration is more than
5 29 .10 shall not be eligible for any temporary restricted license
5 30 for at least thirty days if a test was obtained, and an
5 31 accident resulting in personal injury or property damage
5 32 occurred or the defendant's alcohol concentration exceeded
5 33 .15. There shall be no such period of ineligibility if no
5 34 such accident occurred and the defendant's alcohol
5 35 concentration did not exceed .15. In either case, where a



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6 1 defendant's alcohol concentration is more than .10, the
6 2 defendant shall be ordered to install an ignition interlock
6 3 device of a type approved by the commissioner of public safety
6 4 on all vehicles owned or operated by the defendant if the
6 5 defendant seeks a temporary restricted license.

6 6 g. Assignment to substance abuse evaluation and treatment,
6 7 a course for drinking drivers, and, if available and
6 8 appropriate, a reality education substance abuse prevention
6 9 program pursuant to section 321J.24.

6 10 4. A second offense is punishable by all of the following:

6 11 a. A minimum period of imprisonment in the county jail or
6 12 community-based correctional facility of seven days but not to
6 13 exceed two years.

6 14 b. Assessment of a minimum fine of one thousand eight
6 15 hundred fifty dollars and a maximum fine of six thousand two
6 16 hundred fifty dollars. Surcharges and fees shall be assessed
6 17 pursuant to chapter 911.

6 18 c. Revocation of the defendant's driver's license for a
6 19 period of one year, if a revocation occurs pursuant to section
6 20 321J.12, subsection 1. If a revocation occurs due to test
6 21 refusal under section 321J.9, or pursuant to section 321J.4,
6 22 subsection 2, the defendant's license shall be revoked for a
6 23 period of two years.

6 24 d. Assignment to substance abuse evaluation and treatment,
6 25 a course for drinking drivers, and, if available and
6 26 appropriate, a reality education substance abuse prevention
6 27 program pursuant to section 321J.24.

6 28 5. A third offense is punishable by all of the following:

6 29 a. Commitment to the custody of the director of the
6 30 department of corrections for an indeterminate term not to
6 31 exceed five years, with a mandatory minimum term of thirty
6 32 days.

6 33 (1) If the court does not suspend a person's sentence of
6 34 commitment to the custody of the director of the department of
6 35 corrections under this paragraph "a", the person shall be



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7 1 assigned to a facility pursuant to section 904.513.
7 2 (2) If the court suspends a person's sentence of
7 3 commitment to the custody of the director of the department of
7 4 corrections under this paragraph "a", the court shall order
7 5 the person to serve not less than thirty days nor more than
7 6 one year in the county jail, and the person may be committed
7 7 to treatment in the community under section 907.6.
7 8 b. Assessment of a minimum fine of three thousand one
7 9 hundred twenty-five dollars and a maximum fine of nine
7 10 thousand three hundred seventy-five dollars. Surcharges and
7 11 fees shall be assessed pursuant to chapter 911.
7 12 c. Revocation of the person's driver's license for a
7 13 period of six years pursuant to section 321J.4, subsection 4.
7 14 d. Assignment to substance abuse evaluation and treatment,
7 15 a course for drinking drivers, and, if available and
7 16 appropriate, a reality education substance abuse program
7 17 pursuant to section 321J.24.
7 18 6. a. All persons convicted of an offense under
7 19 subsection 2 shall be ordered, at the person's expense, to
7 20 undergo, prior to sentencing, a substance abuse evaluation.
7 21 The court shall order the person to follow the recommendations
7 22 proposed in the substance abuse evaluation as provided in
7 23 section 321J.3.
7 24 b. Where the program is available and is appropriate for
7 25 the convicted person, a person convicted of an offense under
7 26 subsection 2 shall be ordered to participate in a reality
7 27 education substance abuse prevention program as provided in
7 28 section 321J.24.
7 29 c. A minimum term of imprisonment in a county jail or
7 30 community-based correctional facility imposed on a person
7 31 convicted of a second or subsequent offense under subsection
7 32 2, paragraph "b" or "c" shall be served on consecutive days.
7 33 However, if the sentencing court finds that service of the
7 34 full minimum term on consecutive days would work an undue
7 35 hardship on the person, or finds that sufficient jail space is



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8 1 not available and is not reasonably expected to become
8 2 available within four months after sentencing to incarcerate
8 3 the person serving the minimum sentence on consecutive days,
8 4 the court may order the person to serve the minimum term in
8 5 segments of at least forty-eight hours and to perform a
8 6 specified number of hours of unpaid community service as
8 7 deemed appropriate by the sentencing court.
8 8 7. In determining if a violation charged is a second or
8 9 subsequent offense for purposes of criminal sentencing or
8 10 license revocation under this chapter:
8 11 a. Any conviction or revocation deleted from motor vehicle
8 12 operating records pursuant to section 321.12 shall not be
8 13 considered as a previous offense.
8 14 b. Deferred judgments entered pursuant to section 907.3
8 15 for violations of this section shall be counted as previous
8 16 offenses.
8 17 c. Convictions or the equivalent of deferred judgments for
8 18 violations in any other states under statutes substantially
8 19 corresponding to this section shall be counted as previous
8 20 offenses. The courts shall judicially notice the statutes of
8 21 other states which define offenses substantially equivalent to
8 22 the one defined in this section and can therefore be
8 23 considered corresponding statutes. Each previous violation on
8 24 which conviction or deferral of judgment was entered prior to
8 25 the date of the violation charged shall be considered and
8 26 counted as a separate previous offense.
8 27 8. A person shall not be convicted and sentenced for more
8 28 than one violation of this section for actions arising out of
8 29 the same event or occurrence, even if the event or occurrence
8 30 involves more than one of the conditions specified in
8 31 subsection 1.
8 32 9. The clerk of the district court shall immediately
8 33 certify to the department a true copy of each order entered
8 34 with respect to deferral of judgment, deferral of sentence, or
8 35 pronouncement of judgment and sentence for a defendant under



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9 1 this section.

9 2 10. a. This section does not apply to a person operating
9 3 a motor vehicle while under the influence of a drug if the
9 4 substance was prescribed for the person and was taken under
9 5 the prescription and in accordance with the directions of a
9 6 medical practitioner as defined in chapter 155A or if the
9 7 substance was dispensed by a pharmacist without a prescription
9 8 pursuant to the rules of the board of pharmacy, if there is no
9 9 evidence of the consumption of alcohol and the medical
9 10 practitioner or pharmacist had not directed the person to
9 11 refrain from operating a motor vehicle.

9 12 b. When charged with a violation of subsection 1,
9 13 paragraph "c", a person may assert, as an affirmative defense,
9 14 that the controlled substance present in the person's blood or
9 15 urine was prescribed or dispensed for the person and was taken
9 16 in accordance with the directions of a practitioner and the
9 17 labeling directions of the pharmacy, as that person and place
9 18 of business are defined in section 155A.3.

9 19 11. In any prosecution under this section, evidence of the
9 20 results of analysis of a specimen of the defendant's blood,
9 21 breath, or urine is admissible upon proof of a proper
9 22 foundation.

9 23 a. The alcohol concentration established by the results of
9 24 an analysis of a specimen of the defendant's blood, breath, or
9 25 urine withdrawn within two hours after the defendant was
9 26 driving or in physical control of a motor vehicle is presumed
9 27 to be the alcohol concentration at the time of driving or
9 28 being in physical control of the motor vehicle.

9 29 b. The presence of a controlled substance or other drug
9 30 established by the results of analysis of a specimen of the
9 31 defendant's blood or urine withdrawn within two hours after
9 32 the defendant was driving or in physical control of a motor
9 33 vehicle is presumed to show the presence of such controlled
9 34 substance or other drug in the defendant at the time of
9 35 driving or being in physical control of the motor vehicle.



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10 1 c. The department of public safety shall adopt nationally
10 2 accepted standards for determining detectable levels of
10 3 controlled substances in the division of criminal
10 4 investigation's initial laboratory screening test for
10 5 controlled substances.

10 6 12. a. In addition to any fine or penalty imposed under
10 7 this chapter, the court shall order a defendant convicted of
10 8 or receiving a deferred judgment for a violation of this
10 9 section to make restitution for damages resulting directly
10 10 from the violation, to the victim, pursuant to chapter 910.
10 11 An amount paid pursuant to this restitution order shall be
10 12 credited toward any adverse judgment in a subsequent civil
10 13 proceeding arising from the same occurrence. However, other
10 14 than establishing a credit, a restitution proceeding pursuant
10 15 to this section shall not be given evidentiary or preclusive
10 16 effect in a subsequent civil proceeding arising from the same
10 17 occurrence.

10 18 b. The court may order restitution paid to any public
10 19 agency for the costs of the emergency response resulting from
10 20 the actions constituting a violation of this section, not
10 21 exceeding five hundred dollars per public agency for each such
10 22 response. For the purposes of this paragraph, "emergency
10 23 response" means any incident requiring response by fire
10 24 fighting, law enforcement, ambulance, medical, or other
10 25 emergency services. A public agency seeking such restitution
10 26 shall consult with the county attorney regarding the expenses
10 27 incurred by the public agency, and the county attorney may
10 28 include the expenses in the statement of pecuniary damages
10 29 pursuant to section 910.3.

10 30 13. In any prosecution under this section, the results of
10 31 a chemical test shall not be used to prove a violation of
10 32 subsection 1, paragraph "b" or "c", if the alcohol, controlled
10 33 substance, or other drug concentration indicated by the
10 34 chemical test minus the established margin of error inherent
10 35 in the device or method used to conduct the chemical test does



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11 1 not equal or exceed the level prohibited by subsection 1,
11 2 paragraph "b" or "c".

11 3 Sec. 2. Section 321J.3, subsection 1, paragraph a, Code
11 4 2009, is amended to read as follows:

11 5 a. In addition to orders issued pursuant to section
11 6 321J.2, ~~subsection 3~~ subsections 3, 4, and 5, and section
11 7 321J.17, the court shall order any defendant convicted under
11 8 section 321J.2 to follow the recommendations proposed in the
11 9 substance abuse evaluation for appropriate substance abuse
11 10 treatment for the defendant. Court-ordered substance abuse
11 11 treatment is subject to the periodic reporting requirements of
11 12 section 125.86.

11 13 Sec. 3. Section 707.6A, subsection 6, Code 2009, is
11 14 amended to read as follows:

11 15 6. Except for the purpose of sentencing under section
11 16 321J.2, ~~subsection 2~~ subsections 3, 4, and 5, a conviction or
11 17 deferral of judgment for a violation of this section, where a
11 18 violation of section 321J.2 is admitted or proved, shall be
11 19 treated as a conviction or deferral of judgment for a
11 20 violation of section 321J.2 for the purposes of chapters 321,
11 21 321A, and 321J, and section 907.3, subsection 1.

11 22 Sec. 4. Section 902.3, Code 2009, is amended to read as
11 23 follows:

11 24 902.3 INDETERMINATE SENTENCE.

11 25 When a judgment of conviction of a felony other than a
11 26 class "A" felony is entered against a person, the court, in
11 27 imposing a sentence of confinement, shall commit the person
11 28 into the custody of the director of the Iowa department of
11 29 corrections for an indeterminate term, the maximum length of
11 30 which shall not exceed the limits as fixed by section 902.9,
11 31 unless otherwise prescribed by statute, nor shall the term be
11 32 less than the minimum term imposed by law, if a minimum
11 33 sentence is provided. However, if the court suspends a
11 34 person's sentence under section 321J.2, subsection ~~2~~ 5,
11 35 paragraph ~~"e"~~ "a", the court shall order the offender to serve



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12 1 time in the county jail as provided in section 321J.2,
12 2 subsection ~~2~~ 5, paragraph "~~e~~" "a", notwithstanding any
12 3 provision to the contrary in section 903.4.
12 4 Sec. 5. Section 907.3, subsection 3, paragraph c, Code
12 5 2009, is amended to read as follows:
12 6 c. A mandatory minimum sentence of incarceration imposed
12 7 pursuant to a violation of section 321J.2, subsection 1;
12 8 furthermore, the court shall not suspend any part of a
12 9 sentence not involving incarceration imposed pursuant to
12 10 section 321J.2, subsection ~~2~~ 3, beyond the mandatory minimum
12 11 if any of the following apply:
12 12 Sec. 6. Section 910.1, subsection 4, Code 2009, is amended
12 13 to read as follows:
12 14 4. "Restitution" means payment of pecuniary damages to a
12 15 victim in an amount and in the manner provided by the
12 16 offender's plan of restitution. "Restitution" also includes
12 17 fines, penalties, and surcharges, the contribution of funds to
12 18 a local anticrime organization which provided assistance to
12 19 law enforcement in an offender's case, the payment of crime
12 20 victim compensation program reimbursements, payment of
12 21 restitution to public agencies pursuant to section 321J.2,
12 22 subsection ~~9~~ 12, paragraph "b", court costs including
12 23 correctional fees approved pursuant to section 356.7,
12 24 court-appointed attorney fees ordered pursuant to section
12 25 815.9, including the expense of a public defender, and the
12 26 performance of a public service by an offender in an amount
12 27 set by the court when the offender cannot reasonably pay all
12 28 or part of the court costs including correctional fees
12 29 approved pursuant to section 356.7, or court-appointed
12 30 attorney fees ordered pursuant to section 815.9, including the
12 31 expense of a public defender.
12 32 Sec. 7. Section 910.2, unnumbered paragraph 1, Code 2009,
12 33 is amended to read as follows:
12 34 In all criminal cases in which there is a plea of guilty,
12 35 verdict of guilty, or special verdict upon which a judgment of



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13 1 conviction is rendered, the sentencing court shall order that
13 2 restitution be made by each offender to the victims of the
13 3 offender's criminal activities, to the clerk of court for
13 4 fines, penalties, surcharges, and, to the extent that the
13 5 offender is reasonably able to pay, for crime victim
13 6 assistance reimbursement, restitution to public agencies
13 7 pursuant to section 321J.2, subsection ~~9~~ 12, paragraph "b",
13 8 court costs including correctional fees approved pursuant to
13 9 section 356.7, court-appointed attorney fees ordered pursuant
13 10 to section 815.9, including the expense of a public defender,
13 11 when applicable, or contribution to a local anticrime
13 12 organization. However, victims shall be paid in full before
13 13 fines, penalties, and surcharges, crime victim compensation
13 14 program reimbursement, public agencies, court costs including
13 15 correctional fees approved pursuant to section 356.7,
13 16 court-appointed attorney fees ordered pursuant to section
13 17 815.9, including the expenses of a public defender, or
13 18 contributions to a local anticrime organization are paid. In
13 19 structuring a plan of restitution, the court shall provide for
13 20 payments in the following order of priority: victim, fines,
13 21 penalties, and surcharges, crime victim compensation program
13 22 reimbursement, public agencies, court costs including
13 23 correctional fees approved pursuant to section 356.7,
13 24 court-appointed attorney fees ordered pursuant to section
13 25 815.9, including the expense of a public defender, and
13 26 contribution to a local anticrime organization.
13 27 Sec. 8. Section 910.3, Code 2009, is amended to read as
13 28 follows:
13 29 910.3 DETERMINATION OF AMOUNT OF RESTITUTION.
13 30 The county attorney shall prepare a statement of pecuniary
13 31 damages to victims of the defendant and, if applicable, any
13 32 award by the crime victim compensation program and expenses
13 33 incurred by public agencies pursuant to section 321J.2,
13 34 subsection ~~9~~ 12, paragraph "b", and shall provide the
13 35 statement to the presentence investigator or submit the



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14 1 statement to the court at the time of sentencing. The clerk
14 2 of court shall prepare a statement of court-appointed attorney
14 3 fees ordered pursuant to section 815.9, including the expense
14 4 of a public defender, and court costs including correctional
14 5 fees claimed by a sheriff or municipality pursuant to section
14 6 356.7, which shall be provided to the presentence investigator
14 7 or submitted to the court at the time of sentencing. If these
14 8 statements are provided to the presentence investigator, they
14 9 shall become a part of the presentence report. If pecuniary
14 10 damage amounts are not available at the time of sentencing,
14 11 the county attorney shall provide a statement of pecuniary
14 12 damages incurred up to that time to the clerk of court. The
14 13 statement shall be provided no later than thirty days after
14 14 sentencing. If a defendant believes no person suffered
14 15 pecuniary damages, the defendant shall so state. If the
14 16 defendant has any mental or physical impairment which would
14 17 limit or prohibit the performance of a public service, the
14 18 defendant shall so state. The court may order a mental or
14 19 physical examination, or both, of the defendant to determine a
14 20 proper course of action. At the time of sentencing or at a
14 21 later date to be determined by the court, the court shall set
14 22 out the amount of restitution including the amount of public
14 23 service to be performed as restitution and the persons to whom
14 24 restitution must be paid. If the full amount of restitution
14 25 cannot be determined at the time of sentencing, the court
14 26 shall issue a temporary order determining a reasonable amount
14 27 for restitution identified up to that time. At a later date
14 28 as determined by the court, the court shall issue a permanent,
14 29 supplemental order, setting the full amount of restitution.
14 30 The court shall enter further supplemental orders, if
14 31 necessary. These court orders shall be known as the plan of
14 32 restitution.

14 33 Sec. 9. EFFECTIVE DATE. This Act takes effect December 1,
14 34 2009.

14 35

EXPLANATION



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House Study Bill 251 continued

15 1 This bill reorganizes and restructures Code section 321J.2
15 2 relating to operating=while=intoxicated (OWI) criminal
15 3 offenses.

15 4 The bill reorganizes criminal penalty, sentencing, and
15 5 related license revocation provisions currently in Code
15 6 section 321J.2. The bill also duplicates certain provisions
15 7 in Code sections 321J.4 (revocation of licenses, ignition
15 8 interlock devices, and temporary restricted licenses), 903.1
15 9 (maximum term of imprisonment for first offense OWI offenses),
15 10 907.3 (eligibility provisions for deferred judgments, deferred
15 11 sentences, and suspended sentences), and 907.14 (civil penalty
15 12 provisions for deferred judgments), and places such provisions
15 13 in Code section 321J.2. All of the revisions are
15 14 nonsubstantive.

15 15 The bill makes conforming changes in Code section 707.6A
15 16 (homicide or serious injury by vehicle), Code section 902.3
15 17 (indeterminate sentences), and Code chapter 910 (victim
15 18 restitution).

15 19 The bill takes effect December 1, 2009.

15 20 LSB 1856HC 83

15 21 rh/nh/8



Iowa General Assembly
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March 03, 2009

Senate Amendment 3053

PAG LIN

1 1 Amend Senate File 187 as follows:
1 2 #1. Page 1, by striking lines 21 through 25 and
1 3 inserting the following:
1 4 <4. For the purposes of this section,
1 5 "nonambulatory person" means an individual who has
1 6 received a nonambulatory person's permit from the
1 7 department as provided by rule, and at a minimum has
1 8 one or more of the following conditions:
1 9 a. Paralysis of the lower half of the body,
1 10 usually due to disease or a spinal cord injury.
1 11 b. Loss or partial loss of both legs.
1 12 c. Any other physical affliction which makes it
1 13 impossible for the person to ambulate successfully.>
1 14
1 15
1 16
1 17 MERLIN BARTZ
1 18 SF 187.501 83
1 19 av/nh/22193
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Senate Amendment 3054

PAG LIN

1 1 Amend Senate File 282 as follows:

1 2 #1. Page 6, by striking lines 21 through 26 and
1 3 inserting the following:

1 4 <(3) Reasonably relied upon a decision of a court,
1 5 ~~or~~ a formal opinion of the Iowa public information
1 6 board, the attorney general, or the attorney for the
1 7 governmental body, given in writing, or as
1 8 memorialized in the minutes of the meeting at which a
1 9 formal oral opinion was given, or an advisory opinion
1 10 of the Iowa public information board, the attorney
1 11 general, or the attorney for the governmental body,
1 12 given in writing.

1 13 Sec. _____. Section 21.6, subsection 3, paragraph d,
1 14 Code 2009, is amended to read as follows:

1 15 d. Shall issue an order removing a member of a
1 16 governmental body from office if that member has
1 17 engaged in a prior violation of this chapter for which
1 18 damages were assessed against the member during the
1 19 member's term. In making this determination, the
1 20 court shall recognize violations for which damages
1 21 were assessed by the Iowa public information board
1 22 created in section 23.3.>

1 23 #2. Page 10, line 9, by inserting after the word
1 24 <because> the following: <of a pending request by the
1 25 lawful custodian to the Iowa public information board
1 26 for an opinion regarding the status of the record
1 27 requested, or other>.

1 28 #3. Page 10, line 24, by inserting after the word
1 29 <file> the following: <a complaint with the Iowa
1 30 public information board pursuant to section 23.7 or
1 31 file>.

1 32 #4. Page 19, by striking lines 2 through 7 and
1 33 inserting the following:

1 34 <(3) Reasonably relied upon a decision of a court,
1 35 ~~or an~~ a formal opinion of the Iowa public information
1 36 board, the attorney general, or the attorney for the
1 37 government body, given in writing, or as memorialized
1 38 in the minutes of the meeting at which a formal oral
1 39 opinion was given, or an advisory opinion of the Iowa
1 40 public information board, the attorney general, or the
1 41 attorney for the governmental body, given in writing.

1 42 Sec. _____. Section 22.10, subsection 3, paragraph
1 43 d, Code 2009, is amended to read as follows:

1 44 d. Shall issue an order removing a person from
1 45 office if that person has engaged in a prior violation
1 46 of this chapter for which damages were assessed
1 47 against the person during the person's term. In
1 48 making this determination, the court shall recognize
1 49 violations for which damages were assessed by the Iowa
1 50 public information board created in section 23.3.>



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Senate Amendment 3054 continued

2 1 #5. By striking page 20, line 18, through page 23,
2 2 line 25, and inserting the following:
2 3 <Sec. _____. NEW SECTION. 23.1 CITATION AND
2 4 PURPOSE.
2 5 This chapter may be cited as the "Iowa Public
2 6 Information Board Act". The purpose of this chapter
2 7 is to provide an alternative means by which to secure
2 8 compliance with and enforcement of the requirements of
2 9 chapters 21 and 22 through the provision by the Iowa
2 10 public information board to all interested parties of
2 11 an efficient, informal, and cost-effective process for
2 12 resolving disputes.
2 13 Sec. _____. NEW SECTION. 23.2 DEFINITIONS.
2 14 1. "Board" means the Iowa public information board
2 15 created in section 23.3.
2 16 2. "Complainant" means a person who files a
2 17 complaint with the board.
2 18 3. "Complaint" means a written and signed document
2 19 filed with the board alleging a violation of chapter
2 20 21 or 22.
2 21 4. "Custodian" means a government body, government
2 22 official, or government employee designated as the
2 23 lawful custodian of a government record pursuant to
2 24 section 22.1.
2 25 5. "Government body" means the same as defined in
2 26 section 22.1.
2 27 6. "Person" means an individual, partnership,
2 28 association, corporation, legal representative,
2 29 trustee, receiver, custodian, government body, or
2 30 official, employee, agency, or political subdivision
2 31 of this state.
2 32 7. "Respondent" means any agency or other unit of
2 33 state or local government, custodian, government
2 34 official, or government employee who is the subject of
2 35 a complaint.
2 36 Sec. _____. NEW SECTION. 23.3 BOARD APPOINTED.
2 37 1. An Iowa public information board is created
2 38 consisting of five members appointed by the governor,
2 39 subject to confirmation by the senate. Membership
2 40 shall be balanced as to political affiliation as
2 41 provided in section 69.16 and gender as provided in
2 42 section 69.16A. Members appointed to the board shall
2 43 serve staggered, four-year terms, beginning and ending
2 44 as provided by section 69.19. A quorum shall consist
2 45 of three members.
2 46 2. A vacancy on the board shall be filled by the
2 47 governor by appointment for the unexpired part of the
2 48 term. A board member may be removed from office by
2 49 the governor for good cause. The board shall select
2 50 one of its members to serve as chair and shall employ



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Senate Amendment 3054 continued

3 1 a director who shall serve as the executive officer of
3 2 the board.

3 3 Sec. _____. NEW SECTION. 23.4 COMPENSATION AND
3 4 EXPENSES.

3 5 Board members shall be paid a per diem as specified
3 6 in section 7E.6 and shall be reimbursed for actual and
3 7 necessary expenses incurred while on official board
3 8 business. Per diem and expenses shall be paid from
3 9 funds appropriated to the board.

3 10 Sec. _____. NEW SECTION. 23.5 ELECTION OF
3 11 REMEDIES.

3 12 1. An aggrieved person, any taxpayer to or citizen
3 13 of this state, the attorney general, or any county
3 14 attorney may seek enforcement of the requirements of
3 15 chapters 21 and 22 by electing either to file an
3 16 action pursuant to section 17A.19, 21.6, or 22.10,
3 17 whichever is applicable, or in the alternative, to
3 18 file a timely complaint with the board.

3 19 2. If more than one person seeks enforcement of
3 20 chapter 21 or 22 with respect to the same incident
3 21 involving an alleged violation, and one or more of
3 22 such persons elects to do so by filing an action under
3 23 section 17A.19, 21.6, or 22.10 and one or more of such
3 24 persons elects to do so by filing a timely complaint
3 25 with the board, the court in which the action was
3 26 filed shall dismiss the action without prejudice,
3 27 authorizing the complainant to file a complaint with
3 28 respect to the same incident with the board without
3 29 regard to the timeliness of the filing of the
3 30 complaint at the time the action in court is
3 31 dismissed.

3 32 3. If a person files an action pursuant to section
3 33 22.8 seeking to enjoin the inspection of a public
3 34 record, the respondent or person requesting access to
3 35 the record which is the subject of the request for
3 36 injunction may remove the proceeding to the board for
3 37 its determination by filing, within thirty days of the
3 38 commencement of the judicial proceeding, a complaint
3 39 with the board alleging a violation of chapter 22 in
3 40 regard to the same matter.

3 41 Sec. _____. NEW SECTION. 23.6 BOARD POWERS AND
3 42 DUTIES.

3 43 The board shall have all of the following powers
3 44 and duties:

3 45 1. Employ such employees as are necessary to
3 46 execute its authority, including administrative law
3 47 judges, and attorneys to prosecute respondents in
3 48 proceedings before the board and to represent the
3 49 board in proceedings before a court. Notwithstanding
3 50 section 8A.412, all of the board's employees, except



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4 1 for the executive director and attorneys, shall be
4 2 employed subject to the merit system provisions of
4 3 chapter 8A, subchapter IV.
4 4 2. Adopt rules with the force of law pursuant to
4 5 chapter 17A calculated to implement, enforce, and
4 6 interpret the requirements of chapters 21 and 22 and
4 7 to implement any authority delegated to the board by
4 8 this chapter.
4 9 3. Issue, consistent with the requirements of
4 10 section 17A.9, declaratory orders with the force of
4 11 law determining the applicability of chapter 21 or 22
4 12 to specified fact situations and issue informal advice
4 13 to any person concerning the applicability of chapters
4 14 21 and 22.
4 15 4. Receive complaints alleging violations of
4 16 chapter 21 or 22, seek resolution of such complaints
4 17 through informal assistance or through mediation and
4 18 settlement, formally investigate such complaints,
4 19 decide after such an investigation whether there is
4 20 probable cause to believe a violation of chapter 21 or
4 21 22 has occurred, and if probable cause has been found
4 22 prosecute the respondent before the board in a
4 23 contested case proceeding conducted according to the
4 24 provisions of chapter 17A.
4 25 5. Request and receive from a government body
4 26 assistance and information as necessary in the
4 27 performance of its duties. The board may examine a
4 28 record of a government body that is the subject matter
4 29 of a complaint, including any record that is
4 30 confidential by law. Confidential records provided to
4 31 the board by a governmental body shall continue to
4 32 maintain their confidential status. Any member or
4 33 employee of the board is subject to the same policies
4 34 and penalties regarding the confidentiality of the
4 35 document as an employee of the government body.
4 36 6. Issue subpoenas enforceable in court for the
4 37 purpose of investigating complaints and to facilitate
4 38 the prosecution and conduct of contested cases before
4 39 the board.
4 40 7. After appropriate board proceedings, issue
4 41 orders with the force of law, determining whether
4 42 there has been a violation of chapter 21 or 22,
4 43 requiring compliance with specified provisions of
4 44 those chapters, imposing civil penalties equivalent to
4 45 and to the same extent as those provided for in
4 46 section 21.6 or 22.10, as applicable, on a respondent
4 47 who has been found in violation of chapter 21 or 22,
4 48 and imposing any other appropriate remedies calculated
4 49 to declare, terminate, or remediate any violation of
4 50 those chapters.



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Senate Amendment 3054 continued

5 1 8. Represent itself in judicial proceedings to
5 2 enforce or defend its orders and rules through
5 3 attorneys on its own staff, through the office of the
5 4 attorney general, or through other attorneys retained
5 5 by the board, at its option.
5 6 9. Make training opportunities available to lawful
5 7 custodians, government bodies, and other persons
5 8 subject to the requirements of chapters 21 and 22 and
5 9 require, in its discretion, appropriate persons who
5 10 have responsibilities in relation to chapters 21 and
5 11 22 to receive periodic training approved by the board.
5 12 10. Disseminate information calculated to inform
5 13 members of the public about the public's right to
5 14 access government information in this state including
5 15 procedures to facilitate this access and including
5 16 information relating to the obligations of government
5 17 bodies under chapter 21 and lawful custodians under
5 18 chapter 22 and other laws dealing with this subject.
5 19 11. Prepare and transmit to the governor and to
5 20 the general assembly, at least annually, reports
5 21 describing complaints received, board proceedings,
5 22 investigations, hearings conducted, decisions
5 23 rendered, and other work performed by the board.
5 24 12. Make recommendations to the general assembly
5 25 proposing legislation relating to public access to
5 26 government information deemed desirable by the board
5 27 in light of the policy of this state to provide as
5 28 much public access as possible to government
5 29 information as is consistent with the public interest
5 30 and the need to protect individuals against undue
5 31 invasions of personal privacy.
5 32 Sec. _____. NEW SECTION. 23.7 FILING OF COMPLAINTS
5 33 WITH THE BOARD.
5 34 1. The board shall adopt rules with the force of
5 35 law and pursuant to chapter 17A providing for the
5 36 timing, form, content, and means by which any
5 37 aggrieved person, any taxpayer to or citizen of this
5 38 state, the attorney general, or any county attorney
5 39 may file a complaint with the board alleging a
5 40 violation of chapter 21 or 22. The complaint must be
5 41 filed within sixty days from the time the alleged
5 42 violation occurred or the complainant could have
5 43 become aware of the violation with reasonable
5 44 diligence. All complaints filed with the board shall
5 45 be public records.
5 46 2. All board proceedings in response to the filing
5 47 of a complaint shall be conducted as expeditiously as
5 48 possible.
5 49 3. The board shall not charge a complainant any
5 50 fee in relation to the filing of a complaint, the



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Senate Amendment 3054 continued

6 1 processing of a complaint, or any board proceeding or
6 2 judicial proceeding resulting from the filing of a
6 3 complaint.
6 4 Sec. _____. NEW SECTION. 23.8 INITIAL PROCESSING
6 5 OF COMPLAINT.
6 6 Upon receipt of a complaint alleging a violation of
6 7 chapter 21 or 22, the board shall do either of the
6 8 following:
6 9 1. Determine that, on its face, the complaint is
6 10 within the board's jurisdiction, appears legally
6 11 sufficient, and could have merit. In such a case the
6 12 board shall accept the complaint, and shall notify the
6 13 parties of that fact in writing.
6 14 2. Determine that, on its face, the complaint is
6 15 outside its jurisdiction, is legally insufficient, is
6 16 frivolous, is without merit, involves harmless error,
6 17 or relates to a specific incident that has previously
6 18 been finally disposed of on its merits by the board or
6 19 a court. In such a case the board shall decline to
6 20 accept the complaint. If the board refuses to accept
6 21 a complaint, the board shall provide the complainant
6 22 with a written order explaining its reasons for the
6 23 action.
6 24 Sec. _____. NEW SECTION. 23.9 INFORMAL ASSISTANCE
6 25 == MEDIATION AND SETTLEMENT.
6 26 1. After accepting a complaint, the board shall
6 27 promptly work with the parties through its employees
6 28 to reach an informal, expeditious resolution of the
6 29 complaint. If an informal resolution satisfactory to
6 30 the parties cannot be reached, the board or the
6 31 board's designee shall offer the parties an
6 32 opportunity to resolve the dispute through mediation
6 33 and settlement.
6 34 2. The mediation and settlement process shall
6 35 enable the complainant to attempt to resolve the
6 36 dispute with the aid of a neutral mediator employed
6 37 and selected by the board, in its discretion, from
6 38 either its own staff or an outside source.
6 39 3. Mediation shall be conducted as an informal,
6 40 nonadversarial process and in a manner calculated to
6 41 help the parties reach a mutually acceptable and
6 42 voluntary settlement agreement. The mediator shall
6 43 assist the parties in identifying issues and shall
6 44 foster joint problem solving and the exploration of
6 45 settlement alternatives.
6 46 Sec. _____. NEW SECTION. 23.10 ENFORCEMENT.
6 47 1. If any party declines mediation or settlement
6 48 or if mediation or settlement fails to resolve the
6 49 matter to the satisfaction of all parties, the board
6 50 shall initiate a formal investigation concerning the



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Senate Amendment 3054 continued

7 1 facts and circumstances set forth in the complaint.
7 2 The board shall, after an appropriate investigation,
7 3 make a determination as to whether the complaint is
7 4 within the board's jurisdiction and whether there is
7 5 probable cause to believe that the facts and
7 6 circumstances alleged in the complaint constitute a
7 7 violation of chapter 21 or 22.
7 8 2. If the board finds the complaint is outside the
7 9 board's jurisdiction or there is no probable cause to
7 10 believe there has been a violation of chapter 21 or
7 11 22, the board shall issue a written order explaining
7 12 the reasons for the board's conclusions and dismissing
7 13 the complaint, and shall transmit a copy to the
7 14 complainant and to the party against whom the
7 15 complaint was filed.
7 16 3. a. If the board finds the complaint is within
7 17 the board's jurisdiction and there is probable cause
7 18 to believe there has been a violation of chapter 21 or
7 19 22, the board shall issue a written order to that
7 20 effect and shall commence a contested case proceeding
7 21 under chapter 17A against the respondent. An attorney
7 22 selected by the director of the board shall prosecute
7 23 the respondent in the contested case proceeding. At
7 24 the termination of the contested case proceeding the
7 25 board shall, by a majority vote of its members, render
7 26 a final decision as to the merits of the complaint.
7 27 If the board finds that the complaint has merit, the
7 28 board may issue any appropriate order to ensure
7 29 enforcement of chapter 21 or 22 including but not
7 30 limited to an order requiring specified action or
7 31 prohibiting specified action and any appropriate order
7 32 to remedy any failure of the respondent to observe any
7 33 provision of those chapters.
7 34 b. If the board determines, by a majority vote of
7 35 its members, that the respondent has violated chapter
7 36 21 or 22, the board may also do any or all of the
7 37 following:
7 38 (1) Require the respondent to pay damages as
7 39 provided for in section 21.6 or 22.10, whichever is
7 40 applicable, to the extent that provision would make
7 41 such damages payable if the complainant had sought to
7 42 enforce a violation in court instead of through the
7 43 board.
7 44 (2) Void any action taken in violation of chapter
7 45 21 if a court would be authorized to do so in similar
7 46 circumstances pursuant to section 21.6.
7 47 c. The board shall not have the authority to
7 48 remove a person from public office for a violation of
7 49 chapter 21 or 22. The board may file an action under
7 50 chapter 21 or 22 to remove a person from office for



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8 1 violations that would subject a person to removal
 8 2 under those chapters.
 8 3 d. A final board order resulting from such
 8 4 proceedings may be enforced by the board in court and
 8 5 is subject to judicial review pursuant to section
 8 6 17A.19.
 8 7 Sec. _____. NEW SECTION. 23.11 DEFENSES IN A
 8 8 CONTESTED CASE PROCEEDING.
 8 9 A respondent may defend against a proceeding before
 8 10 the board charging a violation of chapter 21 or 22 on
 8 11 the ground that if such a violation occurred it was
 8 12 only harmless error or that clear and convincing
 8 13 evidence demonstrated that grounds existed to justify
 8 14 a court to issue an injunction against disclosure
 8 15 pursuant to section 22.8.
 8 16 Sec. _____. NEW SECTION. 23.12 JURISDICTION.
 8 17 The board shall not have jurisdiction over the
 8 18 judicial or legislative branches of state government
 8 19 or any entity, officer, or employee of those branches,
 8 20 or over the governor or the office of the governor.>
 8 21 #6. Page 34, by striking lines 31 and 32 and
 8 22 inserting the following:
 8 23 <Sec. _____. IOWA PUBLIC INFORMATION BOARD ==
 8 24 TRANSITION PROVISIONS.
 8 25 1. The initial members of the Iowa public
 8 26 information board established pursuant to this Act
 8 27 shall be appointed by September 1, 2009.
 8 28 2. Notwithstanding any provision of this Act to
 8 29 the contrary, the director of the board and employees
 8 30 of the board shall not be hired prior to July 1, 2010.
 8 31 3. Prior to July 1, 2010, the board shall submit a
 8 32 report to the governor and the general assembly. The
 8 33 report shall include a job description for the
 8 34 executive director of the board, goals for board
 8 35 operations, and performance measures to measure
 8 36 achievement of the board's goals.
 8 37 Sec. _____. APPROPRIATION == IOWA PUBLIC INFORMATION
 8 38 BOARD. There is appropriated from the general fund of
 8 39 the state to the department of management for the
 8 40 fiscal year beginning July 1, 2009, and ending June
 8 41 30, 2010, the following amount, or so much thereof as
 8 42 is necessary, to be used for the following purpose:
 8 43 For the initial expenses of the Iowa public
 8 44 information board as established in this Act:
 8 45 \$ 6,000
 8 46 Sec. _____. EFFECTIVE DATE. Except for the sections
 8 47 of this Act establishing transition provisions for the
 8 48 Iowa public information board and making an
 8 49 appropriation for the initial expenses of the Iowa
 8 50 public information board, this Act takes effect July



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Senate Amendment 3054 continued

9 1 1, 2010.>
9 2 #7. Title page, by striking lines 2 and 3 and
9 3 inserting the following: <the creation of the Iowa
9 4 public information board, and providing an effective
9 5 date and making an appropriation.>
9 6
9 7
9 8
9 9 DAVID JOHNSON
9 10 SF 282.701 83
9 11 rh/rj/22220



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Senate File 306 - Introduced

SENATE FILE
BY KETTERING

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act increasing the speed limit on certain primary roads.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2562XS 83
- 4 dea/nh/14



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Senate File 306 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.285, Code 2009, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 3A. Sixty miles per hour on a primary
1 4 road.

1 5 Sec. 2. Section 321.285, subsection 4, Code 2009, is
1 6 amended to read as follows:

1 7 4. ~~Notwithstanding any other speed restrictions~~ Except as
1 8 otherwise provided by law, the speed limit for all vehicular
1 9 traffic ~~shall be~~ is fifty-five miles per hour.

1 10 EXPLANATION

1 11 This bill increases the speed limit from 55 to 60 miles per
1 12 hour on primary roads other than certain divided, multilaned
1 13 highways with a speed limit of 65 miles per hour and
1 14 interstates, which have a speed limit of 70 miles per hour.

1 15 The state department of transportation retains the authority
1 16 to lower the speed limit on any part of the primary road
1 17 system. Current scheduled fines for speeding violations in
1 18 speed zones greater than 55 miles per hour under Code section
1 19 805.8A are applicable to violations of the new speed limit.

1 20 LSB 2562XS 83

1 21 dea/nh/14



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Senate File 307 - Introduced

SENATE FILE
BY KIBBIE

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

A BILL FOR

- 1 An Act regulating animal feeding operations, and making penalties
- 2 applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2339XS 83
- 5 da/rj/8



Iowa General Assembly
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Senate File 307 - Introduced continued

PAG LIN

1 1 Section 1. Section 459.102, Code 2009, is amended by
1 2 adding the following new subsections:
1 3 NEW SUBSECTION. 28A. "Frozen ground" means soil that is
1 4 impenetrable due to frozen soil moisture but does not include
1 5 soil that is only frozen to a depth of two inches or less.
1 6 NEW SUBSECTION. 44A. "Snow covered ground" means soil
1 7 covered by one inch or more of snow or soil covered by one
1 8 half inch or more of ice.
1 9 Sec. 2. NEW SECTION. 459.313A WHEN A PERSON MAY APPLY
1 10 MANURE ON LAND == FROZEN GROUND AND SNOW COVERED GROUND.
1 11 1. A person may apply liquid manure originating from a
1 12 confinement feeding operation on frozen ground or snow covered
1 13 ground except as provided in this section or except as
1 14 otherwise provided in this chapter. During the period
1 15 beginning on February 1 and ending on April 1, a person may
1 16 apply the liquid manure on frozen ground or snow covered
1 17 ground only if the need for the application becomes urgent.
1 18 The need for the application becomes urgent when there is an
1 19 immediate need to comply with section 459.311, subsection 1.
1 20 The immediate need must be caused by unforeseen circumstances
1 21 beyond the control of the owner or operator of the confinement
1 22 feeding operation, including but not limited to natural
1 23 disaster, unusual weather conditions, or equipment failure.
1 24 An owner or operator applying liquid manure pursuant to this
1 25 paragraph shall notify the department before beginning the
1 26 land application.
1 27 2. The authorization to apply liquid manure in subsection
1 28 1 does not apply to any of the following:
1 29 a. If the immediate need to comply with section 459.311,
1 30 subsection 1, is caused by the improper design or management
1 31 of a manure storage structure, including but not limited to a
1 32 failure to properly account for the volume of the manure to be
1 33 stored.
1 34 b. If the application of liquid manure consists of manure
1 35 originating from a small animal feeding operation.



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Senate File 307 - Introduced continued

2 1 c. If the liquid manure that is applied is injected into
2 2 the soil or incorporated within the soil on the same date.
2 3 Sec. 3. DEPARTMENTAL REPORT. The department of natural
2 4 resources shall prepare and submit a report to the general
2 5 assembly on or before July 1, 2010. The report shall provide
2 6 recommendations regarding all of the following:
2 7 1. The need for improved manure storage structures
2 8 associated with small animal feeding operations to improve
2 9 water quality.
2 10 2. The application of dry manure on frozen ground or snow
2 11 covered ground.

2 12 EXPLANATION

2 13 APPLICATION OF MANURE ON FROZEN AND SNOW COVERED GROUND.
2 14 This bill amends the "Animal Agriculture Compliance Act" (Code
2 15 section 459.101), by providing for conditions when a person
2 16 may apply liquid manure during winter months beginning on
2 17 February 1 and ending on April 1 on frozen ground or snow
2 18 covered ground. The application must be "urgent", meaning
2 19 that there is an immediate need to comply with Code section
2 20 459.311(1) that prohibits manure from being discharged
2 21 directly into water of the state or into a tile line that
2 22 discharges directly into a water of the state. In addition,
2 23 the need must be unforeseen by and beyond the control of the
2 24 owner or operator of the confinement feeding operation.
2 25 However, the restrictions do not apply to manure originating
2 26 from a small animal feeding operation or liquid manure that is
2 27 injected into the soil or incorporated within the soil on the
2 28 same date as applied to the land.
2 29 REPORT REQUIRED. The bill also requires the department of
2 30 natural resources to prepare and submit a report to the
2 31 general assembly on or before July 1, 2010. The report must
2 32 provide recommendations regarding (1) the need for improved
2 33 manure storage structures associated with small animal feeding
2 34 operations to improve water quality, and (2) the application
2 35 of dry manure on frozen ground or snow covered ground.



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3 1 PENALTIES APPLICABLE. Generally, a person who applies
3 2 manure in violation of the new provision is subject to a civil
3 3 penalty that may be administratively assessed by the
3 4 department of not more than \$10,000 (Code section 455B.109) or
3 5 judicially assessed of not more than \$5,000 per each day of
3 6 the violation (455B.191(1)). Penalties are deposited into the
3 7 animal agriculture compliance fund (Code section 459.401).
3 8 LSB 2339XS 83
3 9 da/rj/8.1



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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 regulation of animal feeding operations,
- 2 and providing for penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2337XS 83
- 5 da/rj/8



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PAG LIN

1 1 DIVISION I
1 2 DRY BEDDED CONFINEMENT FEEDING OPERATIONS
1 3 SUBCHAPTER I
1 4 GENERAL PROVISIONS
1 5 Section 1. NEW SECTION. 459B.101 TITLE.
1 6 This chapter shall be known and may be cited as the "Animal
1 7 Agriculture Compliance Act for Dry Bedded Confinement Feeding
1 8 Operations".
1 9 Sec. 2. NEW SECTION. 459B.102 DEFINITIONS.
1 10 As used in this chapter, unless the context otherwise
1 11 requires:
1 12 1. "Alluvial aquifer area" means an area underlaid by sand
1 13 or gravel aquifers situated beneath floodplains along stream
1 14 valleys and includes alluvial deposits associated with stream
1 15 terraces and benches, contiguous wind-blown sand deposits, and
1 16 glacial outwash deposits.
1 17 2. "Animal" means cattle or swine.
1 18 3. "Animal unit capacity" means the maximum number of
1 19 animal units which the owner or operator confines in a dry
1 20 bedded confinement feeding operation at any one time.
1 21 4. "Bedding" means crop, vegetation, or forage residue or
1 22 similar materials placed in a dry bedded confinement building
1 23 for the care of animals.
1 24 5. "Commercial enterprise" means the same as defined in
1 25 section 459.102.
1 26 6. "Confinement feeding operation" means the same as
1 27 defined in section 459.102.
1 28 7. "Department" means the department of natural resources.
1 29 8. "Designated area" means the same as defined in section
1 30 459A.102.
1 31 9. "Designated wetland" means the same as defined in
1 32 section 459.102.
1 33 10. "Dry bedded confinement feeding operation" means a
1 34 confinement feeding operation in which animals are confined to
1 35 areas which are totally roofed and in which all manure is



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- 2 1 stored as dry bedded manure.
2 2 11. "Dry bedded confinement feeding operation structure"
2 3 means a dry bedded confinement feeding operation building or a
2 4 dry bedded manure storage structure.
2 5 12. "Dry bedded manure" means manure from animals that
2 6 meets all of the following requirements:
2 7 a. The manure does not flow perceptibly under pressure.
2 8 b. The manure is not capable of being transported through
2 9 a mechanical pumping device designed to move a liquid.
2 10 c. The manure contains bedding.
2 11 13. "Dry bedded manure confinement feeding operation
2 12 building" or "building" means a building used in conjunction
2 13 with a confinement feeding operation to house animals and in
2 14 which any manure from the animals is stored as dry bedded
2 15 manure.
2 16 14. "Dry bedded manure storage structure" means a covered
2 17 or uncovered structure, other than a building used to store
2 18 dry bedded manure originating from a confinement feeding
2 19 operation.
2 20 15. "Educational institution" means the same as defined in
2 21 section 459.102.
2 22 16. "Grassed waterway" means the same as defined in
2 23 section 459A.102.
2 24 17. "High-quality water resource" means the same as
2 25 defined in section 459.102.
2 26 18. "Karst terrain" means the same as defined in section
2 27 459.102.
2 28 19. "Major water source" means the same as defined in
2 29 section 459.102.
2 30 20. "Manure" means the same as defined in section 459.102.
2 31 21. "One hundred year floodplain" means the same as
2 32 defined in section 459.102.
2 33 22. "Public use area" means the same as defined in section
2 34 459.102.
2 35 23. "Stockpile" means to store dry bedded manure outside



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3 1 of a dry bedded manure confinement feeding operation building
3 2 or a dry bedded manure storage structure.

3 3 24. "Water source" means the same as defined in section
3 4 459.102.

3 5 Sec. 3. NEW SECTION. 459B.103 SPECIAL TERMS.

3 6 For purposes of this chapter, all of the following shall
3 7 apply:

3 8 1. Two or more dry bedded confinement feeding operations
3 9 under common ownership or common management are deemed to be a
3 10 single dry bedded confinement feeding operation if they are
3 11 adjacent or utilize a common area or system for dry bedded
3 12 manure disposal.

3 13 2. For purposes of determining whether two or more dry
3 14 bedded confinement feeding operations are adjacent, all of the
3 15 following shall apply:

3 16 a. At least one dry bedded confinement feeding operation
3 17 structure must be constructed on or after March 21, 1996.

3 18 b. A dry bedded confinement feeding operation structure
3 19 which is part of one dry bedded confinement feeding operation
3 20 is separated by less than one thousand two hundred fifty feet
3 21 from a dry bedded confinement feeding operation structure
3 22 which is part of the other dry bedded confinement feeding
3 23 operation.

3 24 3. a. For purposes of determining whether two or more dry
3 25 bedded confinement feeding operations are under common
3 26 ownership, a person must hold an interest in each of the dry
3 27 bedded confinement feeding operations as any of the following:

3 28 (1) A sole proprietor.

3 29 (2) A joint tenant or tenant in common.

3 30 (3) A holder of a majority equity interest in a business
3 31 association as defined in section 202B.102, including but not
3 32 limited to as a shareholder, partner, member, or beneficiary.

3 33 b. An interest in the dry bedded confinement feeding
3 34 operation under paragraph "a", subparagraph (1) or (2) which
3 35 is held directly or indirectly by the person's spouse or



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4 1 dependent child shall be attributed to the person.

4 2 4. For purposes of determining whether two or more dry
4 3 bedded confinement feeding operations are under common
4 4 management, a person must have significant control of the
4 5 management of the day-to-day operations of each of the dry
4 6 bedded confinement feeding operations. Common management does
4 7 not include control over a contract livestock facility by a
4 8 contractor, as defined in section 202.1.

4 9 5. In calculating the animal unit capacity of a dry bedded
4 10 confinement feeding operation, the animal unit capacity shall
4 11 include the animal unit capacity of all dry bedded confinement
4 12 feeding operation buildings that are used to house animals in
4 13 the dry bedded confinement feeding operation.

4 14 Sec. 4. NEW SECTION. 459B.104 GENERAL AUTHORITY ==
4 15 COMMISSION AND DEPARTMENT == PURPOSE == COMPLIANCE.

4 16 1. The environmental protection commission shall establish
4 17 by rule adopted pursuant to chapter 17A, requirements relating
4 18 to the construction, including expansion, or operation of dry
4 19 bedded confinement feeding operations, including related dry
4 20 bedded manure confinement feeding operation buildings and
4 21 stockpiles.

4 22 2. Any provision referring generally to compliance with
4 23 the requirements of this chapter as applied to dry bedded
4 24 confinement feeding operations also includes compliance with
4 25 requirements in rules adopted by the environmental protection
4 26 commission pursuant to this section, orders issued by the
4 27 department as authorized under this chapter, and the terms and
4 28 conditions applicable to manure management plans required
4 29 under this chapter.

4 30 3. The purpose of this chapter is to provide requirements
4 31 relating to the construction, including the expansion, and
4 32 operation of dry bedded confinement feeding operations, and
4 33 the control of dry bedded manure which shall be construed to
4 34 supplement applicable provisions of chapter 459. If there is
4 35 a conflict between the provisions of this chapter and chapter



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5 1 459, the provisions of this chapter shall prevail.

5 2 SUBCHAPTER II

5 3 DRY BEDDED MANURE STRUCTURES ==

5 4 CONSTRUCTION REQUIREMENTS

5 5 Sec. 5. NEW SECTION. 459B.201 CONSTRUCTION DESIGN

5 6 STANDARDS.

5 7 A person constructing a dry bedded confinement feeding
5 8 operation structure on karst terrain or in an alluvial aquifer
5 9 area shall comply with all of the following:

5 10 1. The person must construct the dry bedded confinement
5 11 feeding operation structure at a location where there is a
5 12 vertical separation distance of at least five feet between the
5 13 bottom of the floor of the dry bedded confinement feeding
5 14 operation structure and the underlying limestone, dolomite, or
5 15 other soluble rock in karst terrain or the underlying sand and
5 16 gravel aquifer in an alluvial aquifer area.

5 17 2. The dry bedded confinement feeding operation structure
5 18 must have a floor consisting of reinforced concrete at least
5 19 five inches thick.

5 20 Sec. 6. NEW SECTION. 459B.202 DISTANCE REQUIREMENTS.

5 21 1. Except as provided in subsection 3, the following shall
5 22 apply:

5 23 a. A dry bedded confinement feeding operation structure
5 24 shall not be constructed closer than five hundred feet away
5 25 from the surface intake of an agricultural drainage well. A
5 26 dry bedded confinement feeding operation structure shall not
5 27 be constructed closer than one thousand feet from a wellhead,
5 28 cistern of an agricultural drainage well, or known sinkhole.

5 29 b. A dry bedded confinement feeding operation structure
5 30 shall not be constructed if the dry bedded confinement feeding
5 31 operation structure as constructed is closer than any of the
5 32 following:

5 33 (1) Two hundred feet away from a water source other than a
5 34 major water source.

5 35 (2) One thousand feet away from a major water source.



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6 1 (3) Two thousand five hundred feet away from a designated
6 2 wetland.

6 3 c. (1) A water source, other than a major water source,
6 4 shall not be constructed, expanded, or diverted, if the water
6 5 source as constructed, expanded, or diverted is closer than
6 6 two hundred feet away from a dry bedded confinement feeding
6 7 operation structure.

6 8 (2) A major water source shall not be constructed,
6 9 expanded, or diverted, if the major water source as
6 10 constructed, expanded, or diverted is closer than one thousand
6 11 feet from a dry bedded confinement feeding operation
6 12 structure.

6 13 (3) A designated wetland shall not be established, if the
6 14 designated wetland is closer than two thousand five hundred
6 15 feet away from a dry bedded confinement feeding operation
6 16 structure.

6 17 2. A dry bedded confinement feeding operation structure
6 18 shall not be constructed on land that is part of a one hundred
6 19 year floodplain.

6 20 3. A separation distance required in subsection 1 shall
6 21 not apply to any of the following:

6 22 a. A location or object and a farm pond or privately owned
6 23 lake, as defined in section 462A.2.

6 24 b. A dry bedded confinement feeding operation structure
6 25 constructed with a secondary containment barrier. The
6 26 department shall adopt rules providing for the construction
6 27 and use of a secondary containment barrier.

6 28 SUBCHAPTER III

6 29 DRY BEDDED MANURE CONTROL

6 30 Sec. 7. NEW SECTION. 459B.301 STOCKPILING == AIR
6 31 QUALITY.

6 32 A person may stockpile dry bedded manure, subject to this
6 33 section.

6 34 1. Except as provided in subsection 2, a person shall not
6 35 stockpile dry bedded manure within one thousand two hundred



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7 1 fifty feet from a residence not owned by the titleholder of
7 2 the land, a commercial enterprise, a bona fide religious
7 3 institution, an educational institution, or a public use area.

7 4 2. A person may stockpile dry bedded manure within a
7 5 separation distance required between the stockpiled dry bedded
7 6 manure and an object or location for which separation is
7 7 required under subsection 1, if any of the following apply:

7 8 a. The titleholder of the land benefiting from the
7 9 separation distance requirement executes a written waiver with
7 10 the titleholder of the land where the dry bedded manure is
7 11 stockpiled.

7 12 b. The stockpiled dry bedded manure originates from a
7 13 small animal feeding operation.

7 14 Sec. 8. NEW SECTION. 459B.302 STOCKPILING == WATER
7 15 QUALITY.

7 16 A person may stockpile dry bedded manure, subject to all of
7 17 the following:

7 18 1. a. The person shall not stockpile the dry bedded
7 19 manure within the following distances to a designated area
7 20 unless the dry manure is maintained in a manner that will not
7 21 allow precipitation=induced runoff to drain from the dry
7 22 bedded manure to the designated area:

7 23 (1) Four hundred feet from a designated area other than a
7 24 high=quality water resource.

7 25 (2) Eight hundred feet from a high=quality water resource.

7 26 b. The person shall not stockpile dry bedded manure within
7 27 two hundred feet from a terrace tile inlet or surface tile
7 28 inlet unless the dry bedded manure is maintained in a manner
7 29 that will not allow precipitation=induced runoff to drain from
7 30 the dry bedded manure to the terrace tile inlet or surface
7 31 tile inlet.

7 32 c. The person shall not stockpile dry bedded manure in a
7 33 grassed waterway, where water pools on the soil surface, or in
7 34 any location where surface water will enter the stockpiled dry
7 35 bedded manure.



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8 1 d. The person shall not stockpile dry bedded manure on
8 2 land having a slope of more than three percent unless methods,
8 3 structures, or practices are implemented to contain the
8 4 stockpiled dry bedded manure, including but not limited to
8 5 using hay bales, silt fences, temporary earthen berms, or
8 6 other effective measures, and to prevent or diminish
8 7 precipitation-induced runoff from the stockpiled dry bedded
8 8 manure.

8 9 e. The person shall not stockpile dry bedded manure on
8 10 karst terrain or in an alluvial aquifer area unless the person
8 11 complies with all of the following:

8 12 (1) The person must stockpile the dry bedded manure at a
8 13 location where there is a vertical separation distance of at
8 14 least five feet between the bottom of the stockpiled dry
8 15 manure and the underlying limestone, dolomite, or other
8 16 soluble rock in karst terrain or the underlying sand and
8 17 gravel aquifer in an alluvial aquifer area.

8 18 (2) The dry bedded manure must be stockpiled on reinforced
8 19 concrete at least five inches thick.

8 20 2. The person shall remove the stockpiled dry bedded
8 21 manure and apply it in accordance with the provisions of
8 22 chapter 459, including but not limited to section 459.311,
8 23 within six months after the dry bedded manure is stockpiled.

8 24 Sec. 9. NEW SECTION. 459B.303 MANURE MANAGEMENT PLAN FOR
8 25 A DRY BEDDED CONFINEMENT OPERATION.

8 26 For purposes of a manure management plan for a dry bedded
8 27 confinement operation, if the application of dry bedded manure
8 28 is on land other than land owned or rented for crop production
8 29 by the owner of the dry bedded confinement feeding operation,
8 30 the plan shall include a copy of each written agreement
8 31 executed by the owner of the dry bedded confinement feeding
8 32 operation and the landowner or the person renting the land for
8 33 crop production where the dry bedded manure may be applied.

8 34 SUBCHAPTER IV
8 35 ENFORCEMENT



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9 1 Sec. 10. NEW SECTION. 459B.401 GENERAL.
9 2 The department and the attorney general shall enforce the
9 3 provisions of this chapter in the same manner as provided in
9 4 chapter 459, subchapter VI.
9 5 Sec. 11. NEW SECTION. 459B.402 VIOLATIONS == CIVIL
9 6 PENALTY.
9 7 A person who violates section 459B.301, shall be subject to
9 8 the same penalty as provided in section 459.602 and a person
9 9 who violates any other provision of this chapter shall be
9 10 subject to the same penalty as provided in section 459.603.
9 11 Any civil penalty collected shall be deposited in the animal
9 12 agriculture compliance fund created in section 459.401.
9 13 DIVISION II
9 14 CONFORMING CHANGES
9 15 Sec. 12. Section 455A.4, subsection 1, paragraph b, Code
9 16 2009, is amended to read as follows:
9 17 b. Provide overall supervision, direction, and
9 18 coordination of functions to be administered by the
9 19 administrators under chapters 321G, 321I, 455B, 455C, 456,
9 20 456A, 456B, 457A, 458A, 459, 459A, 459B, 461A, 462A, 462B,
9 21 464A, 465C, 473, 481A, 481B, 483A, 484A, and 484B.
9 22 Sec. 13. Section 455B.103, subsection 4, unnumbered
9 23 paragraph 1, Code 2009, is amended to read as follows:
9 24 Conduct investigations of complaints received directly or
9 25 referred by the commission created in section 455A.6 or other
9 26 investigations deemed necessary. While conducting an
9 27 investigation, the director may enter at any reasonable time
9 28 in and upon any private or public property to investigate any
9 29 actual or possible violation of this chapter, chapter 459,
9 30 chapter 459A, or the rules or standards adopted under this
9 31 chapter, chapter 459, ~~or~~ chapter 459A, or chapter 459B.
9 32 However, the owner or person in charge shall be notified.
9 33 Sec. 14. Section 455B.103A, subsection 1, unnumbered
9 34 paragraph 1, Code 2009, is amended to read as follows:
9 35 If a permit is required pursuant to this chapter, or



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10 1 chapter 459, ~~or chapter 459A, or 459B~~ for storm water
10 2 discharge or an air contaminant source and a facility to be
10 3 permitted is representative of a class of facilities which
10 4 could be described and conditioned by a single permit, the
10 5 director may issue, modify, deny, or revoke a general permit
10 6 for all of the following conditions:
10 7 Sec. 15. Section 455B.105, subsections 3, 6, and 8, Code
10 8 2009, are amended to read as follows:
10 9 3. Adopt, modify, or repeal rules necessary to implement
10 10 this chapter, chapter 459, ~~and~~ chapter 459A, and chapter 459B,
10 11 and the rules deemed necessary for the effective
10 12 administration of the department. When the commission
10 13 proposes or adopts rules to implement a specific federal
10 14 environmental program and the rules impose requirements more
10 15 restrictive than the federal program being implemented
10 16 requires, the commission shall identify in its notice of
10 17 intended action or adopted rule preamble each rule that is
10 18 more restrictive than the federal program requires and shall
10 19 state the reasons for proposing or adopting the more
10 20 restrictive requirement. In addition, the commission shall
10 21 include with its reasoning a financial impact statement
10 22 detailing the general impact upon the affected parties. It is
10 23 the intent of the general assembly that the commission
10 24 exercise strict oversight of the operations of the department.
10 25 The rules shall include departmental policy relating to the
10 26 disclosure of information on a violation or alleged violation
10 27 of the rules, standards, permits or orders issued by the
10 28 department and keeping of confidential information obtained by
10 29 the department in the administration and enforcement of this
10 30 chapter, chapter 459, ~~and~~ chapter 459A, and chapter 459B.
10 31 Rules adopted by the executive committee before January 1,
10 32 1981, shall remain effective until modified or rescinded by
10 33 action of the commission.
10 34 6. Approve all contracts and agreements under this
10 35 chapter, chapter 459, ~~and~~ chapter 459A, and chapter 459B



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11 1 between the department and other public or private persons or
11 2 agencies.

11 3 8. Hold public hearings, except when the evidence to be
11 4 received is confidential pursuant to this chapter, chapter 22,
11 5 chapter 459, ~~or~~ chapter 459A, or chapter 459B, necessary to
11 6 carry out its powers and duties. The commission may issue
11 7 subpoenas requiring the attendance of witnesses and the
11 8 production of evidence pertinent to the hearings. A subpoena
11 9 shall be issued and enforced in the same manner as provided in
11 10 civil actions.

11 11 Sec. 16. Section 455B.105, subsection 11, paragraph a,
11 12 unnumbered paragraph 1, Code 2009, is amended to read as
11 13 follows:

11 14 Adopt, by rule, procedures and forms necessary to implement
11 15 the provisions of this chapter, ~~chapter~~ and chapters 459, and
~~11 16 chapter 459A, and 459B~~ relating to permits, conditional
11 17 permits, and general permits. The commission may also adopt,
11 18 by rule, a schedule of fees for permit and conditional permit
11 19 applications and a schedule of fees which may be periodically
11 20 assessed for administration of permits and conditional
11 21 permits. In determining the fee schedules, the commission
11 22 shall consider:

11 23 Sec. 17. Section 455B.109, subsection 5, paragraph b, Code
11 24 2009, is amended by adding the following new subparagraph:

11 25 NEW SUBPARAGRAPH. (4) Civil penalties assessed by the
11 26 department and interest on the civil penalties, arising out of
11 27 violations involving dry bedded confinement feeding operations
11 28 under chapter 459B, shall be deposited in the animal
11 29 agriculture compliance fund as created in section 459.401.

11 30 Sec. 18. Section 455B.111, subsection 1, paragraphs a and
11 31 b, Code 2009, is amended to read as follows:

11 32 a. A person, including the state of Iowa, for violating
11 33 any provision of this chapter; chapter 459, subchapters I, II,
11 34 III, IV, and VI; chapter 459A; chapter 459B; or a rule adopted
11 35 pursuant to this chapter; chapter 459, subchapters I, II, III,



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12 1 IV, and VI; ~~or~~ chapter 459A; or chapter 459B.

12 2 b. The director, the commission, or any official or
12 3 employee of the department where there is an alleged failure
12 4 to perform any act or duty under this chapter; chapter 459,
12 5 subchapters I, II, III, IV, and VI; chapter 459A; chapter
12 6 459B; or a rule adopted pursuant to this chapter; chapter 459,
12 7 subchapters I, II, III, IV, and VI; ~~or~~ chapter 459A~~7~~; or
12 8 chapter 459B, which is not a discretionary act or duty.

12 9 Sec. 19. Section 455B.111, subsection 5, Code 2009, is
12 10 amended to read as follows:

12 11 5. This section does not restrict any right under
12 12 statutory or common law of a person or class of person to seek
12 13 enforcement of provisions of this chapter; chapter 459,
12 14 subchapters I, II, III, IV, and VI; chapter 459A; chapter
12 15 459B; or a rule adopted pursuant to this chapter; chapter 459,
12 16 subchapters I, II, III, IV, and VI; or chapter 459A~~7~~; chapter
12 17 459B; or seek other relief permitted under the law.

12 18 Sec. 20. Section 455B.112, Code 2009, is amended to read
12 19 as follows:

12 20 455B.112 ACTIONS BY ATTORNEY GENERAL.

12 21 In addition to the duty to commence legal proceedings at
12 22 the request of the director or commission under this chapter;
12 23 chapter 459, subchapters I, II, III, IV, and VI; ~~or~~ chapter
12 24 459A~~7~~; or chapter 459B, the attorney general may institute
12 25 civil or criminal proceedings, including an action for
12 26 injunction, to enforce the provisions of this chapter; chapter
12 27 459, subchapters I, II, III, IV, and VI; ~~or~~ chapter 459A; or
12 28 chapter 459B, including orders or permits issued or rules
12 29 adopted under this chapter; chapter 459, subchapters I, II,
12 30 III, IV, and VI; ~~or~~ chapter 459A; or chapter 459B.

12 31 Sec. 21. Section 455B.174, subsection 1, Code 2009, is
12 32 amended to read as follows:

12 33 1. Conduct investigations of alleged water pollution or of
12 34 alleged violations of this part of this division, ~~or~~ chapter
12 35 459, subchapter III, chapter 459A, chapter 459B, or any rule



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13 1 adopted or any permit issued pursuant thereto upon written
13 2 request of any state agency, political subdivision, local
13 3 board of health, twenty-five residents of the state, as
13 4 directed by the department, or as may be necessary to
13 5 accomplish the purposes of this part of this division, ~~or~~
13 6 chapter 459, subchapter III, chapter 459A, or chapter 459B.
13 7 Sec. 22. Section 455B.175, unnumbered paragraph 1, Code
13 8 2009, is amended to read as follows:
13 9 If there is substantial evidence that any person has
13 10 violated or is violating any provision of this part of this
13 11 division, chapter 459, subchapter III, ~~or~~ chapter 459A, or
13 12 chapter 459B, or of any rule or standard established or permit
13 13 issued pursuant thereto; then:
13 14 Sec. 23. Section 455B.182, Code 2009, is amended to read
13 15 as follows:
13 16 455B.182 FAILURE CONSTITUTES CONTEMPT.
13 17 Failure to obey any order issued by the department with
13 18 reference to a violation of this part of this division;
13 19 chapter 459, subchapter III; ~~or~~ chapter 459A; chapter 459B; or
13 20 any rule promulgated or permit issued pursuant thereto shall
13 21 constitute prima facie evidence of contempt. In such event
13 22 the department may certify to the district court of the county
13 23 in which such alleged disobedience occurred the fact of such
13 24 failure. The district court after notice, as prescribed by
13 25 the court, to the parties in interest shall then proceed to
13 26 hear the matter and if it finds that the order was lawful and
13 27 reasonable it shall order the party to comply with the order.
13 28 If the person fails to comply with the court order, that
13 29 person shall be guilty of contempt and shall be fined not to
13 30 exceed five hundred dollars for each day that the person fails
13 31 to comply with the court order. The penalties provided in
13 32 this section shall be considered as additional to any penalty
13 33 which may be imposed under the law relative to nuisances or
13 34 any other statute relating to the pollution of any waters of
13 35 the state or related to public water supply systems and a



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14 1 conviction under this section shall not be a bar to
14 2 prosecution under any other penal statute.
14 3 Sec. 24. Section 455B.185, Code 2009, is amended to read
14 4 as follows:
14 5 455B.185 DATA FROM DEPARTMENTS.
14 6 The commission and the director may request and receive
14 7 from any department, division, board, bureau, commission,
14 8 public body, or agency of the state, or of any political
14 9 subdivision thereof, or from any organization, incorporated or
14 10 unincorporated, which has for its object the control or use of
14 11 any of the water resources of the state, such assistance and
14 12 data as will enable the commission or the director to properly
14 13 carry out their activities and effectuate the purposes of this
14 14 part 1 of division III; chapter 459, subchapter III; ~~or~~
14 15 chapter 459A; or chapter 459B. The department shall reimburse
14 16 such agencies for special expense resulting from expenditures
14 17 not normally a part of the operating expenses of any such
14 18 agency.
14 19 Sec. 25. Section 459.401, subsection 2, paragraph a,
14 20 subparagraph (5), Code 2009, is amended to read as follows:
14 21 (5) The collection of civil penalties assessed by the
14 22 department and interest on civil penalties, arising out of
14 23 violations involving animal feeding operations as provided in
14 24 sections 459.602, 459.603, ~~and~~ 459A.502, and 459B.402.

14 25 EXPLANATION

14 26 DIVISION I. DRY BEDDED CONFINEMENT FEEDING OPERATIONS.
14 27 The bill creates a new Code chapter referred to as the "Animal
14 28 Agriculture Compliance Act for Dry Bedded Confinement Feeding
14 29 Operations" (new Code section 459B.101). The bill's
14 30 provisions correspond closely to the "Animal Agriculture
14 31 Compliance Act" (Code chapter 459). The bill regulates dry
14 32 bedded confinement feeding operations for animals (cattle and
14 33 swine). The operation includes a building housing the animals
14 34 utilizing bedding (crop, vegetation, or forage residue or
14 35 similar materials) and any structure used to keep the dry



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15 1 bedded manure (new Code section 459B.102).
15 2 **ADJACENCY.** The bill provides that two or more dry bedded
15 3 confinement feeding operations under common ownership or
15 4 common management are deemed to be a single dry bedded
15 5 confinement feeding operation if they are separated by less
15 6 than 1,250 feet or utilize a common area or system for dry
15 7 bedded manure disposal (new Code section 459B.103 compared to
15 8 Code section 459.201).
15 9 **ADMINISTRATION.** The bill authorizes the environmental
15 10 protection commission to adopt rules necessary to regulate the
15 11 construction or operation of dry bedded confinement feeding
15 12 operations, and provides that the provisions of the new Code
15 13 chapter are to supplement the applicable provisions of Code
15 14 chapter 459 (new Code section 459B.104 compared to Code
15 15 section 459.103).
15 16 **CONSTRUCTION.** The bill regulates the construction of dry
15 17 bedded confinement feeding operation structures, and requires
15 18 special flooring to prevent groundwater contamination (new
15 19 Code section 459B.201). Separation distances are required
15 20 between a dry bedded confinement feeding operation structure
15 21 and various objects or locations, including the surface intake
15 22 of an agricultural drainage well, wellhead, cistern of an
15 23 agricultural drainage well, or known sinkhole, a water source
15 24 and major water source, and designated wetland. It prohibits
15 25 construction within a 100 year floodplain (new Code section
15 26 459B.202 compared to Code section 459.310).
15 27 **DRY BEDDED MANURE CONTROL.** The bill provides for the
15 28 stockpiling of dry bedded manure, and includes separation
15 29 distances based on air and water quality.
15 30 **AIR QUALITY.** For air quality, separation distances are
15 31 established for a stockpile and a residence not owned by the
15 32 titleholder of the land, a commercial enterprise, a bona fide
15 33 religious institution, an educational institution, or a public
15 34 use area (new Code section 459B.301 compared to Code section
15 35 459.204). Several exceptions apply, including when a



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16 1 titleholder executes a waiver, and the manure originates from
16 2 a small animal feeding operation (compared with Code section
16 3 459.205).

16 4 WATER QUALITY. For water quality, other separation
16 5 distance requirements apply, including for a "designated area"
16 6 (i.e., a known sinkhole, a cistern, an abandoned well, an
16 7 unplugged agricultural drainage well, an agricultural drainage
16 8 well surface inlet, a drinking water well, a wetland, or a
16 9 water source, but not a terrace tile inlet or surface tile
16 10 inlet other than an agricultural drainage well surface tile
16 11 inlet), a high-quality water resource, a terrace tile inlet,
16 12 or a surface tile inlet (new Code section 459B.302). The bill
16 13 restricts stockpiling on a grassed waterway, on certain
16 14 slopes, and on karst terrain or in an alluvial aquifer area.

16 15 MANURE MANAGEMENT PLAN. The bill provides that a person
16 16 required to file a manure management plan for dry bedded
16 17 manure confinement feeding operation may submit a copy of a
16 18 written agreement executed between the person and the person
16 19 renting the land for crop production (new Code section
16 20 459B.303 compared with Code section 459.312).

16 21 ENFORCEMENT. The department and the attorney general are
16 22 responsible for enforcing the provisions of the new Code
16 23 chapter (new Code section 459B.401 as compared with Code
16 24 section 459.601).

16 25 PENALTIES. A person who stockpiles dry bedded manure in
16 26 violation of air quality restrictions under new Code section
16 27 459B.301 is subject to a civil penalty for air quality
16 28 violations as provided in Code section 455B.109, which
16 29 authorizes the environmental protection commission to
16 30 establish civil penalty amounts according to a schedule not to
16 31 exceed \$10,000 (new Code section 459B.402 compared with Code
16 32 section 459.602). A person who violates any other provision
16 33 of the new Code chapter is subject to penalties for water
16 34 quality violations as provided in Code section 455B.109 or
16 35 455B.191 which includes a judicially assessed civil penalty of



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17 1 up to \$5,000 per each day of the violation (new Code section
17 2 459B.402 compared with Code section 459.603). Moneys
17 3 collected from civil penalties are deposited into the animal
17 4 agriculture compliance fund (Code section 459.401).
17 5 DIVISION II. CONFORMING CHANGES. The bill amends
17 6 provisions in a number of Code sections which refer to Code
17 7 chapter 459. The provisions were added after provisions in
17 8 Code chapter 455B and other Code chapters relating to animal
17 9 feeding operations were transferred and consolidated pursuant
17 10 to 2002 Acts, chapter 1137, and 2002 Acts, 2nd Ex, chapter
17 11 1003. Other provisions make changes which refer to the
17 12 deposit of civil penalties into the animal agriculture
17 13 compliance fund (Code section 459.401).
17 14 LSB 2337XS 83
17 15 da/rj/8.1



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SENATE FILE
 BY COMMITTEE ON ECONOMIC
 GROWTH

(SUCCESSOR TO SSB 1086)

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to historic preservation and cultural and
 2 entertainment district tax credits by increasing the aggregate
 3 amount of credits that may be approved, changing the amounts
 4 allocated to various projects, and modifying certain
 5 administrative duties of the department of cultural affairs.
 6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 7 TLSB 1304SV 83
 8 tw/sc:mg/5



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1 1 Section 1. Section 404A.2, Code 2009, is amended to read
1 2 as follows:
1 3 404A.2 AMOUNT OF CREDIT.
1 4 1. The amount of the credit equals twenty=five percent of
1 5 the qualified rehabilitation costs made to eligible property.
1 6 a. In the case of commercial property, rehabilitation
1 7 costs must equal at least fifty percent of the assessed value
1 8 of the property, excluding the land, prior to the
1 9 rehabilitation.
1 10 b. In the case of residential property or barns, the
1 11 rehabilitation costs must equal at least twenty=five thousand
1 12 dollars or twenty=five percent of the ~~fair market~~ assessed
1 13 value, excluding the land, prior to the rehabilitation,
1 14 whichever is less.
1 15 c. In computing the tax credit for eligible property that
1 16 is classified as residential or as commercial with multifamily
1 17 residential units, the rehabilitation costs used shall not
1 18 exceed one hundred thousand dollars per residential unit.
1 19 d. In computing the tax credit, the only costs which may
1 20 be included are the qualified rehabilitation costs incurred
1 21 between the period ending on the project completion date and
1 22 beginning on the date two years prior to the project
1 23 completion date, provided that any qualified rehabilitation
1 24 costs incurred prior to the date of approval of the project as
1 25 provided in section 404A.3 must be qualified rehabilitation
1 26 expenditures under the federal rehabilitation credit in
1 27 section 47 of the Internal Revenue Code.
1 28 2. For purposes of this chapter, qualified rehabilitation
1 29 costs include amounts if they are properly includable in
1 30 computing the basis for tax purposes of the eligible property.
1 31 a. Amounts treated as an expense and deducted in the tax
1 32 year in which they are paid or incurred and amounts that are
1 33 otherwise not added to the basis for tax purposes of the
1 34 eligible property are not qualified rehabilitation costs.
1 35 b. Amounts incurred for architectural and engineering



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2 1 fees, site survey fees, legal expenses, insurance premiums,
2 2 development fees, and other construction-related costs are
2 3 qualified rehabilitation costs to the extent they are added to
2 4 the basis for tax purposes of the eligible property.

2 5 c. Costs of sidewalks, parking lots, and landscaping do
2 6 not constitute qualified rehabilitation costs.

2 7 3. For purposes of individual and corporate income taxes
2 8 and the franchise tax, the increase in the basis of the
2 9 rehabilitated property that would otherwise result from the
2 10 qualified rehabilitation costs shall be reduced by the amount
2 11 of the credit computed under this chapter.

2 12 Sec. 2. Section 404A.3, Code 2009, is amended to read as
2 13 follows:

2 14 404A.3 APPROVAL OF REHABILITATION PROJECT.

2 15 1. a. In order for costs of a rehabilitation project to
2 16 qualify for a tax credit, the rehabilitation project must
2 17 receive approval from the state historic preservation office
2 18 of the department of cultural affairs.

2 19 b. Applications for approvals from the state historic
2 20 preservation office of the department of cultural affairs
2 21 shall be on forms approved by the state historic preservation
2 22 office and shall contain information as required by the state
2 23 historic preservation office. The information shall at least
2 24 include the approximate date of the start of rehabilitation,
2 25 the approximate date of completion, as well as the cost.

2 26 c. The approval process shall not exceed ninety days
2 27 beginning from the date ~~the rehabilitation project is~~
~~2 28 submitted on which a completed application is received by the~~
2 29 state historic preservation office. After the ninety-day
2 30 limit, the rehabilitation project is deemed to be approved
2 31 unless the state historic preservation office has denied or
2 32 contacted for further information regarding the application.

2 33 2. The state historic preservation office shall establish
2 34 selection criteria and standards for rehabilitation projects
2 35 involving eligible property. The main emphasis of the



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3 1 standards shall be to ensure that a rehabilitation project
3 2 maintains the integrity of the eligible property. To the
3 3 extent applicable, the standards shall be consistent with the
3 4 standards of the United States secretary of the interior for
3 5 the rehabilitation of eligible property ~~that is listed on the~~
~~3 6 national register of historic places or is designated as of~~
~~3 7 historic significance to a district listed in the national~~
~~3 8 register of historic places or shall be consistent with~~
~~3 9 standards for issuance of certificates of appropriateness~~
~~3 10 under sections 303.27 through 303.32.~~

3 11 The selection standards shall provide that a person who
~~3 12 qualifies for the rehabilitation tax credit under section 47~~
~~3 13 of the Internal Revenue Code shall automatically qualify for~~
~~3 14 the state historic preservation and cultural and entertainment~~
~~3 15 district tax credit under this chapter.~~

3 16 3. a. A rehabilitation project for which the state
3 17 historic preservation office has reserved tax credits pursuant
3 18 to section 404A.4 shall begin rehabilitation of the property
3 19 before the end of the fiscal year in which the project
3 20 application was approved and for which the tax credits were
3 21 reserved.

3 22 b. The eligible property shall be placed in service within
3 23 thirty-six months of the date on which the project application
3 24 was approved. For purposes of this section, "placed in
3 25 service" has the same meaning as used for purposes of section
3 26 47 of the Internal Revenue Code. However, if the state
3 27 historic preservation office determines that extenuating
3 28 circumstances exist, the office may grant an applicant an
3 29 additional twelve months in which to complete a project.

3 30 c. A rehabilitation project for which a project
3 31 application was approved and tax credits reserved prior to
3 32 July 1, 2009, shall complete the project and place the
3 33 building in service on or before June 30, 2011,
3 34 notwithstanding the time period specified in paragraph "b".

3 35 4. A rehabilitation project that does not meet the



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4 1 requirements of subsection 3 is subject to revocation,
4 2 repayment, or recapture of tax credits reserved or approved
4 3 pursuant to this chapter.

4 4 Sec. 3. Section 404A.4, Code 2009, is amended to read as
4 5 follows:

4 6 404A.4 PROJECT COMPLETION AND TAX CREDIT CERTIFICATION ==
4 7 CREDIT REFUND OR CARRYFORWARD.

4 8 1. Upon completion of the rehabilitation project, a
4 9 certification of completion must be obtained from the state
4 10 historic preservation office of the department of cultural
4 11 affairs. A completion certificate shall identify the person
4 12 claiming the tax credit under this chapter and the qualified
4 13 rehabilitation costs incurred up to the two years preceding
4 14 the completion date.

4 15 2. After verifying the eligibility for the tax credit, the
4 16 state historic preservation office, ~~in consultation with the~~
4 17 ~~department of economic development,~~ shall issue a historic
4 18 preservation and cultural and entertainment district tax
4 19 credit certificate to be attached to the person's tax return.
4 20 The tax credit certificate shall contain the taxpayer's name,
4 21 address, tax identification number, the date of project
4 22 completion, the amount of credit, other information required
4 23 by the department of revenue, and a place for the name and tax
4 24 identification number of a transferee and the amount of the
4 25 tax credit being transferred.

4 26 3. A person receiving a historic preservation and cultural
4 27 and entertainment district tax credit under this chapter which
4 28 is in excess of the person's tax liability for the tax year is
4 29 entitled to a refund. Any credit in excess of the tax
4 30 liability shall be refunded with interest computed under
4 31 section 422.25. In lieu of claiming a refund, a taxpayer may
4 32 elect to have the overpayment shown on the taxpayer's final,
4 33 completed return credited to the tax liability for the
4 34 following year.

4 35 4. a. The total amount of tax credits that may be



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5 1 approved for a fiscal year under this chapter shall not exceed
5 2 ~~ten million dollars in the fiscal year beginning July 1, 2007,~~
~~5 3 fifteen million dollars in the fiscal year beginning July 1,~~
~~5 4 2008, and twenty million dollars in the fiscal year beginning~~
~~5 5 July 1, 2009, and each fiscal year thereafter~~ fifty million
5 6 dollars.

5 7 b. Of the tax credits approved for a fiscal year under
5 8 this chapter, ~~ten~~ the amount of the tax credits shall be
5 9 allocated as follows:

5 10 (1) Ten percent of the dollar amount of tax credits shall
5 11 be allocated for purposes of new projects with final qualified
5 12 rehabilitation costs of five hundred thousand dollars or less,
~~5 13 and forty.~~

5 14 (2) Thirty percent of the dollar amount of tax credits
5 15 shall be allocated for purposes of new projects located in
5 16 cultural and entertainment districts certified pursuant to
5 17 section 303.3B or identified in Iowa great places agreements
5 18 developed pursuant to section 303.3C. ~~Any of the tax credits~~
~~5 19 allocated for projects located in certified cultural and~~
~~5 20 entertainment districts or identified in Iowa great places~~
~~5 21 agreements and for projects with a cost of five hundred~~
~~5 22 thousand dollars or less that are not reserved during a fiscal~~
~~5 23 year shall be applied to reserved tax credits issued in~~
~~5 24 accordance with section 404A.3 in order of original~~
~~5 25 reservation. The department of cultural affairs shall~~
~~5 26 establish by rule the procedures for the application, review,~~
~~5 27 selection, and awarding of certifications of completion.~~

5 28 (3) Twenty percent of the dollar amount of tax credits
5 29 shall be allocated for disaster recovery projects or emergency
5 30 preservation projects. For purposes of this subparagraph,
5 31 "disaster recovery project" means a property meeting the
5 32 requirements of an eligible property as described in section
5 33 404A.1, subsection 2, which is located in an area declared a
5 34 disaster area by the governor or by a federal official and
5 35 which has been physically impacted as a result of a natural



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6 1 disaster. "Emergency preservation project" means a property
6 2 meeting the requirements of an eligible property as described
6 3 in section 404A.1, subsection 2, which is under threat of
6 4 physical damage as a result of an emergency event that
6 5 requires timely action to preserve the physical integrity of
6 6 the property. "Emergency preservation project" does not
6 7 include a project threatened by physical damage that is the
6 8 result of neglect or delinquency on the part of the property
6 9 owner.

6 10 (4) Twenty percent of the dollar amount of the tax credits
6 11 shall be allocated for projects that involve the creation of
6 12 more than five hundred new jobs.

6 13 (5) Twenty percent of the dollar amount of the tax credits
6 14 shall be allocated for any eligible project.

6 15 c. If in any fiscal year an amount of tax credits
6 16 allocated pursuant to paragraph "b", subparagraph (1), (2),
6 17 (3), or (4), goes unclaimed, the amount of the unclaimed tax
6 18 credits shall be reserved for and allocated to projects under
6 19 subparagraph (5) for the subsequent fiscal year.

6 20 d. The departments of cultural affairs and revenue shall
6 21 each adopt rules to jointly administer this subsection and
6 22 shall provide by rule for the method to be used to determine
6 23 for which fiscal year the tax credits are available.

6 24 e. With the exception of tax credits issued pursuant to
6 25 contracts entered into prior to July 1, 2007, tax credits
6 26 shall not be reserved for more than three years.

6 27 5. a. Tax credit certificates issued under this chapter
6 28 may be transferred to any person or entity.

6 29 b. Within ninety days of transfer, the transferee must
6 30 submit the transferred tax credit certificate to the
6 31 department of revenue along with a statement containing the
6 32 transferee's name, tax identification number, and address, and
6 33 the denomination that each replacement tax credit certificate
6 34 is to carry and any other information required by the
6 35 department of revenue.



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7 1 c. Within thirty days of receiving the transferred tax
7 2 credit certificate and the transferee's statement, the
7 3 department of revenue shall issue one or more replacement tax
7 4 credit certificates to the transferee. Each replacement
7 5 certificate must contain the information required under
7 6 subsection 2 and must have the same expiration date that
7 7 appeared in the transferred tax credit certificate.

7 8 d. Tax credit certificate amounts of less than the minimum
7 9 amount established by rule of the ~~state historic preservation~~
7 10 ~~office~~ department of revenue shall not be transferable.

7 11 e. A tax credit shall not be claimed by a transferee under
7 12 this chapter until a replacement tax credit certificate
7 13 identifying the transferee as the proper holder has been
7 14 issued.

7 15 f. The transferee may use the amount of the tax credit
7 16 transferred against the taxes imposed under chapter 422,
7 17 divisions II, III, and V, and chapter 432 for any tax year the
7 18 original transferor could have claimed the tax credit. Any
7 19 consideration received for the transfer of the tax credit
7 20 shall not be included as income under chapter 422, divisions
7 21 II, III, and V. Any consideration paid for the transfer of
7 22 the tax credit shall not be deducted from income under chapter
7 23 422, divisions II, III, and V.

7 24 Sec. 4. Section 404A.5, Code 2009, is amended to read as
7 25 follows:

7 26 404A.5 ECONOMIC IMPACT == RECOMMENDATIONS.

7 27 1. The department of cultural affairs, in consultation
7 28 with the department of ~~economic development~~ revenue, shall be
7 29 responsible for keeping the general assembly and the
7 30 legislative services agency informed on the overall economic
7 31 impact to the state of the rehabilitation of eligible
7 32 properties.

7 33 2. An annual report shall be filed which shall include,
7 34 but is not limited to, data on the number and potential value
7 35 of rehabilitation projects begun during the latest



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8 1 twelve-month period, the total historic preservation and
8 2 cultural and entertainment district tax credits originally
8 3 granted during that period, the potential reduction in state
8 4 tax revenues as a result of all tax credits still unused and
8 5 eligible for refund, and the potential increase in local
8 6 property tax revenues as a result of the rehabilitated
8 7 projects.

8 8 3. The department of cultural affairs, to the extent it is
8 9 able, shall provide recommendations on whether a limit on tax
8 10 credits should be established, the need for a broader or more
8 11 restrictive definition of eligible property, and other
8 12 adjustments to the tax credits under this chapter.

8 13 EXPLANATION

8 14 This bill relates to historic preservation and cultural and
8 15 entertainment district tax credits.

8 16 The bill increases the aggregate amount of tax credits that
8 17 may be approved in a fiscal year from \$20 million to \$50
8 18 million.

8 19 The bill changes the amount of tax credits that may be
8 20 allocated by the department to certain types of projects. Of
8 21 the \$50 million that may be approved, 10 percent must be
8 22 allocated for projects costing less than \$500,000, 30 percent
8 23 must be allocated for projects in cultural and entertainment
8 24 districts, 20 percent must be allocated for disaster recovery
8 25 or emergency preservation projects, 20 percent must be
8 26 allocated for projects that will result in the creation of 500
8 27 or more jobs, and 20 percent must be allocated for eligible
8 28 projects generally, without imposing special requirements.

8 29 The bill modifies some of the duties relating to the
8 30 administration of the tax credit program, including removing
8 31 certain consultation duties of the department of economic
8 32 development, changing the approval process, providing for a
8 33 36-month period for project completion, and allowing the
8 34 department of cultural affairs to recapture credits under
8 35 certain circumstances.



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9 1 LSB 1304SV 83
9 2 tw/sc:mg/5



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SENATE FILE
BY COMMITTEE ON REBUILD IOWA

(SUCCESSOR TO SSB 1100)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act creating a disaster assistance loan and credit guarantee
- 2 program and fund, making appropriations, and providing an
- 3 effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLBS 1844SV 83
- 6 tm/nh/8



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1 1 Section 1. DISASTER ASSISTANCE LOAN AND CREDIT GUARANTEE
1 2 PROGRAM.
1 3 1. The department of economic development shall establish
1 4 and administer a disaster assistance loan and credit guarantee
1 5 program by investing the assets of the disaster assistance
1 6 loan and credit guarantee fund in order to provide loan and
1 7 credit guarantees to all of the following qualifying
1 8 businesses:
1 9 a. Businesses directly impacted by a natural disaster
1 10 occurring after May 24, 2008, and before August 14, 2008.
1 11 b. Businesses either locating an existing business or
1 12 starting a new business in a disaster=impacted space in an
1 13 area which was declared a natural disaster area by the
1 14 president of the United States due to a natural disaster
1 15 occurring after May 24, 2008, and before August 14, 2008. For
1 16 purposes of this paragraph, "disaster=impacted space" means a
1 17 building damaged by a natural disaster occurring after May 24,
1 18 2008, and before August 14, 2008, including undamaged upper
1 19 floors of a building that was damaged by the natural disaster.
1 20 c. Businesses filling a critical community need in
1 21 conformance with the comprehensive plan of the city as
1 22 determined by resolution of the city council of the city in
1 23 which the business is located. For purposes of this
1 24 paragraph, a business shall be deemed to be located in a city
1 25 if it is located within two miles of the city limits.
1 26 2. a. The department, pursuant to agreements with
1 27 financial institutions, shall provide loan and credit
1 28 guarantees to qualifying businesses described in subsection 1.
1 29 A loan or credit guarantee under the program shall not exceed
1 30 ten percent of the loan amount or twenty=five thousand
1 31 dollars, whichever is less. Not more than one loan or credit
1 32 guarantee shall be awarded per federal employer identification
1 33 number.
1 34 b. A loan or credit guarantee provided under the program
1 35 may stand alone or may be used in conjunction with or to



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2 1 enhance other loan or credit guarantees offered by a financial
2 2 institution. The department may purchase insurance to cover
2 3 defaulted loans meeting the requirements of the program.
2 4 However, the department shall not in any manner directly or
2 5 indirectly pledge the credit of the state.
2 6 c. Eligible project costs include expenditures for
2 7 productive equipment and machinery, land and real estate,
2 8 working capital for operations, research and development,
2 9 marketing, engineering and architectural fees, and such other
2 10 costs as the department may so designate.
2 11 d. A loan or credit guarantee under the program shall not
2 12 be used for purposes of debt refinancing.
2 13 3. Each participating financial institution shall identify
2 14 and underwrite potential lending opportunities with qualifying
2 15 businesses. Upon a determination by a participating financial
2 16 institution that a qualifying business meets the underwriting
2 17 standards of the financial institution, subject to the
2 18 approval of a loan or credit guarantee, the financial
2 19 institution shall submit the underwriting information and a
2 20 loan or credit guarantee application to the department.
2 21 4. Upon approval of a loan or credit guarantee, the
2 22 department shall enter into a loan or credit guarantee
2 23 agreement with the participating financial institution. The
2 24 agreement shall specify all of the following:
2 25 a. The fee to be charged to the financial institution.
2 26 b. The evidence of debt assurance of, and security for,
2 27 the loan or credit guarantee.
2 28 c. A loan or credit guarantee that does not exceed fifteen
2 29 years.
2 30 d. Any other terms and conditions considered necessary or
2 31 desirable by the department.
2 32 e. That the loan or credit guarantee does not invoke or
2 33 pledge the credit or the taxing power of the state and that
2 34 any claim made pursuant to the loan or credit guarantee shall
2 35 be limited to the terms and amount of the loan or credit



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3 1 guarantee and to the moneys in the disaster assistance loan
3 2 and credit guarantee fund.
3 3 5. The department shall charge a nonrefundable application
3 4 fee for each application under the program. The department
3 5 shall include the fee information in the application
3 6 materials. The fee is payable upon submission of an
3 7 application for a loan or credit guarantee from a financial
3 8 institution or a qualifying business. The application fee
3 9 shall be not less than five hundred dollars and not more than
3 10 one thousand dollars. Moneys received from fees are
3 11 appropriated to the department for purposes of administering
3 12 this section.
3 13 6. The department may adopt loan and credit guarantee
3 14 application procedures that allow a qualifying business to
3 15 apply directly to the department for a preliminary guarantee
3 16 commitment. A preliminary guarantee commitment may be issued
3 17 by the department subject to the qualifying business securing
3 18 a commitment for financing from a financial institution. The
3 19 application procedures shall specify the process by which a
3 20 financial institution may obtain a final loan or credit
3 21 guarantee.
3 22 7. a. A disaster assistance loan and credit guarantee
3 23 fund is created and established as a separate and distinct
3 24 fund in the state treasury. Moneys in the fund shall only be
3 25 used for purposes provided in this section. The moneys in the
3 26 fund are appropriated to the department to be used for all of
3 27 the following purposes:
3 28 (1) Payment of claims pursuant to loan and credit
3 29 guarantee agreements entered into under this section.
3 30 (2) Payment of administrative costs of the department for
3 31 actual and necessary administrative expenses incurred by the
3 32 department in administering the disaster assistance loan and
3 33 credit guarantee program.
3 34 (3) Purchase or buyout of superior or prior liens,
3 35 mortgages, or security interests.



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4 1 (4) Purchase of insurance to cover the default of loans
4 2 made pursuant to the requirements of the disaster assistance
4 3 loan and credit guarantee program.
4 4 b. Moneys in the disaster assistance loan and credit
4 5 guarantee fund shall consist of all of the following:
4 6 (1) Moneys appropriated by the general assembly for that
4 7 purpose and any other moneys available to and obtained or
4 8 accepted by the department for placement in the fund.
4 9 (2) Proceeds from collateral assigned to the department,
4 10 fees for guarantees, gifts, and moneys from any grant made to
4 11 the fund by any federal agency.
4 12 c. Moneys in the fund are not subject to section 8.33.
4 13 Notwithstanding section 12C.7, interest or earnings on the
4 14 moneys in the fund shall be credited to the fund.
4 15 d. (1) The department shall only pledge moneys in the
4 16 disaster assistance loan and credit guarantee fund and not any
4 17 other moneys under the control of the department. In a fiscal
4 18 year, the department may pledge an amount not to exceed the
4 19 total amount appropriated to the fund for the same fiscal year
4 20 to assure the repayment of loan and credit guarantees or other
4 21 extensions of credit made to or on behalf of qualified
4 22 businesses for eligible project costs.
4 23 (2) The department shall not pledge the credit or taxing
4 24 power of this state or any political subdivision of this state
4 25 or make debts payable out of any moneys except for those in
4 26 the disaster assistance loan and credit guarantee fund.
4 27 8. For purposes of this section, "financial institution"
4 28 means a bank incorporated pursuant to chapter 524 or a credit
4 29 union organized pursuant to chapter 533.
4 30 Sec. 2. APPROPRIATION.
4 31 1. There is appropriated from any interest or earnings on
4 32 moneys in the federal economic stimulus and jobs holding fund
4 33 to the department of economic development for the fiscal year
4 34 beginning July 1, 2008, and ending June 30, 2009, the
4 35 following amount, or so much thereof as is necessary, for



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5 1 deposit in the disaster assistance loan and credit guarantee
5 2 fund created in this Act:
5 3 \$ 1,800,000

5 4 2. Notwithstanding section 8.33, moneys appropriated in
5 5 this section that remain unencumbered or unobligated at the
5 6 close of the fiscal year shall not revert but shall remain
5 7 available for expenditure for the purposes designated until
5 8 the close of the succeeding fiscal year.

5 9 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
5 10 immediate importance, takes effect upon enactment.

EXPLANATION

5 11 This bill creates a disaster assistance loan and credit
5 12 guarantee program and fund to be administered by the
5 13 department of economic development. Under the program, loan
5 14 and credit guarantees are given to qualifying businesses.
5 15 Qualifying businesses include businesses directly impacted by
5 16 a natural disaster occurring after May 24, 2008, and before
5 17 August 14, 2008; businesses either locating an existing
5 18 business or starting a new business in a disaster-impacted
5 19 space in an area which was declared a disaster area by the
5 20 president of the United States due to a natural disaster
5 21 occurring after May 24, 2008, and before August 14, 2008; and
5 22 businesses filling a critical community need in conformance
5 23 with the comprehensive plan of the city.

5 24 The bill provides that a loan or credit guarantee under the
5 25 program shall not exceed 10 percent of the loan amount or
5 26 \$25,000, whichever is less. The bill provides that a loan or
5 27 credit guarantee provided under the program may stand alone or
5 28 may be used in conjunction with or to enhance other loan or
5 29 credit guarantees offered by a financial institution. The
5 30 bill allows the department to purchase insurance to cover
5 31 defaulted loans.

5 32 The bill provides that eligible project costs include
5 33 expenditures for productive equipment and machinery, land and
5 34 real estate, working capital for operations, research and
5 35



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6 1 development, marketing, engineering and architectural fees,
6 2 and such other costs as the department may so designate. The
6 3 bill prohibits the use of loan or credit guarantees for
6 4 purposes of debt refinancing.

6 5 The bill requires that each participating financial
6 6 institution shall identify and underwrite potential lending
6 7 opportunities with qualifying businesses. Upon a
6 8 determination that a qualifying business meets the
6 9 underwriting standards of the financial institutions, the
6 10 underwriting information and an application shall be submitted
6 11 to the department.

6 12 The bill specifies terms that must be included in a loan or
6 13 credit guarantee agreement between the department and a
6 14 participating financial institution. The bill allows a
6 15 nonrefundable application fee to be charged.

6 16 The bill allows the department to adopt procedures that
6 17 would allow a qualifying business to apply directly to the
6 18 department for a preliminary guarantee commitment.

6 19 The bill creates a disaster assistance loan and credit
6 20 guarantee fund. The bill provides that the department shall
6 21 only pledge moneys in the disaster assistance loan and credit
6 22 guarantee fund and not any other moneys under the control of
6 23 the department.

6 24 The bill appropriates \$1.8 million from any interest or
6 25 earnings on moneys in the federal economic stimulus and jobs
6 26 holding fund to the department of economic development for FY
6 27 2008=2009 for deposit in the disaster assistance loan and
6 28 credit guarantee fund.

6 29 The bill takes effect upon enactment.

6 30 LSB 1844SV 83

6 31 tm/nh/8



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SENATE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 1163)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the regulation of the business of debt
- 2 management and making penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1228SV 83
- 5 rn/nh/14



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PAG LIN

1 1 Section 1. Section 533A.1, Code 2009, is amended to read
1 2 as follows:
1 3 533A.1 DEFINITIONS.
1 4 As used in this chapter:
1 5 ~~1. "Allowable cost" means an actual, identifiable~~
~~1 6 third-party expense incurred by the licensee on behalf of a~~
~~1 7 specific debtor, such as postage and long distance telephone~~
~~1 8 charges, that may be itemized and charged against the debtor~~
~~1 9 for payment.~~
1 10 2. 1. "Creditor" means a person who grants credit, a
1 11 person who takes assignment of the rights to payments of a
1 12 person who grants credit, or a person for whose benefit moneys
1 13 are being collected and distributed by licensees a licensee.
1 14 ~~3. 2. "Debt management" means the planning and management~~
~~1 15 of the financial affairs of a debtor and the receiving~~
~~1 16 therefrom of money or evidences thereof for the purpose of~~
~~1 17 distributing the same to the debtor's creditors in payment or~~
~~1 18 partial payment of the debtor's obligations for a fee, when~~
1 19 done for a fee, any of the following:
1 20 a. Arranging or negotiating, or attempting to arrange or
1 21 negotiate, the amount or terms of debt owed by a debtor to a
1 22 creditor.
1 23 b. Receiving from a debtor, directly or indirectly, money
1 24 or evidences thereof for the purposes of distributing the same
1 25 to one or more creditors of the debtor in payment or partial
1 26 payment of the debtor's obligations.
1 27 c. Serving as an intermediary between a debtor and one or
1 28 more creditors of the debtor for the purpose of obtaining
1 29 concessions from the creditors.
1 30 d. Engaging in debt settlement.
1 31 3. "Debt settlement" means seeking to settle the amount of
1 32 a debtor's debts with creditors for less than the amounts owed
1 33 on the debts.
1 34 4. "Debtor" means any natural person.
1 35 5. "Donation" means money given by the debtor to a



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2 1 licensee as a gift for debt management and outside of the debt
2 2 management contract.

2 3 6. "Fee" means the moneys paid by the debtor to the
2 4 licensee as payment for debt management and shall not include
2 5 money paid to the licensee or held by the licensee for
2 6 distribution to a creditor, ~~allowable costs~~, a distribution to
2 7 the debtor as a refund, or a donation.

2 8 7. "Gratuitous debt-management service" means debt
2 9 management without charging a fee.

2 10 8. "Licensee" means any person licensed under this
2 11 chapter.

2 12 9. "Natural person" means an individual who is not an
2 13 association, joint venture, or joint stock company,
2 14 partnership, limited partnership, business corporation,
2 15 nonprofit corporation, other business entity, or any group of
2 16 individuals or business entities, however organized.

2 17 10. "Office" means each location by street number,
2 18 building number, city, and state where any person engages in
2 19 debt management.

2 20 11. "Person" means an individual, an association, joint
2 21 venture or joint stock company, partnership, limited
2 22 partnership, business corporation, nonprofit corporation, or
2 23 any other group of individuals however organized.

2 24 12. "Superintendent" means the superintendent of banking.
2 25 Sec. 2. Section 533A.2, subsection 2, Code 2009, is
2 26 amended by adding the following paragraph:

2 27 NEW PARAGRAPH. h. A person licensed under chapter 533C,
2 28 including that person's authorized delegates as defined in
2 29 section 533C.102, or a person exempt from licensing under
2 30 section 533C.103, when engaging in money transmission or
2 31 currency exchange as defined in chapter 533C.102.

2 32 Sec. 3. Section 533A.2, subsection 3, Code 2009, is
2 33 amended to read as follows:

2 34 3. The application for a license shall be in the form
2 35 prescribed by the superintendent. If the applicant is not a



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3 1 natural person, a copy of the legal documents creating the
3 2 applicant shall be filed with the application. The
3 3 application shall contain all of the following:

3 4 a. The name of the applicant.

3 5 b. If the applicant is not a natural person, the type of
3 6 business entity of the applicant and the date the entity was
3 7 organized.

3 8 c. If the applicant is a foreign corporation, both of the
3 9 following:

3 10 (1) An irrevocable consent, duly acknowledged, that suits
3 11 and actions may be commenced against the licensee in the
3 12 courts of this state by service of process performed as
3 13 provided in section 617.3 or as provided in the Iowa rules of
3 14 civil procedure.

3 15 (2) Proof of authorization to do business in this state.

3 16 ~~e.~~ d. The address where the business is to be conducted,
3 17 including information as to any branch office of the
3 18 applicant.

3 19 ~~d.~~ e. The name and resident address of the applicant's
3 20 owner or partners, or, if a corporation, association, or
3 21 agency, of the members, shareholders, directors, trustees,
3 22 principal officers, managers, and agents.

3 23 f. The name, physical address, and telephone number of the
3 24 licensee's agent for service of process.

3 25 ~~e.~~ g. Other pertinent information as the superintendent
3 26 may require, including a credit report.

3 27 Sec. 4. Section 533A.2, subsection 5, Code 2009, is
3 28 amended to read as follows:

3 29 5. Each applicant shall furnish with the application a
3 30 description of its proposed debt management program, a copy of
3 31 the disclosures it will be providing debtors pursuant to
3 32 section 533A.8, subsection 3, and a copy of the contract the
3 33 applicant proposes to use between the applicant and the
3 34 debtor, which shall contain a schedule of fees to be charged
~~3 35 the debtor for the applicant's services pursuant to section~~



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4 1 533A.8, subsection 4.

4 2 Sec. 5. Section 533A.8, Code 2009, is amended by striking
4 3 the section and inserting in lieu thereof the following:

4 4 533A.8 LICENSEE REQUIREMENTS.

4 5 1. A licensee shall describe the methodology of its debt
4 6 management program to each potential debtor client so that the
4 7 debtor can make an informed decision as to whether or not the
4 8 licensee's program is an appropriate option for the debtor.

4 9 2. A licensee shall conduct a comprehensive review of a
4 10 debtor's debts and monthly budget and make a determination
4 11 that the licensee's program is an appropriate option for the
4 12 debtor before entering into a contract with the debtor. A
4 13 licensee shall not accept an account unless a written and
4 14 thorough budget analysis has been performed which indicates
4 15 that the debtor can meet the requirements determined by the
4 16 budget analysis.

4 17 3. a. A licensee, including any third party who markets
4 18 or sells a debt management program on behalf of a licensee,
4 19 shall make the following disclosures to a debtor both verbally
4 20 and in writing before the debtor signs a contract to enroll in
4 21 the debt management program:

4 22 (1) The total estimated fee the debtor will pay for
4 23 participating in the program if the debtor remains in the
4 24 program for the entire term of the contract.

4 25 (2) That the licensee cannot guarantee any specific
4 26 results from participation in the program.

4 27 (3) That the debtor may elect to discontinue participation
4 28 in the program without penalty at any time during the program.

4 29 (4) If the program includes obtaining concessions
4 30 regarding the principal amount of the debt from creditors,
4 31 that any concessions may be considered income to the debtor
4 32 subject to income tax.

4 33 (5) If the program is based on a model which does not
4 34 require the licensee or another licensee to receive money or
4 35 evidence thereof from the debtor to distribute to the debtor's



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5 1 creditors, the following:

5 2 (a) That payments are not made to creditors on the
5 3 debtor's behalf, so the debtor is still obligated to make
5 4 payments to creditors.

5 5 (b) That creditors may continue to try to collect the
5 6 debtor's debts while the debtor is enrolled in the program.

5 7 (6) If the program is a debt settlement program, that the
5 8 following may occur:

5 9 (a) The debtor's credit report and credit score may be
5 10 harmed by participating in the program.

5 11 (b) Failure to make required minimum payments to the
5 12 debtor's creditors may violate the debtor's agreement with the
5 13 creditors and may result in additional charges, such as late
5 14 fees, over limit fees, and penalties and creditors may raise
5 15 the debtor's interest rate.

5 16 (c) The debtor may be sued by creditors if the debtor
5 17 fails to make required minimum payments to the debtor's
5 18 creditors.

5 19 b. The verbal disclosures required pursuant to this
5 20 subsection shall be made at a normal rate of speech in a
5 21 manner designed to ensure the debtor understands the
5 22 disclosures. The written disclosures shall be provided in a
5 23 separate document from the contract between the licensee and
5 24 the debtor and shall be designed to ensure the debtor
5 25 understands the disclosures. It is a violation of this
5 26 chapter for a licensee, or any third party who markets or
5 27 sells a debt management program on behalf of a licensee, to
5 28 contradict these disclosures in any representation,
5 29 advertising, or solicitation.

5 30 4. A licensee shall make a written contract with a debtor
5 31 and shall immediately and before collecting any fee, furnish
5 32 the debtor with a true copy of the contract. A contract shall
5 33 not extend for a period longer than sixty months. The
5 34 contract between a licensee and a debtor shall include all of
5 35 the following:



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- 6 1 a. The total estimated charges agreed upon for the
6 2 services of the licensee and any third parties providing
6 3 services for or in conjunction with the licensee.
- 6 4 b. A statement of how and when the charges are to be paid.
- 6 5 c. A statement that the debtor may elect to discontinue
6 6 participation in the program without penalty at any time
6 7 during the program.
- 6 8 d. The beginning and expiration date of the contract.
- 6 9 e. The name, physical address, mailing address if
6 10 different from the physical address, and telephone number of
6 11 the licensee.
- 6 12 f. A description of the services to be provided by the
6 13 licensee, which shall include educational and counseling
6 14 services designed to assist the debtor in managing the
6 15 debtor's borrowing, spending, and saving habits.
- 6 16 g. If the debt management program is a debt settlement
6 17 program, the following:
- 6 18 (1) A comprehensive list of every debt at the time of
6 19 enrollment that is to be negotiated for settlement by the
6 20 licensee, including the creditors' names and identifying
6 21 information.
- 6 22 (2) The estimated amount of money needed to fund
6 23 settlements.
- 6 24 h. If the debt management program is based on a model
6 25 which requires the licensee or any licensee to receive money
6 26 or evidences thereof from the debtor to distribute to the
6 27 debtor's creditors, the contract shall set forth the complete
6 28 list of creditors who are to receive payments under the
6 29 contract.
- 6 30 5. If the debt management program is based on a model
6 31 which requires the licensee or any licensee to receive money
6 32 or evidences thereof from the debtor to distribute to the
6 33 debtor's creditors, the licensee who receives the money or
6 34 evidences thereof from the debtor for distribution to the
6 35 debtor's creditors shall do all of following:



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- 7 1 a. Maintain a separate bank trust account in which all
7 2 payments received from debtors for the benefit of creditors
7 3 shall be deposited and in which all payments shall remain
7 4 until a remittance is made to either the debtor or the
7 5 creditor.
- 7 6 b. Make remittances to creditors within forty-five days
7 7 after initial receipt of funds, and thereafter remittances
7 8 shall be made to creditors within thirty days of receipt, less
7 9 fees, unless the reasonable payment of one or more of the
7 10 debtor's obligations requires that such funds be held for a
7 11 longer period so as to accumulate a sum certain.
- 7 12 c. Provide each debtor a monthly written statement of
7 13 disbursements made and fees deducted from the debtor's
7 14 account. The licensee shall also provide a verbal accounting
7 15 of disbursements made and fees deducted from the debtor's
7 16 account at any time the debtor requests it during normal
7 17 business hours.
- 7 18 d. Not receive any fee, or have or cause any fee to be
7 19 received by any other licensee, other than the initiation fee
7 20 permitted in section 533A.9, subsection 2, unless the licensee
7 21 has the consent of at least fifty percent of the total number
7 22 of the creditors listed in the licensee's contract with the
7 23 debtor, or such a like number of creditors have accepted a
7 24 distribution of payment. The debtor shall be informed by the
7 25 licensee of those creditors who have not agreed to the
7 26 licensee's handling of the account.
- 7 27 6. If the debt management program is not based on a model
7 28 which requires the licensee or any licensee to receive money
7 29 or evidences thereof from the debtor to distribute to the
7 30 debtor's creditors, both of the following shall apply:
- 7 31 a. The debtor shall maintain full control of and access to
7 32 any moneys set aside for payment to creditors.
- 7 33 b. The licensee may not receive consideration from any
7 34 third party in connection with services rendered to a debtor.
- 7 35 7. A licensee shall keep, and use in the licensee's



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8 1 business, books, accounts, and records which will enable the
8 2 superintendent to determine whether such licensee is complying
8 3 with the provisions of this chapter, any applicable state or
8 4 federal laws or regulations, and the rules and regulations of
8 5 the superintendent. A licensee shall preserve such books,
8 6 accounts, and records for at least five years after making the
8 7 final entry on any transaction recorded therein. Records
8 8 shall contain complete information regarding all contracts,
8 9 extensions thereof, payments, disbursements, and charges,
8 10 which records shall be open to inspection by the
8 11 superintendent and the superintendent's duly appointed agents
8 12 during normal business hours.

8 13 8. In the event a compromise of a debt is arranged by a
8 14 licensee with one or more creditors, the debtor shall have the
8 15 full benefit of such compromise.

8 16 9. All licensee advertising content, and data supporting
8 17 any claims made in the advertising, shall be maintained in
8 18 retrievable format and available to the superintendent for
8 19 inspection for a minimum of five years.

8 20 10. If the licensee maintains an internet website, the
8 21 licensee shall make available on its internet website a
8 22 physical address for its headquarters, a main telephone
8 23 number, and an electronic mail contact address.

8 24 11. The superintendent may adopt additional requirements
8 25 applicable to licensees pursuant to administrative rule.

8 26 Sec. 6. Section 533A.9, Code 2009, is amended to read as
8 27 follows:

8 28 533A.9 FEE AGREED IN ADVANCE.

8 29 1. The fee of ~~the~~ a licensee charged to ~~the~~ a debtor shall
8 30 be agreed upon in advance and stated in the contract and
8 31 provision for settlement in case of cancellation ~~or prepayment~~
8 32 shall also be clearly stated in the contract. ~~The fee of the~~
~~8 33 licensee charged to the debtor shall not exceed fifteen~~
~~8 34 percent of any payment made by the debtor and distributed to~~
~~8 35 the creditors pursuant to the contract. In case of total~~



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~~9 1 payment of the contract before the contract period has~~
~~9 2 expired, the licensee shall be entitled only to a fee of no~~
~~9 3 more than three percent of the final payment.~~

9 4 2. A debtor may be charged a one-time initiation fee for
9 5 debt management services, which shall not exceed fifty
9 6 dollars.

9 7 3. If a debt management program is based on a model that
9 8 required the licensee or any other licensee to receive money
9 9 or evidences thereof from the debtor to distribute to the
9 10 debtor's creditors, the debtor may not be charged a fee
9 11 exceeding the initiation fee permitted in subsection 2 plus a
9 12 fee not to exceed fifteen percent of amounts actually applied
9 13 to the debtor's accounts with the creditors. Other than the
9 14 initiation fee, the debtor shall at no time be required to pay
9 15 fees exceeding fifteen percent of amounts actually applied to
9 16 the debtor's accounts with the creditors.

9 17 4. If a debt management program is not based on a model
9 18 that requires the licensee or another licensee to receive
9 19 money or evidences thereof from the debtor to distribute to
9 20 the debtor's creditors, a debtor may not be charged a fee
9 21 exceeding the sum of the following:

9 22 a. The initiation fee permitted in subsection 2.

9 23 b. An additional fee not to exceed eighteen percent of the
9 24 total amount of the debtor's debts enrolled in the licensee's
9 25 program at the time the debtor enrolled in the program. The
9 26 additional fee shall not be collected pursuant to a method
9 27 other than the percent of total debt method or the percent of
9 28 savings method, as provided in subparagraphs (1) and (2),
9 29 respectively.

9 30 (1) The percent of total debt method involves the
9 31 additional fee being collected in equal monthly installments
9 32 payable over the first two-thirds of the term of the contract
9 33 between the debtor and the licensee. The debtor may elect to
9 34 discontinue participation at any time during the program by
9 35 providing written notice to the licensee at the address



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10 1 specified in the contract. Notice of discontinuance, if given
10 2 by mail, is effective when deposited in the mail properly
10 3 addressed with postage paid. If the debtor discontinues
10 4 participation in the program, no future installments are due
10 5 after the mailing of the notice. If participation is
10 6 discontinued within the first twelve months of the contract,
10 7 the licensee may retain only fifty percent of the installments
10 8 it is scheduled to receive through the date the debtor gives
10 9 the discontinuation notice and shall refund the excess to the
10 10 debtor. Notwithstanding the foregoing, the licensee may
10 11 collect a pro rata portion of the total fee upon completion of
10 12 a settlement of a debtor's debt. The pro rata portion shall
10 13 be calculated by multiplying the total dollar amount of the
10 14 contracted additional fee by the percentage of debt settled of
10 15 the original amount of debt enrolled in the program. In no
10 16 event shall the additional fee exceed eighteen percent of the
10 17 total amount of the debtor's debts enrolled in the licensee's
10 18 program at the time the debtor enrolled in the program.
10 19 (2) The percent of savings method involves the additional
10 20 fee being collected in monthly installments of fifty dollars
10 21 per month, and the monthly fees collected shall be credited
10 22 against any fees the licensee earns as the result of
10 23 settlements. The debtor may elect to discontinue
10 24 participation at any time during the program by providing
10 25 written notice to the licensee at the address specified in the
10 26 contract. Notice of discontinuance, if given by mail, is
10 27 effective when deposited in the mail properly addressed with
10 28 postage paid. If the debtor discontinues participation in the
10 29 program, no future installments are due after the mailing of
10 30 the notice. If participation is discontinued within the first
10 31 twelve months of the contract, the licensee may retain only
10 32 fifty percent of the installments it is scheduled to receive
10 33 through the date the debtor gives the discontinuation notice
10 34 and shall refund the excess to the debtor. Notwithstanding
10 35 the foregoing, the licensee may collect a pro rata portion of



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11 1 the total fee upon completion of a settlement of a debtor's
11 2 debt. The pro rata portion, which may be collected at the
11 3 time of settlement, shall be calculated by multiplying the
11 4 contracted savings percentage, not to exceed thirty percent,
11 5 by the amount saved on settled debt. The amount saved on
11 6 settled debt is the difference between the balance of that
11 7 debt upon enrollment in the program and the amount settled.
11 8 In no event shall the additional fee exceed eighteen percent
11 9 of the total amount of the debtor's debts enrolled in the
11 10 licensee's program at the time the debtor enrolled in the
11 11 program.

11 12 5. Any services provided by a third party, other than the
11 13 debtor's own banking fees, including lead generating,
11 14 marketing, and selling services, shall be paid for by the
11 15 licensee. Under no circumstances shall a debtor be required
11 16 to pay a fee to a third party to obtain a licensee's services.

11 17 Sec. 7. Section 533A.11, Code 2009, is amended to read as
11 18 follows:

11 19 533A.11 UNLAWFUL ACTS OF LICENSEE.

11 20 It ~~shall be~~ is unlawful and a violation of this chapter for
11 21 the holder of any license issued under ~~the terms and~~
11 22 ~~provisions hereto~~ this chapter:

11 23 1. To purchase from a creditor any obligation of a debtor.

11 24 2. To operate as a collection agent and as a licensee as
11 25 to the same debtor's account without first disclosing in
11 26 writing such fact to both the debtor and creditor.

11 27 3. To execute any contract or agreement to be signed by
11 28 the debtor unless the contract or agreement is fully and
11 29 completely filled in and finished.

11 30 4. To receive or charge any fee in the form of a
11 31 promissory note or other promise to pay, or receive or accept
11 32 any mortgage or other security for any fee, both as to real or
11 33 personal property.

11 34 5. To pay any bonus or other consideration to any
11 35 individual, agency, partnership, unincorporated association,



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12 1 or corporation for the referral of a debtor to the licensee's
12 2 business, or to accept or receive any bonus, commission, or
12 3 other consideration for referring any debtor to any
12 4 individual, partnership, unincorporated association, agency,
12 5 or corporation for any reason.

12 6 6. To advertise the licensee's services, display,
12 7 distribute, broadcast, or televise, or permit to be displayed,
12 8 advertised, distributed, broadcast, or televised the
12 9 licensee's services in any manner inconsistent with the law.

12 10 7. To make, or facilitate the debtor in making, any false
12 11 or misleading claim regarding a creditor's right to collect a
12 12 debt.

12 13 8. To dispute, or facilitate the debtor in disputing, the
12 14 validity of a debt absent a good faith belief by the debtor
12 15 that the debt is not validly owing.

12 16 9. To challenge a debt without the written consent of the
12 17 debtor.

12 18 10. To provide or offer to provide legal advice or legal
12 19 services, including but not limited to the negotiation of
12 20 payments or the settlement of a debtor's delinquent account
12 21 that is subject to pending litigation, unless the person
12 22 providing or offering to provide legal advice is licensed to
12 23 practice law in the state in which the debtor resides.

12 24 11. To execute a power of attorney or any other written
12 25 agreement that extinguishes or limits the debtor's right to
12 26 contact or communicate with any creditor.

12 27 12. To take a wage assignment, a lien of any type on real
12 28 or personal property, or other security to secure the payment
12 29 of compensation. Any such security is void and unenforceable.

12 30 13. To induce or attempt to induce a debtor to enter into
12 31 a contract which does not comply in all respects with the
12 32 requirements of this chapter.

12 33 14. Where applicable, to make any statements, or allow a
12 34 third party marketing or selling the licensee's program to
12 35 make any statements, in the course of advertising or



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Senate File 311 - Introduced continued

13 1 solicitation that contradicts the disclosures required by
13 2 section 533A.8.
13 3 15. When the licensee's program is a debt settlement
13 4 program, the following:
13 5 a. To advise a debtor to stop making payments to
13 6 creditors.
13 7 b. To lead a debtor to believe that a payment to a
13 8 creditor is in settlement of a debt to the creditor unless the
13 9 creditor provides a written certification or confirmation that
13 10 the payment is in full settlement of the debt, or is part of a
13 11 payment plan that is in full settlement of the debt.
13 12 c. To make any of the following representations:
13 13 (1) The licensee will furnish money to pay bills or
13 14 prevent attachments.
13 15 (2) Payment of a certain amount will guarantee
13 16 satisfaction of a certain amount or range of indebtedness.
13 17 (3) Participation in a program will prevent debt
13 18 collection calls, litigation, garnishment, attachment,
13 19 repossession, foreclosure, eviction, or loss of employment.
13 20 (4) Participation in a program will not harm the debtor's
13 21 credit report or credit score.
13 22 (5) Participation in a program will prevent the debtor
13 23 from having to declare bankruptcy.
13 24 (6) That the licensee is authorized or competent to
13 25 furnish legal advice or perform legal services, including but
13 26 not limited to the negotiation of payments or the settlement
13 27 of a debtor's delinquent account that is subject to pending
13 28 litigation.
13 29 (7) That the licensee's negotiations with creditors will
13 30 result in the elimination of adverse information on the
13 31 debtor's credit report.
13 32 Sec. 8. NEW SECTION. 533A.17 WAIVER NOT ALLOWED.
13 33 A waiver by a debtor of the provisions of this chapter is
13 34 void and unenforceable as contrary to public policy. An
13 35 attempt by a licensee to induce a debtor to waive the debtor's



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14 1 rights is a violation of this chapter.

14 2 Sec. 9. Section 533A.6, Code 2009, is repealed.

14 3 EXPLANATION

14 4 This bill relates to the regulation of the business of debt
14 5 management pursuant to Code chapter 533A.

14 6 The bill modifies definitions applicable to debt
14 7 management. The bill adds to the definition of a "creditor" a
14 8 person who grants credit or who takes assignment of the rights
14 9 to payments of a person granting credit. The bill expands the
14 10 definition of "debt management" to mean arranging or

14 11 negotiating, or attempting to arrange or negotiate, for a fee,
14 12 the amount or terms of debt owed by a debtor to a creditor;

14 13 receiving from a debtor, directly or indirectly, money or
14 14 evidences thereof for the purposes of distributing it to one
14 15 or more creditors of the debtor in payment or partial payment
14 16 of the debtor's obligations; serving as an intermediary
14 17 between a debtor and one or more creditors of the debtor for
14 18 the purpose of obtaining concessions from the creditors, or
14 19 engaging in debt settlement. The bill defines "debt

14 20 settlement" as seeking to settle the amount of a debtor's
14 21 debts with creditors for less than the amounts owed on the
14 22 debts. The bill additionally deletes a definition of
14 23 "allowable cost" which was not utilized within the chapter.

14 24 The bill adds to the list of persons exempt from the
14 25 chapter's licensing requirements a person licensed pursuant to
14 26 Code chapter 533C in connection with money transmission or
14 27 currency exchange and related persons as specified in the
14 28 bill.

14 29 The bill requires additional information to be supplied on
14 30 an application for licensure, including in the case of a
14 31 foreign corporation applicant a duly acknowledged irrevocable
14 32 consent that suits and actions may be commenced against the
14 33 licensee by service of process performed as provided in Code
14 34 section 617.3 or as provided in the Iowa rules of civil
14 35 procedure, and proof of authorization to do business. The



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15 1 bill requires furnishing the name, physical address, mailing
15 2 address if different than the physical address, and telephone
15 3 number of the licensee's agent for service of process, which
15 4 replaces a provision repealed by the bill which had designated
15 5 the superintendent of banking as the agent for service of
15 6 process. The bill also requires an applicant to furnish a
15 7 description of their proposed debt management program and a
15 8 copy of disclosures required in the chapter to be provided to
15 9 debtors.

15 10 The bill replaces current Code section 533A.8 specifying
15 11 written contract requirements with a new list of requirements
15 12 applicable to a licensee when dealing with a potential debtor
15 13 client or otherwise engaging in the business of debt
15 14 management. The requirements include describing the
15 15 methodology of the debt management program so a debtor can
15 16 make an informed decision regarding the appropriateness of the
15 17 program, conducting a comprehensive review of the debtor's
15 18 debts and the debtor's monthly budget, and performing a
15 19 thorough written budget analysis.

15 20 The bill provides additional requirements relating to
15 21 disclosures required to be made by a licensee. The bill
15 22 provides that a licensee, including any third party who
15 23 markets or sells a debt management program on behalf of a
15 24 licensee, must make a series of disclosures to a debtor both
15 25 verbally and in writing before the debtor signs a contract to
15 26 enroll in the debt management program. The disclosures
15 27 include the total estimated fee the debtor will pay for
15 28 participating in the program, that the licensee cannot
15 29 guarantee any specific results, that the debtor may elect to
15 30 discontinue participation in the program without penalty at
15 31 any time, and that any concession obtained regarding the
15 32 principal amount of debt may be considered income to the
15 33 debtor subject to income tax. Disclosures are also specified
15 34 applicable to debt management programs which do not require
15 35 receipt of money from the debtor to distribute to the debtor's



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16 1 creditors, and to debt settlement programs. The bill contains
16 2 requirements regarding the form and manner of verbal and
16 3 written disclosures, and states that it is a violation of the
16 4 Code chapter for a licensee, or any third party who markets or
16 5 sells a debt management program on behalf of the licensee, to
16 6 contradict the required disclosures in any representation,
16 7 advertising, or solicitation.

16 8 Further, the bill specifies the nature of the contents of a
16 9 written contract entered into between a licensee and a debtor,
16 10 including the duration of the contract, charges, termination
16 11 options, licensee information, and a description of services
16 12 to be performed. If the debt management program is based on a
16 13 model which requires the licensee or any licensee to receive
16 14 money or evidences thereof from the debtor to distribute to
16 15 the debtor's creditors, the bill specifies procedures
16 16 regarding such receipt and distribution. If it does not, the
16 17 bill requires the debtor to maintain control of the funds.
16 18 The licensee may not receive consideration from third parties
16 19 in connection with services rendered to a debtor.

16 20 Requirements relating to books, accounts, records,
16 21 advertising, and internet website content are also provided.

16 22 In addition, the bill addresses fees. The bill provides
16 23 for a one-time initiation fee not to exceed \$50, and
16 24 additional fees in amounts and at intervals which vary
16 25 depending upon whether the debt management program requires
16 26 distribution of money to the debtor's creditors.

16 27 The bill adds several new licensee actions which are
16 28 considered unlawful acts and a violation of the Code chapter.
16 29 They include making, or facilitating the debtor in making, any
16 30 false or misleading claim regarding a creditor's right to
16 31 collect a debt; disputing, or facilitating the debtor to
16 32 dispute, the validity of the debt absent a good faith belief
16 33 by the debtor that the debt is not validly owing; challenging
16 34 a debt without the written consent of the debtor; providing or
16 35 offering to provide legal advice or legal services, including



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17 1 but not limited to the negotiation of payments or the
17 2 settlement of a debtor's delinquent account that is subject to
17 3 pending litigation, unless the person providing or offering to
17 4 provide legal advice is licensed to practice law in the state
17 5 in which the debtor resides; executing a power of attorney or
17 6 any other oral or written express or implied agreement that
17 7 extinguishes or limits the debtor's right at any time to
17 8 contact or communicate with any creditor; taking a wage
17 9 assignment or lien or other security to secure the payment of
17 10 compensation; and inducing or attempting to induce a debtor to
17 11 enter into a contract which does not comply in all respects
17 12 with the requirements of Code chapter 533A. Additional
17 13 unlawful acts specified in the bill relate to advertising and
17 14 misrepresentation.
17 15 Finally, the bill provides that a waiver of the provisions
17 16 of Code chapter 533A is void and unenforceable as contrary to
17 17 public policy, and prohibits the attempt by a licensee to
17 18 induce a debtor to waive the debtor's rights.
17 19 LSB 1228SV 83
17 20 rn/nh/14



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SENATE FILE
BY BOLKCOM

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to radon information disclosures in residential
- 2 real property transactions and making a penalty applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2247XS 83
- 5 tm/nh/14



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1 1 Section 1. NEW SECTION. 136B.6 RADON AWARENESS == REAL
1 2 ESTATE TRANSACTIONS.
1 3 1. Except as provided in subsection 4, prior to the
1 4 purchase of residential real property, the seller of property
1 5 shall provide to the buyer the radon hazards information
1 6 pamphlet described in subsection 3 and the radon hazards
1 7 information disclosure form described in subsection 2. If any
1 8 of the disclosures required by this section occur after the
1 9 buyer has made an offer to purchase the residential real
1 10 property, the seller shall complete the required disclosure
1 11 activities prior to accepting the buyer's offer and allow the
1 12 buyer an opportunity to review the information and amend the
1 13 offer. Nothing in this section shall be construed to imply an
1 14 obligation on the part of the seller to conduct any radon
1 15 testing or mitigation activities.
1 16 2. a. The department shall produce a standard radon
1 17 hazards information disclosure form to be used in all
1 18 applicable residential real estate transactions under this
1 19 section.
1 20 b. The standard radon hazards information disclosure form
1 21 shall be as follows:
1 22 RADON HAZARDS INFORMATION DISCLOSURE FORM
1 23 (For Residential Real Property Sales or Purchases)
1 24 Radon Warning Statement
1 25 Every buyer of any interest in residential real property is
1 26 notified that the property may present exposure to dangerous
1 27 levels of indoor radon gas that may place the occupants at
1 28 risk of developing radon-induced lung cancer. Radon, a
1 29 Class=A human carcinogen, is the leading cause of lung cancer
1 30 in nonsmokers and the second leading cause overall. The
1 31 seller of any interest in residential real property is
1 32 required to provide the buyer with any information on radon
1 33 test results of the dwelling showing elevated levels of radon
1 34 in the seller's possession.
1 35 The Iowa Department of Public Health strongly recommends



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3 1 Purchaser/Date _____
3 2 Agent/Date _____
3 3 Agent/Date _____
3 4 3. The department shall publish a radon hazards
3 5 information pamphlet designed to educate home buyers regarding
3 6 the dangers and hazards of indoor radon gas in residential
3 7 property, radon testing, and radon mitigation methods.
3 8 4. This section shall not apply to any of the following
3 9 residential real property transactions:
3 10 a. Transfers pursuant to a court order.
3 11 b. Transfers from a mortgagor to a mortgagee by deed in
3 12 lieu of foreclosure or consent judgment, transfers by a
3 13 judicial deed issued pursuant to a foreclosure sale, transfers
3 14 by a collateral assignment of a beneficial interest of a land
3 15 trust, or transfers by a mortgagee or a successor in interest
3 16 to the mortgagee's secured position or a beneficiary under a
3 17 deed in trust who has acquired the real property by deed in
3 18 lieu of foreclosure, consent judgment, or judicial deed issued
3 19 pursuant to a foreclosure sale.
3 20 c. Transfers by a fiduciary in the course of the
3 21 administration of a decedent's estate, guardianship,
3 22 conservatorship, or trust.
3 23 d. Transfers from one co-owner to another.
3 24 e. Transfers pursuant to testate or intestate succession.
3 25 f. Transfers made to a spouse, or to a person in the
3 26 lineal line of consanguinity of one or more of the sellers.
3 27 g. Transfers from an entity that has taken title to
3 28 residential real property from a seller for the purpose of
3 29 assisting in the relocation of the seller, so long as the
3 30 entity makes available to all prospective buyers a copy of the
3 31 disclosure form furnished to the entity by the seller.
3 32 h. Transfers to or from any governmental entity.
3 33 Sec. 2. Section 558A.2, subsection 1, Code 2009, is
3 34 amended to read as follows:
3 35 1. A person interested in transferring real property, or a



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4 1 broker or salesperson acting on behalf of the person, shall
4 2 deliver a written disclosure statement to a person interested
4 3 in being transferred the real property. The disclosure
4 4 statement must be delivered prior to either the transferor
4 5 making a written offer for the transfer of the real property,
4 6 or accepting a written offer for the transfer of the real
4 7 property. At the same time the disclosure statement is
4 8 delivered, a radon hazards information pamphlet and a radon
4 9 hazards information disclosure shall also be delivered to a
4 10 person interested in being transferred the real property
4 11 pursuant to section 136B.6.

4 12 EXPLANATION

4 13 This bill relates to radon information disclosures in
4 14 residential real property transactions.

4 15 The bill requires that prior to the purchase of residential
4 16 real property a seller of property must provide to the buyer
4 17 the radon hazards information pamphlet published by the
4 18 department of public health and a radon hazards information
4 19 disclosure form. The bill provides that if any of the
4 20 required disclosures occur after the buyer has made an offer
4 21 to purchase the residential real property, the seller shall
4 22 complete the required disclosure activities prior to accepting
4 23 the buyer's offer and allow the buyer an opportunity to review
4 24 the information and possibly amend the offer. The bill
4 25 provides that nothing in the bill shall be construed to imply
4 26 an obligation on the part of the seller to conduct any radon
4 27 testing or mitigation activities. The bill provides a list of
4 28 certain residential real property transactions for which the
4 29 requirements of the bill would not apply.

4 30 The bill requires the department of public health to
4 31 produce a standard radon hazards information disclosure form
4 32 to be used in all applicable residential real estate
4 33 transactions. The bill provides the format for the disclosure
4 34 form which includes a radon warning statement, seller's
4 35 disclosures, purchaser's acknowledgments, agent's



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5 1 acknowledgment, and certification of accuracy.

5 2 The bill requires the department to publish a radon hazards
5 3 information pamphlet designed to educate home buyers regarding
5 4 the dangers and hazards of indoor radon gas in residential
5 5 property, radon testing, and radon mitigation methods.

5 6 Code chapter 136B contains a general criminal penalty
5 7 provision which would make a person who violates any of the
5 8 provisions of this bill guilty of a serious misdemeanor. A
5 9 serious misdemeanor is punishable by confinement for no more
5 10 than one year and a fine of at least \$315 but not more than
5 11 \$1,875.

5 12 LSB 2247XS 83

5 13 tm/nh/14.1



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Senate Resolution 13 - Introduced

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S.R. _____ H.R. _____

1 1 SENATE RESOLUTION NO.

1 2 BY HATCH, HORN, BOLKCOM, RAGAN, McCOY,

1 3 APPEL, DANIELSON, QUIRMBACH, JOCHUM, OLIVE,

1 4 SCHOENJAHN, HECKROTH, BEALL, SODDERS, SCHMITZ,

1 5 DOTZLER, GRONSTAL, DVORSKY, WARNSTADT, WILHELM,

1 6 SENG, DEARDEN, BLACK, STEWART, COURTNEY, KIBBIE,

1 7 FRAISE, KREIMAN, HOGG, and DANDEKAR

1 8 A Resolution encouraging a federal state collaboration

1 9 to achieve quality, affordable health care for all.

1 10 WHEREAS, the United States is facing a worsening

1 11 health care crisis of ever-higher costs, inconsistent

1 12 quality, and lack of access to necessary coverage and

1 13 medical care for tens of millions of uninsured and

1 14 underinsured residents; and

1 15 WHEREAS, reforming the United States' health care

1 16 system to achieve a high-performing, affordable, and

1 17 quality system covering all residents is central to a

1 18 sustainable economic recovery and the health and

1 19 financial security of all residents, businesses, and

1 20 governments; and

1 21 WHEREAS, reform of the United States' health care

1 22 system is a paramount and immediate priority for

1 23 President Barack Obama, his administration, and the

1 24 111th Congress; and

1 25 WHEREAS, each state has unique economic, social,

1 26 geographic, and demographic factors that must be

1 27 accommodated to reach quality and affordable health

1 28 care for all; and

1 29 WHEREAS, states play a vital role in health care

1 30 for tens of millions of Americans by administering and



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Senate Resolution 13 - Introduced continued

2 1 funding public programs such as Medicaid and the State
2 2 Children's Health Insurance Program (SCHIP) that
2 3 improve access to quality and affordable health care;
2 4 and
2 5 WHEREAS, states can help improve health care for
2 6 all residents of the United States by using public
2 7 programs and regulatory power to influence, guide, and
2 8 direct the broader health care system toward improved
2 9 and less costly care; and
2 10 WHEREAS, the federal government looks to states for
2 11 guidance in improving health care, and federal health
2 12 care reform is informed by state initiatives; and
2 13 WHEREAS, since the current health care system is
2 14 unsustainable and the cost of doing nothing would be
2 15 far greater than the cost of health care reform; and
2 16 WHEREAS, all states and the federal government
2 17 share a common mission to protect and provide for the
2 18 general welfare of all the people of the United
2 19 States; NOW THEREFORE,
2 20 BE IT RESOLVED BY THE SENATE, That the Iowa Senate
2 21 urges both state governments and the federal
2 22 government to collaborate with one another to reach
2 23 the goal of providing quality and affordable health
2 24 care to all Americans; and
2 25 BE IT FURTHER RESOLVED, That each state exercise
2 26 its inherent responsibility to assist in providing
2 27 access to quality health care; and
2 28 BE IT FURTHER RESOLVED, That all of the following
2 29 guiding principles be incorporated into a national
2 30 health care policy:



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Senate Resolution 13 - Introduced continued

- 3 1 1. Stabilize financing through payment reform.
3 2 a. Implement a patient-centered medical home.
3 3 This practice emphasizes reimbursement of services
3 4 based on patient needs, with effective financial
3 5 incentives for coordinated care among
3 6 multispecialties.
3 7 b. Prioritize payments for primary and preventive
3 8 care. This prioritization will steer patients to
3 9 cost-effective treatments that promote wellness and
3 10 health. Equally important is to end Medicare's
3 11 regional reimbursement discrimination, whereby states
3 12 receive considerably more or less for the same
3 13 procedure based upon geographic location.
3 14 c. Support value-based purchasing efforts.
3 15 Value-based purchasing uses transparent quality and
3 16 cost data and patient incentives to steer care toward
3 17 high-quality, cost-effective providers.
3 18 d. Restructure national financing for long-term
3 19 care. As baby boomers age, long-term care needs will
3 20 skyrocket. A comprehensive financing strategy that
3 21 takes into account states' financial capabilities is
3 22 critical.
3 23 2. Improve cost containment policies.
3 24 a. Advance cost containment strategies. To ensure
3 25 a financially stable system, national standards for
3 26 cost containment should be advanced in areas such as
3 27 chronic care management and medical homes, pay for
3 28 performance, electronic health records, administrative
3 29 efficiency, public health measures, drug and medical
3 30 device negotiations, and sunshine laws to increase



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Senate Resolution 13 - Introduced continued

4 1 transparency of financial arrangements among industry
4 2 stakeholders.
4 3 b. Establish national electronic medical record
4 4 standards. National standards should be established
4 5 for the states controlling the use and distribution of
4 6 electronic medical records.
4 7 c. Provide financial and technical assistance for
4 8 the creation and utilization of electronic medical
4 9 records. Modernizing medical records using current
4 10 technology will improve care and lower costs.
4 11 d. Facilitate the confidential sharing of patient
4 12 data within and across state borders. A national
4 13 interoperational standard will allow providers to
4 14 access patient records anywhere.
4 15 3. Increase access to affordable health insurance
4 16 coverage.
4 17 a. Expand coverage to everyone. Using private
4 18 market and publicly financed plans, affordable
4 19 coverage must be guaranteed to every resident. Total
4 20 health care costs for individuals, families, and
4 21 employers must be limited to an affordable percentage
4 22 of household income or payroll.
4 23 b. Allow for greater flexibility in state
4 24 regulation of federal Employee Retirement Income
4 25 Security Act (ERISA)=regulated insurance plans. ERISA
4 26 precludes effective state oversight of self=insured
4 27 employer=offered insurance coverage. This unintended
4 28 consequence of ERISA distorts policy and interferes
4 29 with a state's ability to provide for consistency in
4 30 coverage.



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- 5 1 c. Eliminate preexisting conditions exemptions and
5 2 require guaranteed issue of insurance. Permitting
5 3 insurers to reject applicants based on health status
5 4 leaves those who most need coverage without any
5 5 affordable options, defeating the purpose of health
5 6 insurance.
- 5 7 d. Strengthen the health care safety net.
5 8 Increase the investments in public programs
5 9 administered by states and the federal government,
5 10 such as Medicaid, community health centers, and SCHIP.
- 5 11 e. Support state innovation by creating robust
5 12 national standards that serve to raise the floor for
5 13 state action, rather than limit state efforts to
5 14 achieve the goal of quality and affordable health care
5 15 for all.
- 5 16 f. Invest in increasing the number of primary care
5 17 providers, midlevel practitioners, direct care
5 18 workers, and laboratory and community health workers.
- 5 19 g. Carefully monitor the supply of specialists.
5 20 Certain specialists are in short supply, and
5 21 policymakers need to be attentive to these shortages.
- 5 22 4. Increase quality.
- 5 23 a. Develop evidence-based standards using robust
5 24 clinical and cost comparative-effectiveness findings.
5 25 Care options need to take into account both
5 26 effectiveness and price. Comparative-effectiveness
5 27 research that evaluates treatments in terms of
5 28 efficacy and price will allow for the greatest value
5 29 in health improvement.
- 5 30 b. Require the use of informed, shared decision



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Senate Resolution 13 - Introduced continued

6 1 making between the provider and patient. Patients
6 2 need to bring their preferences and values to the
6 3 medical decision-making process, just as providers
6 4 bring their experience and knowledge of medicine.
6 5 Informed joint decision making has been shown to
6 6 improve outcomes and increase patient and family
6 7 satisfaction.

6 8 c. Eliminate disparities and inequality. Numerous
6 9 social factors lead to widespread racial and ethnic
6 10 disparities in health care. The health care system
6 11 needs to systematically address these disparities if
6 12 the promise of health care for all is to be honored.

6 13 d. Invest in proven prevention programs and health
6 14 promotion activities. Public health activities such
6 15 as promoting healthy behaviors and teaching disease
6 16 management can improve overall health and lower costs.

6 17 e. Reduce unwarranted variation in care. Wide
6 18 variations in care, not matched by improved health
6 19 outcomes, show that much superfluous care is being
6 20 provided. Rooting out unnecessary care will both
6 21 improve health and save money.

6 22 f. Demand more effective public quality reporting
6 23 by all providers. Reporting allows consumers to
6 24 choose high-quality providers and encourages providers
6 25 to improve care; and

6 26 BE IT FURTHER RESOLVED, That a copy of this
6 27 resolution be transmitted to:
6 28 President Barack Obama; Vice President Joe Biden;
6 29 Speaker of the United States House of Representatives,
6 30 Nancy Pelosi; the Secretary of Health and Human



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Senate Resolution 13 - Introduced continued

7 1 Services; Senator Edward Kennedy, Chair, Senate
7 2 Health, Education, Labor and Pensions Committee;
7 3 Representative Henry Waxman, Chair, Oversight and
7 4 Government Reform; Senator Max Baucus, Chair, Senate
7 5 Finance Committee; Senator Harry Reid, Senate Majority
7 6 Leader; Representative Steny Hoyer, House Majority
7 7 Leader; Senator Mitch McConnell, Senate Minority
7 8 Leader; Representative John Boehner, House Minority
7 9 Leader; the members of Iowa's congressional
7 10 delegation; Iowa Governor Chet Culver; and Dr. Jeanne
7 11 Lambrew, Deputy Director, White House Task Force on
7 12 Health Care Reform.
7 13 LSB 2640SS 83
7 14 pf/rj/8.1



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Senate Study Bill 1281

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 establishing an energy independence transmission franchise
- 2 process which may be used under specified circumstances.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2354XC 83
- 5 rn/nh/5



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Senate Study Bill 1281 continued

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1 1 Section 1. NEW SECTION. 478.34 ENERGY INDEPENDENCE
1 2 TRANSMISSION FRANCHISE == OPTIONAL PROCESS.
1 3 1. LEGISLATIVE FINDINGS AND INTENT. The general assembly
1 4 finds that as a matter of public policy and in an effort to
1 5 achieve and sustain economic growth this state must assume a
1 6 leadership role within the broader marketplace of the north
1 7 central region of states with regard to energy independence
1 8 efforts. The general assembly also recognizes that the
1 9 renewable energy resources which exist in this state are
1 10 shared with neighboring states and that economic well-being
1 11 can be enhanced through energy resource interconnection
1 12 throughout the region. The general assembly accordingly
1 13 declares the intention to become a regional leader in
1 14 renewable energy electric transmission corridor development
1 15 and seeks to promote this development through implementation
1 16 of the optional franchise procurement process established
1 17 pursuant to this section.
1 18 2. PROCESS ESTABLISHED. An optional energy independence
1 19 transmission franchise process is established for persons
1 20 qualifying pursuant to subsection 3 with the objective of
1 21 streamlining and consolidating franchise procurement
1 22 requirements and provisions otherwise applicable pursuant to
1 23 this chapter.
1 24 3. PROCEDURAL REQUEST FOR DETERMINATION OF ELIGIBILITY.
1 25 a. A person seeking an energy independence transmission
1 26 franchise shall submit a procedural request on a form to be
1 27 established by the board for consideration for an energy
1 28 independence transmission franchise pursuant to this section.
1 29 The board shall make a preliminary determination of
1 30 eligibility to a person demonstrating that the proposed
1 31 electric line construction satisfies all of the following
1 32 requirements:
1 33 (1) Furthers three or more components or recommendations
1 34 contained within the most recent Iowa energy independence plan
1 35 developed and submitted on an annual basis pursuant to section



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2 1 469.4.

2 2 (2) Enhances either directly or indirectly the creation
2 3 and retention of high-quality jobs in this state.

2 4 (3) Facilitates the transmission of electricity across and
2 5 throughout the north central region of states.

2 6 b. The board shall notify the person seeking the franchise
2 7 of a determination of eligibility or ineligibility within
2 8 thirty days after the filing of the procedural request.

2 9 4. MODIFIED PROCESS. A person determined eligible
2 10 pursuant to subsection 3 may file a petition for an energy
2 11 independence transmission franchise pursuant to a streamlined
2 12 process adopted by the utilities board by rule which modifies
2 13 provisions otherwise applicable to obtaining a franchise under
2 14 this chapter, as follows:

2 15 a. The provisions requiring informational meetings and
2 16 notices thereof to be conducted in each impacted county prior
2 17 to the filing of a petition, as specified in section 478.2,
2 18 shall be waived. Informational meetings shall still be
2 19 required, however, in the event of a proposed multicounty
2 20 electric transmission line, with at least one informational
2 21 meeting conducted in a centrally located area for each one
2 22 hundred miles of proposed transmission line. Notice of the
2 23 meetings shall be provided as specified in section 478.2.

2 24 b. Upon completion of informational meetings as provided
2 25 in paragraph "a", if required, a petition for an energy
2 26 independence transmission franchise may be filed with the
2 27 utilities board. A single franchise petition may be filed for
2 28 the entire proposed transmission line rather than a separate
2 29 filing in each county the proposed transmission line
2 30 traverses.

2 31 c. Written notice of the filing of the petition and the
2 32 right to object shall be provided to each landowner who might
2 33 have otherwise received notice of an informational meeting.
2 34 An affidavit stating that such notice has been provided shall
2 35 be included in the petition.



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3 1 d. Negotiations for easements and rights-of-way may occur
3 2 prior to the filing of the petition if an informational
3 3 meeting as specified in paragraph "a" is held within one
3 4 hundred miles of the impacted landowner participating in such
3 5 negotiations.

3 6 e. A hearing on the petition, including one in which
3 7 eminent domain is requested, shall be conducted by the board
3 8 as a contested case proceeding pursuant to the provisions of
3 9 chapter 17A. The hearing shall be conducted at the board's
3 10 primary place of business rather than in each county the
3 11 proposed transmission line traverses. The board shall serve
3 12 notice of the hearing in the manner provided in section
3 13 476A.4, subsection 3, upon interested property owners and
3 14 entities, regulatory agencies, and city and county zoning
3 15 authorities, as determined by the board, from the areas which
3 16 the proposed transmission line shall traverse.

3 17 f. If a property owner, entity, regulatory agency, or
3 18 zoning authority which received notice pursuant to paragraph
3 19 "e" fails to appear of record in the contested case
3 20 proceeding, the board shall conclusively presume that the
3 21 party does not object to the petition. A city or county
3 22 zoning authority may appear on record at the hearing and state
3 23 whether the petition meets city, county, or airport zoning
3 24 requirements, as applicable. The failure of a petition to
3 25 meet zoning requirements established pursuant to chapters 329,
3 26 335, and 414 shall not preclude the board from issuance of an
3 27 energy independence transmission franchise and to that extent
3 28 the provisions of this subsection shall supersede the
3 29 provisions of chapters 329, 335, and 414.

3 30 g. The hearing on the franchise petition shall be
3 31 conducted no later than one hundred days following the
3 32 determination of eligibility pursuant to subsection 3. A
3 33 decision regarding issuance of the franchise shall be rendered
3 34 by the board no later than one hundred eighty days following
3 35 the determination of eligibility. In the event that eminent



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4 1 domain is not requested, these time frames shall be shortened
4 2 to seventy-five days and one hundred twenty days,
4 3 respectively.

4 4 h. In rendering a decision on a franchise petition under
4 5 this section, the provisions of section 478.4 shall be
4 6 applicable. For purposes of an energy independence
4 7 transmission franchise, however, the criteria that a proposed
4 8 transmission line or lines are necessary to serve a public use
4 9 and represent a reasonable relationship to an overall plan of
4 10 transmitting electricity in the public interest may be
4 11 satisfied by virtue of the demonstration of high-quality job
4 12 creation and retention and regional transmission development
4 13 potential documented in the procedural request for a
4 14 determination of eligibility.

4 15 5. PROVISIONS OTHERWISE APPLICABLE. To the extent not
4 16 inconsistent with the modified provisions established in
4 17 subsection 4, all other provisions of this chapter relating to
4 18 electric transmission line franchise issuance shall apply to
4 19 an energy independence transmission franchise.

4 20 6. RULES. The board shall by rule establish additional
4 21 procedures and requirements as necessary to administer this
4 22 section.

4 23 7. REPLACEMENT TAX ADVISORY COMMITTEE. The replacement
4 24 tax study committee established pursuant to section 476.6,
4 25 subsection 20, shall, by January 1, 2011, make a
4 26 recommendation to the general assembly, after consulting with
4 27 the board and the office of energy independence, regarding the
4 28 appropriate taxing rate to be applied to an energy
4 29 independence transmission franchise.

4 30 EXPLANATION

4 31 This bill establishes an energy independence transmission
4 32 franchise with an optional and streamlined electric
4 33 transmission franchise approval process for eligible
4 34 applicants.

4 35 The bill provides that a person seeking an energy



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5 1 independence transmission franchise shall submit a procedural
5 2 request on a form to be established by the utilities board of
5 3 the utilities division of the department of commerce for
5 4 consideration for the franchise. The utilities board shall
5 5 make a preliminary determination of eligibility upon a
5 6 demonstration that the proposed electric line construction
5 7 furthers three or more components or recommendations contained
5 8 within the most recent Iowa energy independence plan developed
5 9 and submitted by the office of energy independence, enhances
5 10 the creation and retention of high-quality jobs in Iowa, and
5 11 facilitates the transmission of electricity across and
5 12 throughout the upper midwest region. The board shall notify
5 13 the person seeking the franchise of a determination of
5 14 eligibility or ineligibility within 30 days of receiving the
5 15 procedural request.

5 16 The bill provides that an eligible person may file a
5 17 petition for an energy independence transmission franchise
5 18 pursuant to streamlined provisions modifying those otherwise
5 19 applicable to obtaining a franchise under Code chapter 478.
5 20 Modifications contained within the bill include waiving the
5 21 requirement of informational meetings unless the proposal is
5 22 for a multicounty transmission line, in which case at least
5 23 one informational meeting shall be conducted in a centrally
5 24 located area for each 100 miles of proposed transmission line;
5 25 permitting a single franchise petition to be filed for the
5 26 entire proposed transmission line rather than a separate
5 27 filing in each county the proposed transmission line
5 28 traverses; provision of written notice of the filing of the
5 29 petition and the right to object has been provided to each
5 30 landowner who might have otherwise received notice of an
5 31 informational meeting; and allowing easement and rights-of-way
5 32 negotiations prior to the filing of the petition if an
5 33 informational meeting is held within 100 miles of impacted
5 34 landowners participating in such negotiations.

5 35 The bill states that a hearing on the petition shall be



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6 1 conducted by the board as a contested case proceeding under
6 2 Code chapter 17A at the board's primary place of business, and
6 3 provides notice requirements to property owners, entities,
6 4 regulatory agencies, and city and county zoning authorities
6 5 which parallel current Code provisions relating to utility
6 6 construction franchises. The bill provides that a hearing on
6 7 the franchise petition shall be conducted no later than 100
6 8 days following a determination of eligibility, to be followed
6 9 by a decision regarding issuance of the franchise no later
6 10 than 180 days following the determination of eligibility. In
6 11 the event that eminent domain is not requested, these time
6 12 frames are shortened to 75 days and 120 days, respectively.

6 13 The bill provides that current criteria utilized by the
6 14 board in rendering a decision on a franchise petition
6 15 regarding a proposed transmission line or lines being
6 16 necessary to serve a public use and representing a reasonable
6 17 relationship to an overall plan of transmitting electricity in
6 18 the public interest may be satisfied by the demonstration of
6 19 high-quality job creation and retention and regional
6 20 transmission development potential documented in the
6 21 procedural request for a determination of eligibility.

6 22 The bill states that current franchise provisions in Code
6 23 chapter 478 shall continue to apply to an energy independence
6 24 transmission franchise to the extent not inconsistent with the
6 25 modified provisions contained in the bill, and provides that
6 26 the board shall by rule establish additional procedures and
6 27 requirements as necessary to administer the bill's provisions.

6 28 Additionally, the bill directs the replacement tax study
6 29 committee to make a recommendation to the general assembly,
6 30 after consulting with the board and the office of energy
6 31 independence, regarding the appropriate taxing rate to be
6 32 applied to an energy independence transmission franchise. The
6 33 recommendation is to be made by January 1, 2011.

6 34 LSB 2354XC 83

6 35 rn/nh/5