



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 04, 2009**

House Amendment 1110

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. By striking page 7, line 32, through page 8,
 1 7 line 28, and inserting the 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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House Amendment 1110 continued

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 38 ABDUL-SAMAD of Polk

2 39 HF 197.202 83

2 40 pf/rj/11705



**Iowa General Assembly
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House Amendment 1111

PAG LIN

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1 1 Amend House File 380 as follows:
1 2 #1. Page 1, by inserting after line 28 the
1 3 following:
1 4 <Sec. _____. Section 147A.1, Code 2009, is amended
1 5 by adding the following new subsection:
1 6 NEW SUBSECTION. 6A. "Emergency medical services
1 7 medical director" means a physician licensed under
1 8 chapter 148, who is responsible for overall medical
1 9 direction of an emergency medical services program and
1 10 who has completed a medical director workshop,
1 11 sponsored by the department, within one year of
1 12 assuming duties. An emergency medical services
1 13 medical director who receives no compensation for the
1 14 performance of the director's volunteer duties under
1 15 this chapter shall be considered a state volunteer as
1 16 provided in section 669.24 while performing volunteer
1 17 duties as an emergency medical services medical
1 18 director.>
1 19 #2. By renumbering as necessary.
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1 23 SMITH of Marshall
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1 27 THOMAS of Clayton
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1 31 MAY of Dickinson
1 32 HF 380.501 83
1 33 jr/nh/22319
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Iowa General Assembly
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House Amendment 1112

PAG LIN

1 1 Amend House File 331 as follows:
1 2 #1. Page 3, by striking lines 1 through 4 and
1 3 inserting the following:
1 4 <2. The information collected in the central
1 5 repository is confidential unless otherwise ordered by
1 6 a court, or released by the lawful custodian of the
1 7 records pursuant to state or federal law.>
1 8 #2. Page 3, line 34, by inserting after the word
1 9 <office> the following: <and the board>.
1 10 #3. Page 4, line 16, by inserting after the figure
1 11 <2.> the following: <a.>
1 12 #4. Page 4, by inserting after line 24 the
1 13 following:
1 14 <b. The council shall also consist of four members
1 15 of the general assembly serving as ex officio,
1 16 nonvoting members, one representative to be appointed
1 17 by the speaker of the house of representatives, one
1 18 representative to be appointed by the minority leader
1 19 of the house of representatives, one senator to be
1 20 appointed by the majority leader of the senate after
1 21 consultation with the president of the senate, and one
1 22 senator to be appointed by the minority leader of the
1 23 senate.>
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1 27 HEDDENS of Story
1 28 HF 331.701 83
1 29 jm/rj/22246
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 04, 2009

House File 507 - Introduced

HOUSE FILE
BY HEATON

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the posting of certain Medicare rating
- 2 information by nursing facilities.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1653YH 83
- 5 pf/nh/8



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

House File 507 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 135C.20C MEDICARE FIVE=STAR
1 2 QUALITY RATINGS == REQUIRED POSTING.
1 3 A nursing facility shall post the most recent five=star
1 4 quality rating information available under the nursing home
1 5 compare program of the centers for Medicare and Medicaid
1 6 services of the United States department of health and human
1 7 services. The five=star rating information shall be
1 8 prominently posted as prescribed by rule in a place in plain
1 9 view of the residents of the facility, persons visiting the
1 10 residents, and persons inquiring about placement in the
1 11 facility.

1 12 EXPLANATION

1 13 This bill requires nursing facilities to post the most
1 14 recent five=star quality rating information available under
1 15 the nursing home compare program of the centers for Medicare
1 16 and Medicaid services of the United States department of
1 17 health and human services. The information must be
1 18 prominently posted as prescribed by rule in a place in plain
1 19 view of the residents of the facility, persons visiting the
1 20 residents, and persons inquiring about placement in the
1 21 facility.

1 22 LSB 1653YH 83

1 23 pf/nh/8



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

House File 508 - Introduced

HOUSE FILE
BY HEATON

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

A BILL FOR

- 1 An Act requiring the availability of electronic billing and
- 2 payment for providers under the state child care assistance
- 3 program.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2479YH 83
- 6 jp/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
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House File 508 - Introduced continued

PAG LIN

1 1 Section 1. Section 237A.13, subsection 5, Code 2009, is
1 2 amended to read as follows:
1 3 5. ~~On or before July 1, 2007, the~~ The department shall
1 4 implement a system for making program payments by electronic
1 5 funds transfer or other electronic means. The system shall
1 6 also provide an electronic means for recipients and providers
1 7 to submit billings or otherwise account for services provided
1 8 under the program.

1 9 EXPLANATION
1 10 This bill requires the department of human services to
1 11 provide an electronic means for recipients and providers to
1 12 submit billings or otherwise account for services provided
1 13 under the state child care assistance program. Under current
1 14 law in Code section 237A.13, the department is required to
1 15 implement a system for making program payments by electronic
1 16 funds transfer or other electronic means.
1 17 LSB 2479YH 83
1 18 jp/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
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House File 509 - Introduced

HOUSE FILE
BY HEATON, SCHULTE, UPMEYER,
RAECKER, and RAYHONS

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

A BILL FOR

- 1 An Act relating to the use of federal funding for medical
- 2 assistance home and community-based services waivers.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2487YH 83
- 5 pf/nh/14



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

House File 509 - Introduced continued

PAG LIN

1 1 Section 1. MEDICAL ASSISTANCE HOME AND COMMUNITY=BASED
1 2 SERVICES WAIVERS == WAITING LIST ELIMINATION == GROWTH. The
1 3 department of human services shall develop a methodology to
1 4 ensure the utilization of federal funding received through the
1 5 American Recovery and Reinvestment Act of 2009 for the medical
1 6 assistance program to eliminate any existing waiting lists for
1 7 medical assistance home and community-based services waivers
1 8 and to provide sufficient funding for any future growth in
1 9 service demand. Such methodology shall be included in any
1 10 medical assistance state plan amendment or waiver request
1 11 submitted by the department as required by the United States
1 12 department of health and human services for receipt or
1 13 utilization of such federal funds.

1 14 EXPLANATION

1 15 This bill requires the department of human services to
1 16 develop a methodology to ensure utilization of federal funding
1 17 received through the American Recovery and Reinvestment Act of
1 18 2009 for the medical assistance program to eliminate any
1 19 existing waiting lists under the medical assistance home and
1 20 community-based services waivers and to provide sufficient
1 21 funding for any future growth in service demand. The
1 22 methodology is to be included in any medical assistance state
1 23 plan amendment or waiver request submitted by the department
1 24 as required by the federal government for receipt or
1 25 utilization of the federal funds.

1 26 LSB 2487YH 83

1 27 pf/nh/14



Iowa General Assembly
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House File 510 - Introduced

HOUSE FILE
BY FORD

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act appropriating unclaimed lottery prize money for the before
- 2 and after school grant program.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2605YH 83
- 5 ec/nh/5



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

House File 510 - Introduced continued

PAG LIN

1 1 Section 1. Section 99G.31, subsection 2, paragraph d, Code
1 2 2009, is amended to read as follows:
1 3 d. Unclaimed prize money for the prize on a winning ticket
1 4 or share shall be retained for a period deemed appropriate by
1 5 the chief executive officer, subject to approval by the board.
1 6 If a valid claim is not made for the money within the
1 7 applicable period, the unclaimed prize money shall be ~~added to~~
~~1 8 the pool from which future prizes are to be awarded or used~~
~~1 9 for special prize promotions~~ appropriated to the department of
1 10 education for use in providing grants for before and after
1 11 school programs pursuant to section 256.26. Notwithstanding
1 12 this subsection, the disposition of unclaimed prize money from
1 13 multijurisdictional games shall be made in accordance with the
1 14 rules of the multijurisdictional game.
1 15 EXPLANATION
1 16 This bill provides that unclaimed lottery prize money shall
1 17 be appropriated to the department of education to provide
1 18 grants for the before and after school grant program. Current
1 19 law provides that unclaimed lottery prize money be used for
1 20 future prizes or special prize promotions.
1 21 LSB 2605YH 83
1 22 ec/nh/5



Iowa General Assembly
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March 04, 2009

House File 511 - Introduced

HOUSE FILE
BY FORD

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

A BILL FOR

1 An Act allowing school districts to utilize attendance centers to
2 provide academic, enrichment, cultural, or recreational
3 activities to children during noninstructional hours.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2425HH 83
6 kh/nh/14



Iowa General Assembly
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House File 511 - Introduced continued

PAG LIN

1 1 Section 1. Section 279.39, Code 2009, is amended to read
1 2 as follows:

1 3

1 4 279.39 SCHOOL BUILDINGS == USE.

1 5 1. The board of ~~any school corporation~~ a school district

1 6 shall establish attendance centers and provide suitable

1 7 buildings for each school in the district and may at the

1 8 regular or a special meeting resolve to submit to the

1 9 registered voters of the district at an election held on a

1 10 date specified in section 39.2, subsection 4, paragraph "c",

1 11 the question of voting a tax or authorizing the board to issue

1 12 bonds, or both.

1 13 2. The board of directors of a school district may utilize

1 14 an attendance center to provide academic, enrichment,

1 15 cultural, or recreational activities to children during

1 16 noninstructional hours and during hours used by the school

1 17 district to provide the attendance center's instructional

1 18 staff with professional development. The board may provide

1 19 such activities in partnership or collaboration with one or

1 20 more not=for=profit community organizations.

1 21

EXPLANATION

1 22 This bill permits the board of directors of a school

1 23 district to use an attendance center to provide academic,

1 24 enrichment, cultural, or recreational activities to children

1 25 during noninstructional hours and during hours used to provide

1 26 professional development to the instructional staff. The

1 27 school district may partner or collaborate with not=for=profit

1 28 community organizations to provide the activities.

1 29 LSB 2425HH 83

1 30 kh/nh/14



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

House File 512 - Introduced

HOUSE FILE
BY HEATON

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to reporting of class I violations by health care
- 2 facilities to the governor and general assembly.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1496YH 83
- 5 pf/nh/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
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House File 512 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 135C.20C REPORTING OF CLASS I OR
1 2 CLASS II VIOLATIONS == GOVERNOR AND GENERAL ASSEMBLY.
1 3 The department shall develop and utilize a system to report
1 4 class I violations under this chapter to the governor and the
1 5 general assembly on a quarterly basis. The reports shall
1 6 include a summary of the violations found, any actions taken
1 7 to correct the violations, any enforcement action taken
1 8 including any citations issued and penalties assessed, the
1 9 rationale for the enforcement action taken including any
1 10 penalties assessed, and the nature and status of any actions
1 11 taken with respect to any uncorrected violations for which
1 12 citations were issued. The report may be provided in an
1 13 electronic format. The department shall adopt rules to
1 14 implement this section.

1 15 EXPLANATION

1 16 This bill directs the department of inspections and appeals
1 17 to develop and utilize a system to report class I violations
1 18 by health care facilities to the governor and the general
1 19 assembly on a quarterly basis. Class I violations are
1 20 violations which present an imminent danger or a substantial
1 21 probability of resultant death or physical harm to the
1 22 residents of the facility in which the violations occur.
1 23 The reports are to include a summary of the violations
1 24 found, any actions taken to correct the violations, any
1 25 enforcement action taken including any citations issued and
1 26 penalties assessed, the rationale for the enforcement action
1 27 taken including any penalties assessed, and the nature and
1 28 status of any actions taken with respect to any uncorrected
1 29 violations for which citations were issued. The bill provides
1 30 that the report may be provided in an electronic format and
1 31 directs the department of inspections and appeals to adopt
1 32 rules to implement the bill.

1 33 LSB 1496YH 83

1 34 pf/nh/24



Iowa General Assembly
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March 04, 2009

House File 513 - Introduced

HOUSE FILE
BY HEATON

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

A BILL FOR

- 1 An Act requiring the availability of electronic billing and
- 2 payment for providers under the state child care assistance
- 3 program.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1324YH 83
- 6 jp/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
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House File 513 - Introduced continued

PAG LIN

1 1 Section 1. Section 237A.13, subsection 5, Code 2009, is
1 2 amended to read as follows:
1 3 5. ~~On or before July 1, 2007, the~~ The department shall
1 4 implement a system for making program payments by electronic
1 5 funds transfer or other electronic means. The system shall
1 6 also provide an electronic means for recipients and providers
1 7 to submit billings or otherwise account for services provided
1 8 under the program.

1 9 EXPLANATION
1 10 This bill requires the department of human services to
1 11 provide an electronic means for recipients and providers to
1 12 submit billings or otherwise account for services provided
1 13 under the state child care assistance program. Under current
1 14 law in Code section 237A.13, the department is required to
1 15 implement a system for making program payments by electronic
1 16 funds transfer or other electronic means.
1 17 LSB 1324YH 83
1 18 jp/nh/5



Iowa General Assembly
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House File 514 - Introduced

HOUSE FILE
BY HEATON

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

A BILL FOR

1 An Act relating to providing psychiatric residency positions at
2 the university of Iowa hospitals and clinics and providing an
3 appropriation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1419YH 83
6 pf/nh/8



**Iowa General Assembly
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House File 514 - Introduced continued

PAG LIN

1 1 Section 1. PSYCHIATRIC RESIDENTS AT UNIVERSITY OF IOWA
 1 2 HOSPITALS == APPROPRIATION. There is appropriated from the
 1 3 general fund of the state to the state board of regents for
 1 4 distribution to the university of Iowa hospitals and clinics
 1 5 for the fiscal year beginning July 1, 2009, and ending June
 1 6 30, 2010, the following amount or so much thereof as is
 1 7 necessary for the purpose designated:
 1 8 For a minimum of 14 additional psychiatric residency
 1 9 positions:
 1 10 \$ 1,400,000
 1 11 A person filling a psychiatric residency position funded
 1 12 under this section shall practice in the state for a minimum
 1 13 of four years following completion of the residency program.
 1 14 Requirements for four of the residency positions funded under
 1 15 this section shall provide that the person filling the
 1 16 position practice at one of the state's mental health
 1 17 institutes for a period of four years following completion of
 1 18 the residency program.

1 19 EXPLANATION

1 20 This bill provides an appropriation of \$1.4 million to the
 1 21 state board of regents for distribution to the university of
 1 22 Iowa hospitals and clinics for fiscal year 2009=2010 for a
 1 23 minimum of 14 additional psychiatric residency positions. The
 1 24 bill requires that a person filling one of the psychiatric
 1 25 residency positions funded under the bill practice in the
 1 26 state for a minimum of four years following completion of the
 1 27 residency program. Requirements for four of the residency
 1 28 positions funded under the bill include that the person
 1 29 filling the position practice at one of the state's mental
 1 30 health institutes for a period of four years following
 1 31 completion of the residency program.
 1 32 LSB 1419YH 83
 1 33 pf/nh/8



Iowa General Assembly
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March 04, 2009

House File 515 - Introduced

HOUSE FILE
BY FORD

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

A BILL FOR

- 1 An Act relating to law enforcement officers and reserve peace
- 2 officers and racial and cultural awareness and sensitivity
- 3 curriculum training requirements.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2447YH 83
- 6 rh/nh/8



Iowa General Assembly
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House File 515 - Introduced continued

PAG LIN

1 1 Section 1. Section 80B.11, subsection 1, paragraphs d and
1 2 e, Code 2009, are amended to read as follows:

1 3 d. Within the existing curriculum, expanded training
1 4 regarding racial and cultural awareness ~~and dealing with~~
~~1 5 gang-affected youth and sensitivity.~~

1 6 e. Training standards on the subject of human trafficking,
1 7 to include curricula on racial and cultural awareness and
1 8 sensitivity and the means to deal effectively and
1 9 appropriately with trafficking victims. Such training shall
1 10 encourage law enforcement personnel to communicate in the
1 11 language of the trafficking victims. The course of
1 12 instruction and training standards shall be developed by the
1 13 director in consultation with the appropriate national and
1 14 state experts in the field of human trafficking.

1 15 Sec. 2. Section 80B.11, subsection 1, Code 2009, is
1 16 amended by adding the following new paragraph:

1 17 NEW PARAGRAPH. dd. Training standards dealing with
1 18 gang-affected youth.

1 19 Section 3. Section 80D.3, subsection 1, Code 2009, is
1 20 amended to read as follows:

1 21 1. Each person appointed to serve as a reserve peace
1 22 officer shall satisfactorily complete a minimum training
1 23 course as established by academy rules including training
1 24 regarding racial and cultural awareness and sensitivity. In
1 25 addition, if a reserve peace officer is authorized to carry
1 26 weapons, the officer shall satisfactorily complete the same
1 27 training course in the use of weapons as is required for basic
1 28 training of regular peace officers by the academy. The
1 29 minimum training course for reserve peace officers shall be
1 30 satisfactorily completed within the time period prescribed by
1 31 academy rules. Academy-approved reserve peace officer
1 32 training received before July 1, 2007, may be applied to meet
1 33 the minimum training course requirements established by
1 34 academy rules.

1 35

EXPLANATION



**Iowa General Assembly
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March 04, 2009**

House File 515 - Introduced continued

2 1 This bill requires the Iowa law enforcement academy to
2 2 provide racial and cultural awareness and sensitivity
2 3 curriculum training for law enforcement officers and reserve
2 4 peace officers.
2 5 LSB 2447YH 83
2 6 rh/nh/8



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

House File 516 - Introduced

HOUSE FILE
BY HEATON

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

A BILL FOR

- 1 An Act providing for a transportation levy for certain school
- 2 districts.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2034YH 83
- 5 ak/mg:sc/5



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

House File 516 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 298.25 SCHOOL TRANSPORTATION
1 2 LEVY.
1 3 1. a. The board of directors of a school district may
1 4 submit for voter approval a five-year transportation levy on
1 5 all taxable property in the school district to be used each
1 6 school budget year that a district's average transportation
1 7 per pupil costs for the base year exceed by one hundred
1 8 twenty-five percent the state average transportation per pupil
1 9 costs for the base year as determined in the same manner
1 10 provided in section 257.31, subsection 17, paragraph "c". The
1 11 ballot proposition shall specify that the tax levy is
1 12 authorized for five years and the budget year for which the
1 13 tax may first be levied.
1 14 b. The question of imposition of a transportation levy
1 15 shall be submitted at an election held on a date specified in
1 16 section 39.2, subsection 4, paragraph "c". If the vote in
1 17 favor of the proposition is equal to at least a majority of
1 18 the total votes cast for and against the proposition, the
1 19 proposition is deemed adopted, and the board shall certify the
1 20 results of the election to the department of management.
1 21 c. For purposes of this subsection, "base year" means the
1 22 same as defined in section 257.2.
1 23 2. The district may use the transportation levy as needed
1 24 only to pay for the district's transportation per pupil costs
1 25 above the one hundred twenty-five percent of the state average
1 26 transportation per pupil costs as determined annually by the
1 27 department of education.
1 28 3. The board may renew the transportation levy without
1 29 voter approval after the initial five-year imposition if the
1 30 district's transportation per pupil costs have exceeded the
1 31 state average transportation per pupil costs by more than one
1 32 hundred twenty-five percent as determined in the same manner
1 33 provided in section 257.31, subsection 17, paragraph "c",
1 34 during three of the past five years as determined by the
1 35 department of education. The levy may be renewed for five



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

House File 516 - Introduced continued

2 1 years.

2 2

EXPLANATION

2 3 This bill establishes a voter-approved five-year school
2 4 transportation levy for districts whose transportation per
2 5 pupil costs exceed 125 percent of the state average
2 6 transportation per pupil costs as determined in Code section
2 7 257.31(17) and calculated annually by the department of
2 8 education.

2 9 The board may renew the transportation levy after five
2 10 years without voter approval if the district's transportation
2 11 per pupil costs have exceeded the state average transportation
2 12 per pupil costs by more than 125 percent during three of the
2 13 past five years. The levy may be renewed for five years.

2 14 LSB 2034YH 83

2 15 ak/mg:sc/5



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

House File 517 - Introduced

HOUSE FILE
BY HEATON

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

A BILL FOR

- 1 An Act relating to copayments for certain prescription drugs
- 2 under the medical assistance program.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1193HH 83
- 5 pf/nh/14



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

House File 517 - Introduced continued

PAG LIN

1 1 Section 1. 2005 Iowa Acts, chapter 167, section 42, is
1 2 amended to read as follows:
1 3 SEC. 42. COPAYMENTS FOR PRESCRIPTION DRUGS UNDER THE
1 4 MEDICAL ASSISTANCE PROGRAM. The department of human services
1 5 shall require recipients of medical assistance to pay the
1 6 following copayments on each prescription filled for a covered
1 7 prescription drug, including each refill of such prescription,
1 8 as follows:

1 9 1. No copayment for each covered preferred brand-name or
1 10 generic prescription drug.

1 11 2. A copayment of \$1 for each covered nonpreferred generic
1 12 prescription drug.

~~1 13 2. A copayment of \$1 for each covered preferred brand-~~
~~1 14 name or generic prescription drug.~~

1 15 3. A copayment of \$1 for each covered nonpreferred brand=
1 16 name prescription drug for which the cost to the state is up
1 17 to and including \$25.

1 18 4. A copayment of \$2 for each covered nonpreferred brand=
1 19 name prescription drug for which the cost to the state is more
1 20 than \$25 and up to and including \$50.

1 21 5. A copayment of \$3 for each covered nonpreferred brand=
1 22 name prescription drug for which the cost to the state is more
1 23 than \$50.

1 24 EXPLANATION

1 25 This bill provides that there is no copayment for each
1 26 prescription filled for a covered prescription drug, including
1 27 each refill of such prescriptions, under the Medicaid program
1 28 if the prescription drug is a covered preferred brand-name or
1 29 generic prescription drug.

1 30 LSB 1193HH 83

1 31 pf/nh/14



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

House File 518 - Introduced

HOUSE FILE

BY DE BOEF, SANDS, S. OLSON,
DOLECHECK, ROBERTS, LUKAN,
HUSEMAN, SCHULTZ, WATTS,
ALONS, SODERBERG, RAYHONS,
TYMESON, DRAKE, and SWEENEY

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring public school districts and nonpublic schools to
- 2 adopt a policy restricting school officials and employees from
- 3 posting student information on internet websites.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2156YH 83
- 6 ak/nh/5



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

House File 518 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 280.29 INTERNET RESTRICTIONS.
1 2 The board of directors of each public school district and
1 3 the authorities in charge of each nonpublic school shall adopt
1 4 a policy restricting school officials and school employees
1 5 from posting student photographs and other identifying
1 6 information about a student on an internet social networking
1 7 website without obtaining permission of the student or the
1 8 student's parent or guardian if the student is under eighteen
1 9 years old. This section does not apply to photographs or
1 10 other information posted on the school's internet website
1 11 related to a student's involvement with school-related
1 12 activities or accomplishments.

1 13 EXPLANATION

1 14 This bill requires that the board of directors of each
1 15 public school district and the authorities in charge of each
1 16 nonpublic school adopt a policy to prevent school officials
1 17 and school employees from posting student photographs and
1 18 other identifying information about a student on an internet
1 19 social networking website without obtaining permission of the
1 20 student or the student's parent or guardian, if the student is
1 21 under 18 years old.

1 22 The bill does not apply to photographs or other information
1 23 posted on the school's internet website related to a student's
1 24 involvement with school-related activities or accomplishments.

1 25 LSB 2156YH 83

1 26 ak/nh/5



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

House File 519 - Introduced

HOUSE FILE
BY BAUDLER

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

A BILL FOR

1 An Act providing for the impoundment and seizure of motor
2 vehicles for certain violations of the state's financial
3 responsibility laws, creating an uninsured motorist victim
4 restitution fund, and making an appropriation.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 2276YH 83
7 av/nh/24



Iowa General Assembly
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House File 519 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.89, subsection 1, paragraph a,
1 2 subparagraph (4), Code 2009, is amended to read as follows:
1 3 (4) A vehicle that has been legally impounded by order of
1 4 a police authority and has not been reclaimed for a period of
1 5 ten days, or for the period required under section 321A.32B.
1 6 However, a police authority may declare the vehicle abandoned
1 7 within the ten-day period by commencing the notification
1 8 process in subsection 3.
1 9 Sec. 2. NEW SECTION. 321A.32B MOTOR VEHICLE IMPOUNDMENT
1 10 == FORFEITURE.
1 11 1. If a peace officer stops a motor vehicle and discovers
1 12 that the motor vehicle owner's driver's license, operating
1 13 privilege, or registration has been suspended, revoked, or
1 14 barred for an offense under this chapter, the peace officer
1 15 shall immediately cause the motor vehicle to be impounded.
1 16 a. For a first offense under this chapter, the person or
1 17 agency having physical possession of the impounded motor
1 18 vehicle shall release the vehicle to the owner upon payment of
1 19 all towing costs, storage costs not in excess of fifteen
1 20 dollars per day, and administrative fees associated with
1 21 impoundment of the motor vehicle.
1 22 b. For a second offense under this chapter, the person or
1 23 agency having physical possession of the impounded motor
1 24 vehicle shall not release the vehicle to the owner until all
1 25 towing costs, storage costs, and administrative fees have been
1 26 paid and the owner provides satisfactory proof to the person
1 27 or agency that the owner's driver's license, operating
1 28 privilege, or registration, as applicable, has been
1 29 reinstated.
1 30 c. For a third offense under this chapter, the motor
1 31 vehicle shall be seized and forfeited to the state pursuant to
1 32 chapters 809 and 809A. The money collected by the department
1 33 from the sale of motor vehicles forfeited pursuant to this
1 34 paragraph shall be transmitted to the treasurer of state who
1 35 shall deposit the money in the uninsured motorist victim



Iowa General Assembly
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House File 519 - Introduced continued

2 1 restitution fund created in subsection 2 to compensate victims
2 2 of motor vehicle accidents with uninsured motorists.
2 3 2. The uninsured motorist victim restitution fund is
2 4 created in the state treasury under the control of the
2 5 department. The fund shall consist of all moneys deposited in
2 6 the fund from proceeds of the sale of motor vehicles seized
2 7 and forfeited under subsection 1, paragraph "c". Moneys
2 8 deposited in the fund are appropriated and shall be expended
2 9 by the department for the restitution of victims of motor
2 10 vehicle accidents with uninsured motorists, as provided by
2 11 rules adopted by the department under chapter 17A.
2 12 Notwithstanding section 12C.7, subsection 2, interest or
2 13 earnings on moneys deposited in the fund shall be credited to
2 14 the fund and any unencumbered or unobligated moneys in the
2 15 fund at the end of the fiscal year shall not revert but shall
2 16 remain in the fund.

2 17 3. Impoundment or seizure of a vehicle under this section
2 18 may occur in addition to any criminal penalty imposed under
2 19 this chapter for the underlying criminal offense.

2 20 EXPLANATION

2 21 This bill provides for the impoundment and seizure of motor
2 22 vehicles for certain violations of the state's financial
2 23 responsibility laws.

2 24 The bill provides that if a peace officer stops a motor
2 25 vehicle and discovers that the motor vehicle owner's driver's
2 26 license, operating privilege, or registration has been
2 27 suspended, revoked, or barred for a violation of the state's
2 28 motor vehicle financial responsibility laws under Code chapter
2 29 321A, the peace officer shall immediately cause the motor
2 30 vehicle to be impounded.

2 31 For a first offense, the owner may obtain the release of
2 32 the impounded motor vehicle upon payment of all towing costs,
2 33 storage costs not exceeding \$15 per day, and any
2 34 administrative fees associated with the impoundment. For a
2 35 second offense, the owner may obtain release of the impounded



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House File 519 - Introduced continued

3 1 motor vehicle upon payment of all costs and fees and upon
3 2 provision of satisfactory proof that the owner's driver's
3 3 license, operating privilege, or registration has been
3 4 reinstated. For a third offense, the owner's motor vehicle
3 5 shall be seized and forfeited to the state pursuant to Code
3 6 chapters 809 and 809A.
3 7 An uninsured motorist victim restitution fund is created in
3 8 the state treasury to receive deposits of moneys collected by
3 9 the department of transportation from selling seized and
3 10 forfeited vehicles. The money is appropriated and shall be
3 11 used to compensate victims of motor vehicle accidents with
3 12 uninsured motorists as provided by rules adopted under Code
3 13 chapter 17A.
3 14 The impoundment or seizure of a motor vehicle pursuant to
3 15 the bill is in addition to any criminal penalty imposed under
3 16 Code chapter 321A for the underlying criminal offense.
3 17 LSB 2276YH 83
3 18 av/nh/24



Iowa General Assembly
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March 04, 2009

House File 520 - Introduced

HOUSE FILE
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO HF 22)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the definition of resident for purposes of
- 2 tuition and fees for qualified veterans at Iowa's public
- 3 universities and community colleges.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 1029HV 83
- 6 kh/nh/8



Iowa General Assembly
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House File 520 - Introduced continued

PAG LIN

1 1 Section 1. Section 260C.14, Code 2009, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 23. Adopt rules to classify as a
1 4 resident, for purposes of tuition and mandatory fees, a person
1 5 who meets either of the following criteria:
1 6 a. Is admitted to the community college; is domiciled in
1 7 the state during their course of study; served on active duty
1 8 in the military service of the United States after September
1 9 10, 2001, and was discharged under honorable conditions, or is
1 10 currently serving on active duty in the military service of
1 11 the United States.
1 12 b. Is the spouse or dependent child of a person who meets
1 13 the criteria specified in paragraph "a", is domiciled in this
1 14 state, and is admitted to the community college. If the
1 15 person who meets the criteria specified in paragraph "a" is
1 16 recalled to active duty, the spouse or dependent child who
1 17 continues to be domiciled in this state shall continue to be
1 18 classified as a resident for purposes of tuition and mandatory
1 19 fees.
1 20 Sec. 2. Section 262.9, Code 2009, is amended by adding the
1 21 following new subsection:
1 22 NEW SUBSECTION. 32. Require that the institutions of
1 23 higher learning under the control of the board, for purposes
1 24 of undergraduate tuition and mandatory fees, classify as a
1 25 resident a person who meets either of the following criteria:
1 26 a. Is admitted to an institution of higher learning under
1 27 the control of the board; is domiciled in the state during
1 28 their course of study; served on active duty in the military
1 29 service of the United States after September 10, 2001, and was
1 30 discharged under honorable conditions, or is currently serving
1 31 on active duty in the military service of the United States.
1 32 b. Is the spouse or dependent child of a person who meets
1 33 the criteria specified in paragraph "a", is domiciled in this
1 34 state, and is admitted to an institution of higher learning
1 35 under the control of the board. If the person who meets the



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House File 520 - Introduced continued

2 1 criteria specified in paragraph "a" is recalled to active
2 2 duty, the spouse or dependent child who continues to be
2 3 domiciled in this state shall continue to be classified as a
2 4 resident for purposes of undergraduate tuition and mandatory
2 5 fees.

2 6 EXPLANATION

2 7 This bill requires the state board of regents and the
2 8 boards of directors of the state's community colleges to adopt
2 9 rules that classify military veterans and persons serving on
2 10 active duty in the military and their spouses and dependent
2 11 children as residents for purposes of tuition and fees.

2 12 The former or current military person must be domiciled in
2 13 this state during their course of study, and have served on
2 14 active duty in the military after September 10, 2001. The
2 15 military person must fulfill all of these requirements in
2 16 order for the spouse or dependent child to be eligible for
2 17 status as a resident. If the military person is recalled to
2 18 active duty, the spouse or dependent child who continues to be
2 19 domiciled in Iowa shall continue to be classified as a
2 20 resident for tuition and mandatory fee purposes.

2 21 The bill may create a state mandate as provided in Code
2 22 chapter 25B.

2 23 LSB 1029HV 83

2 24 kh/nh/8



Iowa General Assembly
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House File 521 - Introduced

HOUSE FILE
BY BAUDLER

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

A BILL FOR

- 1 An Act relating to enhanced penalties for assaults involving
- 2 certain occupations.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2227YH 83
- 5 jm/nh/5



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House File 521 - Introduced continued

PAG LIN

1 1 Section 1. Section 708.3A, Code 2009, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 3A. A person who commits an assault, as
1 4 defined in section 708.1, against a peace officer, jailer,
1 5 correctional staff, member or employee of the board of parole,
1 6 health care provider, employee of the department of human
1 7 services, employee of the department of revenue, or fire
1 8 fighter, whether paid or volunteer, with the knowledge that
1 9 the person against whom the assault is committed is a peace
1 10 officer, jailer, correctional staff, member or employee of the
1 11 board of parole, health care provider, employee of the
1 12 department of human services, employee of the department of
1 13 revenue, or fire fighter, by expelling saliva upon the peace
1 14 officer, jailer, correctional staff, member or employee of the
1 15 board of parole, health care provider, employee of the
1 16 department of human services, employee of the department of
1 17 revenue, or fire fighter, is guilty of an aggravated
1 18 misdemeanor.

1 19 Sec. 2. Section 708.3B, Code 2009, is amended to read as
1 20 follows:

1 21 708.3B ~~INMATE~~ ASSAULTS == BODILY FLUIDS OR SECRETIONS.

1 22 1. A person who, while confined in a jail or in an
1 23 institution or facility under the control of the department of
1 24 corrections, commits any of the following acts commits a class
1 25 "D" felony:

1 26 ~~1-~~ a. An assault, as defined under section 708.1, upon an
1 27 employee of the jail or institution or facility under the
1 28 control of the department of corrections, which results in the
1 29 employee's contact with blood, seminal fluid, urine, or feces.

1 30 ~~2-~~ b. An act which is intended to cause pain or injury or
1 31 be insulting or offensive and which results in blood, seminal
1 32 fluid, urine, or feces being cast or expelled upon an employee
1 33 of the jail or institution or facility under the control of
1 34 the department of corrections.

1 35 2. A person who commits an assault, as defined in section



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House File 521 - Introduced continued

2 1 708.1, upon a peace officer, member or employee of the board
2 2 of parole, health care provider, employee of the department of
2 3 human services, employee of the department of revenue, or fire
2 4 fighter, whether paid or volunteer, with the knowledge that
2 5 the person upon whom the assault is committed is a peace
2 6 officer, member or employee of the board of parole, health
2 7 care provider, employee of the department of human services,
2 8 employee of the department of revenue, or fire fighter, which
2 9 results in contact with blood, seminal fluid, urine, or feces,
2 10 by the peace officer, member or employee of the board of
2 11 parole, health care provider, employee of the department of
2 12 human services, employee of the department of revenue, or fire
2 13 fighter, commits a class "D" felony.

2 14 3. A person who commits an act which is intended to cause
2 15 pain or injury or be insulting or offensive and which results
2 16 in blood, seminal fluid, urine, or feces being cast or
2 17 expelled upon a peace officer, member or employee of the board
2 18 of parole, health care provider, employee of the department of
2 19 human services, employee of the department of revenue, or fire
2 20 fighter, whether paid or volunteer, with the knowledge that
2 21 the person upon whom the assault is committed is a peace
2 22 officer, member or employee of the board of parole, health
2 23 care provider, employee of the department of human services,
2 24 employee of the department of revenue, or fire fighter,
2 25 commits a class "D" felony.

2 26 EXPLANATION

2 27 This bill relates to enhanced penalties for assaults
2 28 involving certain occupations.

2 29 The bill enhances the penalty for a person who assaults a
2 30 peace officer, jailer, correctional staff, member or employee
2 31 of the board of parole, health care provider, employee of the
2 32 department of human services, employee of the department of
2 33 revenue, or fire fighter, whether paid or volunteer, by
2 34 expelling saliva upon a person knowingly employed in such an
2 35 occupation. A person who violates this provision commits an



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House File 521 - Introduced continued

3 1 aggravated misdemeanor. Currently, a person who expels saliva
3 2 upon a person commits a serious misdemeanor assault in
3 3 violation of Code section 708.3A(4).

3 4 The bill also enhances criminal penalties for persons who
3 5 assault members of certain occupations using blood, seminal
3 6 fluid, urine, or feces. Currently, criminal penalties are
3 7 enhanced in Code section 708.3B for inmates who commit an
3 8 assault with such bodily fluids against a person who is
3 9 employed at a jail or correctional facility.

3 10 Under the bill, a person commits a class "D" felony if a
3 11 person assaults a known peace officer, member or employee of
3 12 the board of parole, health care provider, employee of the
3 13 department of human services, employee of the department of
3 14 revenue, or fire fighter, whether paid or volunteer, which
3 15 results in contact with blood, seminal fluid, urine, or feces.

3 16 Under the bill, a person commits a class "D" felony if a
3 17 person commits an act which is intended to cause pain or
3 18 injury or be insulting or offensive and which results in
3 19 blood, seminal fluid, urine, or feces being cast or expelled
3 20 upon a known peace officer, member or employee of the board of
3 21 parole, health care provider, employee of the department of
3 22 human services, employee of the department of revenue, or fire
3 23 fighter, whether paid or volunteer.

3 24 Current penalties for assault are contained in Code section
3 25 708.2.

3 26 LSB 2227YH 83

3 27 jm/nh/5



Iowa General Assembly
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House File 522 - Introduced

HOUSE FILE
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO HSB 9)
(COMPANION SF 186)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning preferential hiring treatment by government for
- 2 veterans.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1352HV 83
- 5 ec/nh/5



Iowa General Assembly
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House File 522 - Introduced continued

PAG LIN

1 1 Section 1. Section 35C.1, subsection 1, Code 2009, is
1 2 amended to read as follows:
1 3 1. In every public department and upon all public works in
1 4 the state, and of the counties, cities, and school
1 5 corporations of the state, veterans ~~as defined in section 35.1~~
1 6 who are citizens and residents of this state the United States
1 7 are entitled to preference in appointment and employment over
1 8 other applicants of no greater qualifications. The preference
1 9 in appointment and employment for employees of cities under a
1 10 municipal civil service is the same as provided in section
1 11 400.10. For purposes of this section, "veteran" means as
1 12 defined in section 35.1 except that the requirement that the
1 13 person be a resident of this state shall not apply.

1 14 Sec. 2. Section 400.10, Code 2009, is amended to read as
1 15 follows:

1 16 400.10 PREFERENCES.

1 17 In all examinations and appointments under this chapter,
1 18 other than promotions and appointments of chief of the police
1 19 department and chief of the fire department, veterans ~~as~~
1 20 ~~defined in section 35.1,~~ who are citizens and residents of
1 21 this state the United States, shall have five percentage
1 22 points added to the veteran's grade or score attained in
1 23 qualifying examinations for appointment to positions and five
1 24 additional percentage points added to the grade or score if
1 25 the veteran has a service-connected disability or is receiving
1 26 compensation, disability benefits or pension under laws
1 27 administered by the veterans administration. An honorably
1 28 discharged veteran who has been awarded the Purple Heart ~~for~~
1 29 ~~disabilities~~ incurred in action shall be considered to have a
1 30 service-connected disability. However, the percentage points
1 31 shall be given only upon passing the exam and shall not be the
1 32 determining factor in passing. Veteran's preference
1 33 percentage points shall be applied once to the final scores
1 34 used to rank applicants for selection for an interview. For
1 35 purposes of this section, "veteran" means as defined in



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House File 522 - Introduced continued

2 1 section 35.1 except that the requirement that the person be a
2 2 resident of this state shall not apply.

2 3 EXPLANATION

2 4 This bill removes the requirement that a person be a
2 5 citizen and resident of Iowa in order to receive a veterans
2 6 preference in appointment or employment for public employment,
2 7 including municipal civil service employment under Code
2 8 chapter 400.

2 9 For purposes of municipal civil service employment, the
2 10 bill also provides that the veteran's preference points are
2 11 percentage points and that the percentage points shall be
2 12 applied once to the final scores used to rank applicants for
2 13 selection for an interview. In addition, the bill strikes the
2 14 phrase "for disabilities" as a qualifier as to whether a
2 15 person awarded a Purple Heart shall be considered to have a
2 16 disability for purposes of determining veterans preference.

2 17 LSB 1352HV 83

2 18 ec/nh/5



Iowa General Assembly
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House File 523

HOUSE FILE
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO HF 250)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act creating a distinguished flying cross special motor
- 2 vehicle registration plate and providing fees.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1924HV 83
- 5 dea/nh/5



Iowa General Assembly
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House File 523 continued

PAG LIN

1 1 Section 1. Section 35A.11, Code 2009, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 8A. Distinguished flying cross special
1 4 plates issued pursuant to section 321.34, subsection 20C.

1 5 Sec. 2. Section 321.34, Code 2009, is amended by adding
1 6 the following new subsection:

1 7 NEW SUBSECTION. 20C. DISTINGUISHED FLYING CROSS PLATES.

1 8 An owner referred to in subsection 12 who was awarded a
1 9 distinguished flying cross medal by the United States
1 10 government may, upon written application to the department and
1 11 presentation of satisfactory proof of the award, order special
1 12 registration plates with a distinguished flying cross
1 13 processed emblem. The emblem shall be designed by the
1 14 department in consultation with the adjutant general. The
1 15 special plate fees collected by the director under subsection
1 16 12, paragraphs "a" and "c", from the issuance and annual
1 17 validation of letter=number designated and personalized
1 18 distinguished flying cross plates shall be paid monthly to the
1 19 treasurer of state and deposited in the road use tax fund.

1 20 The treasurer of state shall transfer monthly from the
1 21 statutory allocations fund created under section 321.145,
1 22 subsection 2, to the veterans license fee fund created in
1 23 section 35A.11 the amount of the special fees collected under
1 24 subsection 12, paragraph "a", in the previous month for
1 25 distinguished flying cross plates.

1 26 The surviving spouse of a person who was issued special
1 27 plates under this subsection may continue to use or apply for
1 28 and use the special plates subject to registration of the
1 29 special plates in the surviving spouse's name and upon payment
1 30 of the annual five=dollar special plate fee and the regular
1 31 annual registration fee for the vehicle. If the surviving
1 32 spouse remarries, the surviving spouse shall return the
1 33 special plates to the department and the department shall
1 34 issue regular registration plates to the surviving spouse.

1 35 Sec. 3. Section 321.145, subsection 2, paragraph b,



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House File 523 continued

2 1 subparagraph (3), Code 2009, is amended to read as follows:
2 2 (3) The amounts required to be transferred pursuant to
2 3 section 321.34 from revenues available under this subsection
2 4 shall be transferred and credited as provided in section
2 5 321.34, subsections 7, 10, 10A, 11, 11A, 11B, 13, 16, 17, 18,
2 6 19, 20, 20A, 20B, 20C, 21, 22, 23, and 24 for the various
2 7 purposes specified in those subsections.

2 8 EXPLANATION

2 9 This bill requires the department of transportation to make
2 10 available special motor vehicle registration plates for
2 11 recipients of the distinguished flying cross medal. An emblem
2 12 for the plate shall be designed by the department in
2 13 consultation with the adjutant general.

2 14 The special fees for distinguished flying cross plates are
2 15 the same as those applicable to most special plates associated
2 16 with military service: a special initial fee of \$25 and a
2 17 special annual renewal fee of \$5 in addition to the regular
2 18 annual registration fee for the vehicle. For a personalized
2 19 plate, an initial personalized plate fee of \$25 also applies.
2 20 The bill directs the treasurer of state to credit from the
2 21 statutory allocations fund to the veterans license fee fund
2 22 the amount collected from special fees from the sale of
2 23 distinguished flying cross plates. Personalized plate fees
2 24 are deposited in the road use tax fund.

2 25 Pursuant to current law, the surviving spouse of a person
2 26 who was issued special registration plates associated with
2 27 military service is entitled to continue using the plates,
2 28 subject to the special fees, until remarriage.

2 29 LSB 1924HV 83

2 30 dea/nh/5



Iowa General Assembly
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March 04, 2009

House File 524 - Introduced

HOUSE FILE
BY REICHERT

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

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 2354YH 83
- 5 rn/nh/5



Iowa General Assembly
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House File 524 - Introduced continued

PAG LIN

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 2354YH 83

6 35 rn/nh/5



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House File 525 - Introduced

HOUSE FILE
BY D. OLSON

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

A BILL FOR

- 1 An Act requiring an annual cost-of-living adjustment for certain
- 2 weekly workers' compensation benefits for veterans.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2332YH 83
- 5 av/rj/24



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1 1 Section 1. Section 85.36, Code 2009, is amended to read as
1 2 follows:

1 3 85.36 BASIS OF COMPUTATION.

1 4 1. The basis of compensation shall be the weekly earnings
1 5 of the injured employee at the time of the injury. Weekly
1 6 earnings means gross salary, wages, or earnings of an employee
1 7 to which such employee would have been entitled had the
1 8 employee worked the customary hours for the full pay period in
1 9 which the employee was injured, as regularly required by the
1 10 employee's employer for the work or employment for which the
1 11 employee was employed, computed or determined as follows and
1 12 then rounded to the nearest dollar:

1 13 ~~1.~~ a. In the case of an employee who is paid on a weekly
1 14 pay period basis, the weekly gross earnings.

1 15 ~~2.~~ b. In the case of an employee who is paid on a biweekly
1 16 pay period basis, one-half of the biweekly gross earnings.

1 17 ~~3.~~ c. In the case of an employee who is paid on a
1 18 semimonthly pay period basis, the semimonthly gross earnings
1 19 multiplied by twenty-four and subsequently divided by
1 20 fifty-two.

1 21 ~~4.~~ d. In the case of an employee who is paid on a monthly
1 22 pay period basis, the monthly gross earnings multiplied by
1 23 twelve and subsequently divided by fifty-two.

1 24 ~~5.~~ e. In the case of an employee who is paid on a yearly
1 25 pay period basis, the weekly earnings shall be the yearly
1 26 earnings divided by fifty-two.

1 27 ~~6.~~ f. In the case of an employee who is paid on a daily or
1 28 hourly basis, or by the output of the employee, the weekly
1 29 earnings shall be computed by dividing by thirteen the
1 30 earnings, including shift differential pay but not including
1 31 overtime or premium pay, of the employee earned in the employ
1 32 of the employer in the last completed period of thirteen
1 33 consecutive calendar weeks immediately preceding the injury.
1 34 If the employee was absent from employment for reasons
1 35 personal to the employee during part of the thirteen calendar



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2 1 weeks preceding the injury, the employee's weekly earnings
2 2 shall be the amount the employee would have earned had the
2 3 employee worked when work was available to other employees of
2 4 the employer in a similar occupation. A week which does not
2 5 fairly reflect the employee's customary earnings shall be
2 6 replaced by the closest previous week with earnings that
2 7 fairly represent the employee's customary earnings.

2 8 ~~7.~~ g. In the case of an employee who has been in the
2 9 employ of the employer less than thirteen calendar weeks
2 10 immediately preceding the injury, the employee's weekly
2 11 earnings shall be computed under ~~subsection 6~~ paragraph "f",
2 12 taking the earnings, including shift differential pay but not
2 13 including overtime or premium pay, for such purpose to be the
2 14 amount the employee would have earned had the employee been so
2 15 employed by the employer the full thirteen calendar weeks
2 16 immediately preceding the injury and had worked, when work was
2 17 available to other employees in a similar occupation. If the
2 18 earnings of other employees cannot be determined, the
2 19 employee's weekly earnings shall be the average computed for
2 20 the number of weeks the employee has been in the employ of the
2 21 employer.

2 22 ~~8.~~ 2. If at the time of the injury the hourly earnings
2 23 have not been fixed or cannot be ascertained, the earnings for
2 24 the purpose of calculating compensation shall be taken to be
2 25 the usual earnings for similar services where such services
2 26 are rendered by paid employees.

2 27 ~~9.~~ 3. If an employee earns either no wages or less than
2 28 the usual weekly earnings of the regular full-time adult
2 29 laborer in the line of industry in which the employee is
2 30 injured in that locality, the weekly earnings shall be
2 31 one-fiftieth of the total earnings which the employee has
2 32 earned from all employment during the twelve calendar months
2 33 immediately preceding the injury.

2 34 a. In computing the compensation to be allowed a volunteer
2 35 fire fighter, emergency medical care provider, reserve peace



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3 1 officer, volunteer ambulance driver, volunteer emergency
3 2 rescue technician as defined in section 147A.1, or emergency
3 3 medical technician trainee, the earnings as a fire fighter,
3 4 emergency medical care provider, reserve peace officer,
3 5 volunteer ambulance driver, volunteer emergency rescue
3 6 technician, or emergency medical technician trainee shall be
3 7 disregarded and the volunteer fire fighter, emergency medical
3 8 care provider, reserve peace officer, volunteer ambulance
3 9 driver, volunteer emergency rescue technician, or emergency
3 10 medical technician trainee shall be paid an amount equal to
3 11 the compensation the volunteer fire fighter, emergency medical
3 12 care provider, reserve peace officer, volunteer ambulance
3 13 driver, volunteer emergency rescue technician, or emergency
3 14 medical technician trainee would be paid if injured in the
3 15 normal course of the volunteer fire fighter's, emergency
3 16 medical care provider's, reserve peace officer's, volunteer
3 17 ambulance driver's, volunteer emergency rescue technician's,
3 18 or emergency medical technician trainee's regular employment
3 19 or an amount equal to one hundred and forty percent of the
3 20 statewide average weekly wage, whichever is greater.
3 21 b. If the employee was an apprentice or trainee when
3 22 injured, and it is established under normal conditions the
3 23 employee's earnings should be expected to increase during the
3 24 period of disability, that fact may be considered in computing
3 25 the employee's weekly earnings.
3 26 c. If the employee was an inmate as defined in section
3 27 85.59, the inmate's actual earnings shall be disregarded, and
3 28 the weekly compensation rate shall be as set forth in section
3 29 85.59.
3 30 ~~10.~~ 4. If a wage, or method of calculating a wage, is used
3 31 for the basis of the payment of a workers' compensation
3 32 insurance premium for a proprietor, partner, limited liability
3 33 company member, limited liability partner, or officer of a
3 34 corporation, the wage or the method of calculating the wage is
3 35 determinative for purposes of computing the proprietor's,



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4 1 partner's, limited liability company member's, limited
4 2 liability partner's, or officer's weekly workers' compensation
4 3 benefit rate.

4 4 ~~11.~~ 5. In computing the compensation to be allowed an
4 5 elected or appointed official, the official may choose either
4 6 of the following payment options:

4 7 a. The official shall be paid an amount of compensation
4 8 based on the official's weekly earnings as an elected or
4 9 appointed official.

4 10 b. The earnings of the official as an elected or appointed
4 11 official shall be disregarded and the official shall be paid
4 12 an amount equal to one hundred forty percent of the statewide
4 13 average weekly wage.

4 14 ~~12.~~ 6. In the case of an employee injured in the course of
4 15 performing as a professional athlete, the basis of
4 16 compensation for weekly earnings shall be one=fiftieth of
4 17 total earnings which the employee has earned from all
4 18 employment for the previous twelve months prior to the injury.

4 19 7. In the case of a person who has served in the armed
4 20 forces of the United States on active federal service, the
4 21 basis of compensation for permanent total disability benefits
4 22 or death benefits shall increase on January 1 of each year for
4 23 compensation which becomes due that year by a percentage equal
4 24 to the cost-of-living adjustment made to disability benefits
4 25 payable by the United States social security administration in
4 26 December of the immediately preceding year.

4 27 EXPLANATION

4 28 This bill requires an annual cost-of-living adjustment for
4 29 weekly workers' compensation benefits payable for permanent
4 30 total disability or death for a person who has served in the
4 31 armed forces of the United States on active federal service.
4 32 The adjustment is to be by a percentage equal to the
4 33 cost-of-living adjustment made to disability benefits payable
4 34 by the United States social security administration in
4 35 December of the immediately preceding year.



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5 1 LSB 2332YH 83
5 2 av/rj/24



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House File 526 - Introduced

HOUSE FILE
BY KUHN

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

A BILL FOR

- 1 An Act relating to the practice of healing arts by unlicensed
- 2 persons and providing remedies.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2475HH 83
- 5 jr/nh/14



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1 1 Section 1. NEW SECTION. 147.161 IOWA ACCESS TO WELLNESS
1 2 ACT == LEGISLATIVE FINDINGS == DEFINITION.
1 3 1. SHORT TITLE. This section and sections 147.162 through
1 4 147.165 shall be known and may be cited as the "Iowa Access to
1 5 Wellness Act".
1 6 2. LEGISLATIVE FINDINGS AND INTENT.
1 7 a. The general assembly recognizes all of the following:
1 8 (1) The right of liberty and self-determination in
1 9 individuals' selection of healing arts providers and methods
1 10 to meet a wide variety of highly individual and personally
1 11 determined needs, including comfort, well-being, vitality,
1 12 prevention of disease, treatment of chronic and acute
1 13 conditions, and self-development.
1 14 (2) That individuals are ultimately responsible for
1 15 choosing their wellness care because they are the ones that
1 16 experience the effects of that care on their well-being.
1 17 (3) That the exercise of the right to liberty and
1 18 self-determination in regard to health care requires freedom
1 19 to access all information and all methods and providers deemed
1 20 of value by individuals so that they may have the best
1 21 opportunity to find their most suitable path to health and
1 22 well-being.
1 23 (4) That the threat of prosecution under the chapters
1 24 contained in this subtitle pertaining to licensure
1 25 requirements for health care providers, has significantly,
1 26 harmfully, and unnecessarily limited the availability of many
1 27 healing arts services in Iowa by potentially subjecting the
1 28 unlicensed providers of those services to fines, penalties,
1 29 and the restriction of their practice.
1 30 b. The general assembly enacts sections 147.162 through
1 31 147.165 for the purpose of promoting provision of natural,
1 32 holistic, ethnic, indigenous, and other alternative approaches
1 33 to wellness in the state of Iowa.
1 34 3. For purposes of this section and sections 147.162
1 35 through 147.165, "practice of healing arts" includes any



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2 1 system, treatment, operation, diagnosis, prescription, or
2 2 practice for the ascertainment, cure, relief, palliation,
2 3 adjustment, or correction of any human disease, ailment, pain,
2 4 deformity, injury, or physical or mental condition.

2 5 Sec. 2. NEW SECTION. 147.162 PROVISIONS NOT APPLICABLE.

2 6 1. The provisions of this chapter, chapter 272C, or any
2 7 chapter contained in this subtitle relating to the licensing
2 8 of a health care provider, shall not be construed to prohibit
2 9 the practice of healing arts diagnoses and treatments by an
2 10 unlicensed person provided that the requirements of sections
2 11 147.163 and 147.164 are met.

2 12 2. The provisions of this chapter, chapter 272C, or any
2 13 chapter contained in this subtitle shall not be construed to
2 14 apply to, control, or prevent the practice of healing arts
2 15 diagnoses and treatments by persons already lawfully exempt
2 16 from an applicable licensing chapter. The penalty provisions
2 17 of section 147.86, or specific penalty provisions contained
2 18 within an otherwise applicable licensing chapter, shall not
2 19 apply to the practice of healing arts diagnoses and treatments
2 20 by an unlicensed person provided that the requirements of
2 21 sections 147.163 and 147.164 are met.

2 22 Sec. 3. NEW SECTION. 147.163 PROVISION OF HEALTH CARE BY
2 23 UNLICENSED PERSONS.

2 24 Notwithstanding any other provision of law to the contrary,
2 25 a person who is not licensed by the state as a health care
2 26 professional, and who provides healing arts diagnoses and
2 27 treatments, does not violate the provisions of this subtitle
2 28 or chapter 272C, pertaining to health care provider licensure
2 29 requirements, unless the person does any of the following:

2 30 1. Performs surgery, sets fractures, or performs any other
2 31 invasive procedure that cuts the skin.

2 32 2. Prescribes or administers X-ray radiation.

2 33 3. Prescribes or administers drugs, devices, or controlled
2 34 substances for which a prescription by a licensed health care
2 35 provider is required.



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3 1 4. Represents, states, indicates, advertises, or implies
3 2 that the person has been issued a license to practice a health
3 3 care profession in this state.

3 4 Sec. 4. NEW SECTION. 147.164 DISCLOSURES BY UNLICENSED
3 5 PERSONS WHO PROVIDE HEALTH CARE.

3 6 1. An unlicensed person who advertises in any media that
3 7 the person is a provider of healing arts diagnoses and
3 8 treatments, or who receives financial compensation for the
3 9 provision of healing arts diagnoses and treatments, shall,
3 10 prior to the provision of such services, provide a prospective
3 11 client a plainly worded written statement disclosing all of
3 12 the following:

3 13 a. That the provider is not a licensed health care
3 14 provider pursuant to the licensure provisions of any of the
3 15 chapters of this subtitle.

3 16 b. The nature of the health care diagnoses and treatments
3 17 to be provided.

3 18 c. The education, training, experience, or other
3 19 credentials or qualifications of the unlicensed provider
3 20 regarding the diagnoses and treatments being provided,
3 21 accompanied by the following statement:

3 22 "The state of Iowa has not adopted educational and training
3 23 standards for unlicensed providers of health care services.
3 24 This statement of credentials is for informational purposes
3 25 only. If a client wishes to receive health care from a
3 26 licensed health care provider, the client may seek such care
3 27 at any time. Clients receiving treatment from a licensed
3 28 provider of health care should consult with that licensed
3 29 provider before modifying or discontinuing such treatment."

3 30 d. Whether the provider has voluntarily relinquished a
3 31 license to practice any health care profession in Iowa or
3 32 elsewhere under threat of discipline by a licensing board or
3 33 agency, civil liability, or criminal prosecution.

3 34 e. Whether the provider has had a license to practice any
3 35 health care profession revoked for misconduct in this or any



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4 1 other state.
4 2 f. Whether the provider has been convicted of or
4 3 adjudicated guilty of a criminal offense against a minor, or
4 4 of sexual exploitation, or of a sexually violent crime against
4 5 any person, or is under indictment for any such crimes.
4 6 g. That the parent or legal guardian of a minor seeking
4 7 treatment has a right to request and receive written
4 8 permission from the provider for access to the relevant data
4 9 in the Iowa child abuse registry.
4 10 2. An unlicensed provider of healing arts diagnoses and
4 11 treatments shall obtain written acknowledgment from a
4 12 prospective client indicating that the prospective client has
4 13 been provided with the statement of disclosures pursuant to
4 14 subsection 1, and shall supply the client with a copy of the
4 15 disclosures and acknowledgment. The acknowledgment shall be
4 16 retained by the provider for a two-year period.
4 17 3. Any advertisement by an unlicensed provider of healing
4 18 arts diagnoses and treatments shall disclose that the provider
4 19 has not been issued a license to practice a licensed health
4 20 care profession in this state.
4 21 4. Upon request, an unlicensed provider of healing arts
4 22 diagnoses and treatments shall give written permission to a
4 23 parent or legal guardian of a minor to allow the parent or
4 24 legal guardian to access data in regard to the provider in the
4 25 central registry for founded child abuse pursuant to section
4 26 235A.15, subsection 2, paragraph "f".
4 27 Sec. 5. NEW SECTION. 147.165 SCOPE == REMEDIES.
4 28 1. The department of public health may issue an immediate
4 29 cease and desist order, subject to the provisions of chapter
4 30 17A, or seek a temporary or permanent injunction, against an
4 31 unlicensed provider of healing arts diagnoses and treatments
4 32 who fails to comply with the provisions of sections 147.163
4 33 and 147.164.
4 34 2. State criminal and civil law not relating to the
4 35 provision of health care shall continue to apply to unlicensed



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5 1 providers of healing arts diagnoses and treatments.

5 2 3. This section does not limit the right of any person to
5 3 seek relief for negligent or willful harm, or to seek any
5 4 other civil remedy against an unlicensed provider of healing
5 5 arts diagnoses and treatments.

5 6 4. This section does not restrict the state from taking
5 7 criminal or civil action regarding the maltreatment of minors.

5 8 EXPLANATION

5 9 This bill establishes an Iowa Access to Wellness Act
5 10 dealing with the provision of healing arts diagnoses and
5 11 treatment by unlicensed persons. The "practice of healing
5 12 arts" is defined to include any system, treatment, operation,
5 13 diagnosis, prescription, or practice for the ascertainment,
5 14 cure, relief, palliation, adjustment, or correction of any
5 15 human disease, ailment, pain, deformity, injury, or physical
5 16 or mental condition.

5 17 The bill contains intent language indicating that the
5 18 general assembly recognizes the right to liberty and
5 19 self-determination in regard to health care. The intent
5 20 section also indicates that the general assembly recognizes
5 21 that the threat of prosecution under the professional
5 22 licensing chapters contained in Code Title IV, subtitle 3, has
5 23 significantly, harmfully, and unnecessarily limited the
5 24 availability of many healing arts services in Iowa by
5 25 potentially subjecting the unlicensed providers of those
5 26 services to fines, penalties, and the restriction of their
5 27 practice. The bill sets forth provisions to remedy this
5 28 situation.

5 29 The bill provides that Code Title IV, subtitle 3, and Code
5 30 chapter 272C, relating to the licensing of health care
5 31 providers, shall not be construed to prohibit the practice of
5 32 healing arts diagnoses and treatments by an unlicensed person
5 33 provided that the requirements of new Code sections 147.163
5 34 and 147.164, relating to prohibited practices and disclosure,
5 35 are met, nor shall they be construed to apply to, control, or



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6 1 prevent the practice of healing arts diagnoses and treatments
6 2 by persons already lawfully exempt from an applicable
6 3 licensing Code chapter. The bill provides for specific
6 4 disclosures by an unlicensed provider of healing arts
6 5 diagnoses and treatments and sets out certain limitations on
6 6 their scope of practice.
6 7 LSB 2475HH 83
6 8 jr/nh/14



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House File 527 - Introduced

HOUSE FILE
BY UPMEYER

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the rulemaking authority and voting
- 2 requirements of the environmental protection commission.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2610HH 83
- 5 jr/nh/8



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House File 527 - Introduced continued

PAG LIN

1 1 Section 1. Section 455A.6, subsection 5, Code 2009, is
1 2 amended by striking the subsection and inserting in lieu
1 3 thereof the following:

1 4 5. Six members of the commission is a quorum, and a
1 5 majority of the commission membership may act in any matter
1 6 within the jurisdiction of the commission.

1 7 Sec. 2. Section 455A.6, subsection 6, paragraph a, Code
1 8 2009, is amended to read as follows:

1 9 a. Establish policy for the department and adopt rules,
1 10 pursuant to chapter 17A, necessary to provide for the
1 11 effective administration of chapter 455B, 455C, or 459. The
1 12 commission shall have only that authority or discretion which
1 13 is explicitly delegated to or conferred upon the commission by
1 14 chapter 455B, 455C, or 459, and shall not expand or enlarge on
1 15 that authority or discretion.

1 16 EXPLANATION

1 17 Under current law five members of the environmental
1 18 protection commission is a quorum, and a majority of a quorum
1 19 may take action. This bill sets the quorum at six members and
1 20 requires five votes to take action.

1 21 The bill also would limit the commission's authority to
1 22 implement the provisions of Code chapter 455B, 455C, or 459 to
1 23 the authority that is explicitly set out in those chapters.

1 24 LSB 2610HH 83

1 25 jr/nh/8



Iowa General Assembly
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House File 528 - Introduced

HOUSE FILE
BY RANTS

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

A BILL FOR

- 1 An Act relating to the research activities tax credit for
- 2 innovative renewable energy generation components.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2232YH 83
- 5 tw/mg:sc/5



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House File 528 - Introduced continued

PAG LIN

1 1 Section 1. Section 15.335, subsection 1, unnumbered
1 2 paragraph 1, Code 2009, is amended to read as follows:
1 3 An eligible business may claim a corporate tax credit for
1 4 increasing research activities in this state during the period
1 5 the eligible business is participating in the program. For
1 6 purposes of this section, "research activities" includes the
1 7 development and deployment of innovative renewable energy
1 8 generation components manufactured or assembled in this state.
1 9 For purposes of this section, "innovative renewable energy
1 10 generation components" does not include a component with more
1 11 than two hundred megawatts of installed effective nameplate
1 12 capacity. The tax credits for innovative renewable energy
1 13 generation components shall not exceed one million dollars in
1 14 any one fiscal year.

1 15 EXPLANATION

1 16 This bill relates to the amount of tax credits available
1 17 for innovative renewable energy generation components as part
1 18 of business's research activities tax credit.

1 19 Currently, the total amount of these tax credits that can
1 20 be claimed is limited to \$1 million. The bill changes this
1 21 limit to \$1 million in any one fiscal year.

1 22 LSB 2232YH 83

1 23 tw/mg:sc/5



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House File 529 - Introduced

HOUSE FILE
BY UPMEYER

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

A BILL FOR

- 1 An Act prohibiting certain lobbying activities by a state agency
- 2 and making penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2577YH 83
- 5 ec/rj/5



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House File 529 - Introduced continued

PAG LIN

1 1 Section 1. Section 68B.8, Code 2009, is amended by adding
1 2 the following new unnumbered paragraph:
1 3 NEW UNNUMBERED PARAGRAPH. A state agency of the executive
1 4 branch of state government shall not employ a person through
1 5 the use of its public funds whose position with the agency is
1 6 primarily representing the agency relative to the passage,
1 7 defeat, approval, or modification of bills that are being
1 8 considered by the general assembly.

1 9 EXPLANATION

1 10 This bill prohibits a state agency of the executive branch
1 11 of state government from employing a person whose position
1 12 with the agency is primarily representing the agency relative
1 13 to the passage, defeat, approval, or modification of bills
1 14 that are being considered by the general assembly.

1 15 A person who knowingly and intentionally violates this new
1 16 provision is guilty of a serious misdemeanor and may be
1 17 reprimanded, suspended, or dismissed from the person's
1 18 position or otherwise sanctioned. A serious misdemeanor is
1 19 punishable by confinement for not more than one year and a
1 20 fine of at least \$315 but not more than \$1,875.

1 21 LSB 2577YH 83

1 22 ec/rj/5



Iowa General Assembly
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House File 530 - Introduced

HOUSE FILE
BY HUNTER, T. TAYLOR, and
WILLEMS

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

A BILL FOR

1 An Act relating to the choice of doctor to treat an injured
2 employee under workers' compensation laws and providing
3 effective and applicability dates.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TL5B 1613HH 83
6 av/rj/5



Iowa General Assembly
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House File 530 - Introduced continued

PAG LIN

1 1 Section 1. Section 85.27, subsection 4, Code 2009, is
1 2 amended to read as follows:

1 3 4. a. (1) For purposes of this section, the employer is
1 4 obliged to furnish reasonable services and supplies to treat
1 5 an injured employee, and has the right to choose the care. If
1 6 the employer chooses the care, unless the employee has
1 7 predesignated a physician as provided in paragraph "b", the
1 8 employer shall hold the employee harmless for the cost of care
1 9 until the employer notifies the employee that the employer is
1 10 no longer authorizing all or any part of the care and the
1 11 reason for the change in authorization. An employer is not
1 12 liable for the cost of care that the employer arranges in
1 13 response to a sudden emergency if the employee's condition,
1 14 for which care was arranged, is not related to the employment.
1 15 The treatment must be offered promptly and be reasonably
1 16 suited to treat the injury without undue inconvenience to the
1 17 employee.

1 18 (2) If the employee has reason to be dissatisfied with the
1 19 care offered, the employee should communicate the basis of
1 20 such dissatisfaction to the employer, in writing if requested,
1 21 following which the employer and the employee may agree to
1 22 alternate care reasonably suited to treat the injury. If the
1 23 employer and employee cannot agree on such alternate care, the
1 24 commissioner may, upon application and reasonable ~~proofs~~ proof
1 25 of the necessity therefor, allow and order other care. In an
1 26 emergency, the employee may choose the employee's care at the
1 27 employer's expense, provided the employer or the employer's
1 28 agent cannot be reached immediately.

1 29 ~~(3) An application made under this subsection shall be~~
~~1 30 considered an original proceeding for purposes of commencement~~
~~1 31 and contested case proceedings under section 85.26. The~~
~~1 32 hearing shall be conducted pursuant to chapter 17A. Before a~~
~~1 33 hearing is scheduled, the parties may choose a telephone~~
~~1 34 hearing or an in-person hearing. A request for an in-person~~
~~1 35 hearing shall be approved unless the in-person hearing would~~



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~~House File 530 — Introduced continued~~

~~2 1 be impractical because of the distance between the parties to
2 2 the hearing. The workers' compensation commissioner shall
2 3 issue a decision within ten working days of receipt of an
2 4 application for alternate care made pursuant to a telephone
2 5 hearing or within fourteen working days of receipt of an
2 6 application for alternate care made pursuant to an in-person
2 7 hearing. The employer shall notify an injured employee of the
2 8 employee's ability to contest the employer's choice of care
2 9 pursuant to ~~this subsection~~ paragraph "a".~~

~~2 10 b. (1) An injured employee has the right to choose care
2 11 if the employee has predesignated a physician who is a primary
2 12 care provider, from whom the employee has previously received
2 13 treatment for a nonoccupational injury, illness, or
2 14 examination, to provide treatment for the injury. Upon hire
2 15 and periodically during employment an employer shall provide
2 16 written notice to all employees of their rights under this
2 17 paragraph "b" to predesignate such a physician for treatment
2 18 of an injury, in a manner prescribed by the workers'
2 19 compensation commissioner by rule. The employer or the
2 20 employer's insurer shall not make suggestions or otherwise
2 21 attempt to influence an injured employee's choice of a
2 22 physician to provide care. An employee shall, as soon as
2 23 practicable, notify the employer of an injury, and upon
2 24 receiving such notice of an injury from an employee, the
2 25 employer shall again provide written notice to that employee
2 26 of the employee's rights under this paragraph "b" in a manner
2 27 prescribed by the workers' compensation commissioner by rule.
2 28 If an employer fails to notify an employee of the employee's
2 29 right to choose a physician as provided in this paragraph "b",
2 30 the employee has the right to choose any physician to provide
2 31 treatment for the injury and the treatment shall be considered
2 32 care authorized under this section.~~

~~2 33 (2) For the purposes of this paragraph "b":~~

~~2 34 (a) "Physician" includes an individual physician, a group
2 35 of physicians, or a clinic.~~



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House File 530 - Introduced continued

3 1 **(b) "Primary care provider" means a physician who provides**
3 2 primary care who is a family or general practitioner, a
3 3 pediatrician, an internist, an obstetrician, or a
3 4 gynecologist.

3 5 **(3) A physician chosen by an injured employee to provide**
3 6 treatment is authorized to arrange for any consultation,
3 7 surgical consultation, referral, emergency care, or other
3 8 specialized medical services as the physician deems necessary
3 9 to treat the injury. The employer shall pay for all such
3 10 care, unless the workers' compensation commissioner determines
3 11 otherwise.

3 12 **(4) If the employer has reason to be dissatisfied with the**
3 13 care chosen by the employee, the employer shall communicate
3 14 the basis of such dissatisfaction to the employee, in writing
3 15 if requested, following which the employee and the employer
3 16 may agree to alternate care reasonably suited to treat the
3 17 injury. If the employee and employer cannot agree on such
3 18 alternate care, the workers' compensation commissioner may,
3 19 upon application and reasonable proof of the necessity
3 20 therefor, allow and order other care.

3 21 **c. An application made under paragraph "a" or "b" shall be**
3 22 considered an original proceeding for purposes of commencement
3 23 and contested case proceedings under section 85.26. The
3 24 hearing shall be conducted pursuant to chapter 17A. Before a
3 25 hearing is scheduled, the parties may choose a telephone
3 26 hearing, an audio-video conference hearing, or an in-person
3 27 hearing. A request for an in-person hearing shall be approved
3 28 unless the in-person hearing would be impractical because of
3 29 the distance between the parties to the hearing. The workers'
3 30 compensation commissioner shall issue a decision within ten
3 31 working days of receipt of an application for alternate care
3 32 made pursuant to a telephone hearing or audio-video conference
3 33 hearing or within fourteen working days of receipt of an
3 34 application for alternate care made pursuant to an in-person
3 35 hearing.



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House File 530 - Introduced continued

4 1 Sec. 2. Section 85.39, Code 2009, is amended to read as
4 2 follows:
4 3 85.39 EXAMINATION OF INJURED EMPLOYEES.
4 4 1. a. After an injury, the employee, if requested by the
4 5 employer, shall submit for examination at some reasonable time
4 6 and place and as often as reasonably requested, to a physician
4 7 or physicians authorized to practice under the laws of this
4 8 state or another state, without cost to the employee; but if
4 9 the employee requests, the employee, at the employee's own
4 10 cost, is entitled to have a physician or physicians of the
4 11 employee's own selection present to participate in the
4 12 examination. If an employee is required to leave work for
4 13 which the employee is being paid wages to attend the requested
4 14 examination, the employee shall be compensated at the
4 15 employee's regular rate for the time the employee is required
4 16 to leave work, and the employee shall be furnished
4 17 transportation to and from the place of examination, or the
4 18 employer may elect to pay the employee the reasonable cost of
4 19 the transportation. The refusal of the employee to submit to
4 20 the examination shall suspend the employee's right to any
4 21 compensation for the period of the refusal. Compensation
4 22 shall not be payable for the period of suspension.
4 23 b. If an evaluation of permanent disability has been made
4 24 by a physician retained by the employer and the employee
4 25 believes this evaluation to be too low, the employee shall,
4 26 upon application to the commissioner and upon delivery of a
4 27 copy of the application to the employer and its insurance
4 28 carrier, be reimbursed by the employer the reasonable fee for
4 29 a subsequent examination by a physician of the employee's own
4 30 choice, and reasonably necessary transportation expenses
4 31 incurred for the examination. The physician chosen by the
4 32 employee has the right to confer with and obtain from the
4 33 employer-retained physician sufficient history of the injury
4 34 to make a proper examination.
4 35 2. If the employee has chosen a physician to provide care



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House File 530 - Introduced continued

5 1 as provided in section 85.27, subsection 4, paragraph "b",
5 2 when it is medically indicated that no significant improvement
5 3 from an injury is anticipated, the employee may obtain a
5 4 medical opinion from the employee's physician, at the
5 5 employer's expense, regarding the extent of the employee's
5 6 permanent disability. If the employee obtains such an
5 7 evaluation and the employer believes this evaluation of
5 8 permanent disability to be too high, the employer may arrange
5 9 for a medical examination of the injured employee by a
5 10 physician of the employer's choice for the purpose of
5 11 obtaining a medical opinion regarding the extent of the
5 12 employee's permanent disability. If an employee is required
5 13 to leave work for which the employee is being paid wages to
5 14 attend an examination under this subsection, the employee
5 15 shall be compensated at the employee's regular rate for the
5 16 time the employee is required to leave work, and the employee
5 17 shall be furnished transportation to and from the place of
5 18 examination, or the employer may elect to pay the employee the
5 19 reasonable cost of transportation. The physician chosen by
5 20 the employer to conduct an examination has the right to confer
5 21 with and obtain from any physician who has treated the injured
5 22 employee sufficient history of the injury to make a proper
5 23 examination. The refusal by the employee to submit to the
5 24 examination shall suspend the employee's right to any
5 25 compensation for the period of the refusal. Compensation
5 26 shall not be payable for the period of suspension.

5 27 Sec. 3. EFFECTIVE AND APPLICABILITY DATES. This Act takes
5 28 effect January 1, 2010, and applies to injuries occurring on
5 29 or after that date.

5 30 EXPLANATION

5 31 This bill relates to the choice of a physician to treat an
5 32 injured employee under the state's workers' compensation laws.
5 33 The bill allows the employer to choose care unless the
5 34 employee has predesignated a physician as provided in the
5 35 bill.



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6 1 The bill gives an employee the right to predesignate a
6 2 physician who is a primary care provider, from whom the
6 3 employee has previously received treatment for a
6 4 nonoccupational injury, illness, or examination, to provide
6 5 treatment for a work-related injury. The employer is required
6 6 to provide written notice to employees of this right upon
6 7 hire, periodically during employment, and upon receiving
6 8 notice of an injury from an employee, in a manner prescribed
6 9 by the workers' compensation commissioner.

6 10 If the employer fails to provide such notification, an
6 11 injured employee has the right to choose any physician to
6 12 provide treatment for the work-related injury and that
6 13 treatment shall be considered authorized care.

6 14 If the employer or employee is dissatisfied with the care
6 15 chosen by the other party, the dissatisfied party is required
6 16 to communicate the basis of dissatisfaction to the other party
6 17 in writing and the parties may agree to alternate care
6 18 reasonably suited to treat the injury. If the parties cannot
6 19 agree to such alternate care, the dissatisfied party may make
6 20 an application for alternate care to the commissioner.

6 21 An application for alternate care is an original proceeding
6 22 and is treated as a contested case. A party may request that
6 23 the hearing be held in person, by telephone, or by audio-video
6 24 conference. The commissioner is required to issue a decision
6 25 within 10 working days of receipt of an application made
6 26 pursuant to a telephone hearing or audio-video conference
6 27 hearing and within 14 days of an in-person hearing.

6 28 Code section 85.39 is amended to provide that if the
6 29 employee has chosen care, when it is medically indicated that
6 30 no significant improvement from an injury is anticipated, the
6 31 employee may obtain a medical opinion from the employee's
6 32 physician at the employer's expense regarding the extent of
6 33 the employee's permanent disability. If the employer believes
6 34 that the evaluation of permanent disability obtained by the
6 35 employee is too high, the employer has the right to obtain



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7 1 another medical opinion from a physician of the employer's
7 2 choosing.
7 3 The bill takes effect and applies to injuries occurring on
7 4 or after January 1, 2010.
7 5 LSB 1613HH 83
7 6 av/rj/5.2



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House File 531 - Introduced

HOUSE FILE
BY KUHN

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

A BILL FOR

- 1 An Act providing for a right to rescind a future grain delivery
- 2 contract, and providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2138HH 83
- 5 da/nh/5



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House File 531 - Introduced continued

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1 1 Section 1. NEW SECTION. 203B.1 DEFINITIONS.
1 2 As used in this chapter, unless the context otherwise
1 3 requires:
1 4 1. "Future grain delivery contract" or "contract" means a
1 5 contract for the sale of grain, in which a buyer and seller
1 6 agree upon the delivery of a specified quality and quantity of
1 7 grain during one or more specified future periods or upon the
1 8 satisfaction of one or more future conditions at least thirty
1 9 days after the execution of the contract.
1 10 2. "Grain" means the same as defined in section 203.1.
1 11 3. "Grain dealer" means a person required to be licensed
1 12 to engage in the business of a grain dealer pursuant to
1 13 section 203.3.
1 14 4. "Seller" means a person who sells grain to a grain
1 15 dealer under a future grain delivery contract.
1 16 Sec. 2. NEW SECTION. 203B.2 RIGHT OF SELLER TO RESCIND
1 17 FUTURE GRAIN DELIVERY CONTRACT.
1 18 1. a. A seller may unilaterally rescind a future grain
1 19 delivery contract executed with a grain dealer for breach of
1 20 contract based on the grain dealer's failure to provide
1 21 consideration for the grain as required in the contract.
1 22 Provisions in the contract which require the future delivery
1 23 of grain are not severable, and shall also be rescinded. Any
1 24 other such contract executed by the seller and the grain
1 25 dealer which also requires the future delivery of grain shall
1 26 be deemed part of the same contract, and shall also be
1 27 rescinded.
1 28 2. The rescision of a future grain delivery contract as
1 29 provided in subsection 1 becomes effective when the seller
1 30 does all of the following:
1 31 a. Notifies the grain dealer of the rescision by certified
1 32 mail as provided in section 618.15.
1 33 b. Repays the grain dealer any amount paid to the person
1 34 for future deliveries as provided in the contract.
1 35 3. A waiver of a right to rescind a future grain delivery



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House File 532 - Introduced

HOUSE FILE
BY STRUYK

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

A BILL FOR

1 An Act relating to the duties of state and local government
2 entities by providing for the reimbursement by the state of
3 certain contributions paid by a city to the fire and police
4 retirement fund and by shifting responsibility for mental
5 health services from counties to the state, and including
6 effective date and applicability date provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
8 TLSB 1667YH 83
9 md/mg:sc/24



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House File 532 - Introduced continued

PAG LIN

1 1 DIVISION I

1 2 STATE REIMBURSEMENT OF CITY POLICE AND FIRE

1 3 RETIREMENT CONTRIBUTIONS

1 4 Section 1. Section 411.1, subsection 15, Code 2009, is

1 5 amended to read as follows:

1 6 15. "Pensions" means annual payments for life derived from

1 7 appropriations provided by the participating cities ~~and, from~~

1 8 appropriations provided by the state under section 411.20, and

1 9 from contributions of the members which are deposited in the

1 10 fire and police retirement fund. All pensions shall be paid

1 11 in equal monthly installments.

1 12 Sec. 2. Section 411.20, Code 2009, is amended to read as

1 13 follows:

1 14 411.20 STATE APPROPRIATION.

1 15 1. There is appropriated from the general fund of the

1 16 state for each fiscal year an amount necessary to be

1 17 distributed to the statewide fire and police retirement

1 18 system, or to the cities participating in the system, to

1 19 finance the cost of benefits provided in this chapter by

1 20 amendments of the Acts of the Sixty-sixth General Assembly,

1 21 chapter 1089. The method of distribution shall be determined

1 22 by the board of trustees based on information provided by the

1 23 actuary of the statewide retirement system.

1 24 2. Moneys appropriated by the state pursuant to subsection

1 25 1 shall not be used to reduce the normal rate of contribution

1 26 of any city below seventeen percent.

1 27 Sec. 3. NEW SECTION. 411.20A SUPPLEMENTAL STATE

1 28 APPROPRIATION.

1 29 1. a. The state shall reimburse each city for the city's

1 30 total normal contribution paid into the fire and police

1 31 retirement fund under section 411.8, subsection 1, in the

1 32 previous fiscal year, according to the schedule provided in

1 33 subsection 2.

1 34 b. If the moneys appropriated from the general fund of the

1 35 state to reimburse cities under this section are insufficient



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House File 532 - Introduced continued

2 1 to reimburse each city's total normal contribution paid, the
2 2 amount appropriated in subsection 2 shall be allocated among
2 3 cities in proportion to the total amount of normal
2 4 contributions paid by each city in the previous fiscal year.
2 5 Moneys received by a city under this section shall be
2 6 deposited in the city's general fund.
2 7 2. There is appropriated from the general fund of the
2 8 state, for each of the following fiscal years for the payment
2 9 of city reimbursements, the following:
2 10 a. For the fiscal year beginning July 1, 2012, and ending
2 11 June 30, 2013, an amount equal to ten percent of the total
2 12 normal contributions paid by all cities in the previous fiscal
2 13 year.
2 14 b. For the fiscal year beginning July 1, 2013, and ending
2 15 June 30, 2014, an amount equal to twenty=five percent of the
2 16 total normal contributions paid by all cities in the previous
2 17 fiscal year.
2 18 c. For the fiscal year beginning July 1, 2014, and ending
2 19 June 30, 2015, an amount equal to fifty percent of the total
2 20 normal contributions paid by all cities in the previous fiscal
2 21 year.
2 22 d. For the fiscal year beginning July 1, 2015, and ending
2 23 June 30, 2016, an amount equal to seventy=five percent of the
2 24 total normal contributions paid by all cities in the previous
2 25 fiscal year.
2 26 e. For the fiscal year beginning July 1, 2016, and ending
2 27 June 30, 2017, an amount equal to ninety percent of the total
2 28 normal contributions paid by all cities in the previous fiscal
2 29 year.
2 30 f. For the fiscal year beginning July 1, 2017, and each
2 31 subsequent fiscal year, an amount equal to one hundred percent
2 32 of the total normal contributions paid by all cities in the
2 33 previous fiscal year.

2 34 DIVISION II
2 35 MENTAL HEALTH SERVICES PROVIDED BY THE STATE



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House File 532 - Introduced continued

3 1 Sec. 4. NEW SECTION. 217.45 EMPLOYEE RIGHTS OF FORMER
3 2 COUNTY EMPLOYEES.
3 3 1. County employees paid under a county mental health,
3 4 mental retardation, and developmental disabilities services
3 5 fund created pursuant to section 331.424A, shall become
3 6 employees of the department of human services effective July
3 7 1, 2010, and the department shall assume all costs associated
3 8 with the functions of the employees on that date. Employees
3 9 who were paid salaries by the counties immediately prior to
3 10 becoming state employees as a result of this section shall not
3 11 forfeit accrued vacation, accrued sick leave, or longevity,
3 12 except as provided in this section.
3 13 2. The department of human services, after consulting with
3 14 the department of administrative services, shall prescribe
3 15 rules to provide for the following:
3 16 a. A person referred to in subsection 1 shall have to the
3 17 person's credit as a state employee commencing on the date of
3 18 becoming a state employee the number of accrued vacation days
3 19 that was credited to the person as a county employee as of the
3 20 end of the day prior to becoming a state employee.
3 21 b. Each person referred to in subsection 1 shall have to
3 22 the person's credit as a state employee commencing on the date
3 23 of becoming a state employee the number of accrued days of
3 24 sick leave that was credited to the person as a county
3 25 employee as of the end of the day prior to becoming a state
3 26 employee. However, the number of days of sick leave credited
3 27 to a person under this subsection and eligible to be taken
3 28 when sick or eligible to be received upon retirement shall not
3 29 respectively exceed the maximum number of days, if any, or the
3 30 maximum dollar amount as provided in section 70A.23 that state
3 31 employees generally are entitled to accrue or receive
3 32 according to rules in effect as of the date the person becomes
3 33 a state employee.
3 34 c. Commencing on the date of becoming a state employee,
3 35 each person referred to in subsection 1 is entitled to claim



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House File 532 - Introduced continued

4 1 the person's most recent continuous period of service in full=
4 2 time county employment as full-time state employment for
4 3 purposes of determining the number of days of vacation which
4 4 the person is entitled to earn each year. The actual vacation
4 5 benefit, including the limitation on the maximum accumulated
4 6 vacation leave, shall be determined as provided in section
4 7 70A.1 according to rules in effect for state employees of
4 8 comparable longevity, irrespective of any greater or lesser
4 9 benefit as a county employee.

4 10 3. Persons referred to in subsection 1 who were covered by
4 11 county employee life insurance and accident and health
4 12 insurance plans prior to becoming state employees as a result
4 13 of this section shall be permitted to apply prior to becoming
4 14 state employees for life insurance and health and accident
4 15 insurance plans that are available to state employees so that
4 16 those persons do not suffer a lapse of insurance coverage as a
4 17 result of this section. The department of human services,
4 18 after consulting with the department of administrative
4 19 services, shall prescribe rules and distribute application
4 20 forms and take other actions as necessary to enable those
4 21 persons to elect to have insurance coverage that is in effect
4 22 on the date of becoming state employees. The actual insurance
4 23 coverage available to a person shall be determined by the
4 24 plans that are available to state employees, irrespective of
4 25 any greater or lesser benefits that may have been available to
4 26 the person as a county employee.

4 27 4. Commencing on the date of becoming a state employee,
4 28 each person referred to in subsection 1 is entitled to claim
4 29 the person's most recent continuous period of service in full=
4 30 time county employment as full-time state employment for
4 31 purposes of determining disability benefits as provided in
4 32 section 70A.20 according to rules in effect for state
4 33 employees of comparable longevity, irrespective of any greater
4 34 or lesser benefit that may have been available to the person
4 35 as a county employee.



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5 1 Sec. 5. Section 222.60, Code 2009, is amended to read as
5 2 follows:

5 3 222.60 COSTS PAID BY ~~COUNTY OR~~ THE STATE OR COUNTY ==
5 4 DIAGNOSIS AND EVALUATION.

5 5 1. All necessary and legal expenses for the cost of
5 6 admission or commitment or for the treatment, training,
5 7 instruction, care, habilitation, support and transportation of
5 8 persons with mental retardation, ~~as provided for in the county~~
~~5 9 management plan provisions implemented pursuant to section~~
~~5 10 331.439, subsection 1,~~ in a state resource center, or in a
5 11 special unit, or any public or private facility within or
5 12 without the state, approved by the director of the department
5 13 of human services, shall be paid by ~~either:~~

5 14 ~~1. The county in which such person has legal settlement as~~
~~5 15 defined in section 252.16.~~

5 16 ~~2. The the state when such person has no legal settlement~~
~~5 17 or when such settlement is unknown. However, a county board~~
5 18 of supervisors may voluntarily authorize payment for such
5 19 services for a county resident who does not meet state
5 20 eligibility guidelines and does not have a source of payment
5 21 for the services.

5 22 2. Prior to a ~~county of legal settlement~~ the director
5 23 approving the payment of expenses for a person under this
5 24 section, the ~~county~~ director may require that the person be
5 25 diagnosed to determine if the person has mental retardation or
5 26 that the person be evaluated to determine the appropriate
5 27 level of services required to meet the person's needs relating
5 28 to mental retardation. The diagnosis and the evaluation may
5 29 be performed concurrently and shall be performed by an
5 30 individual or individuals approved by the ~~county~~ director who
5 31 are qualified to perform the diagnosis or the evaluation.
5 32 Following the initial approval for payment of expenses, the
5 33 ~~county of legal settlement~~ director may require that an
5 34 evaluation be performed at reasonable time periods. The cost
5 35 of a ~~county-required~~ diagnosis and an evaluation under this



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~~6 1 section is at the county's department's expense. In the case
6 2 of a person without legal settlement or whose legal settlement
6 3 is unknown, the state may apply the diagnosis and evaluation
6 4 provisions of this paragraph at the state's expense. A
6 5 diagnosis or an evaluation under this section may be part of a
6 6 county's central point of coordination process under section
6 7 331.440, provided that a diagnosis is performed only by an
6 8 individual qualified as provided in this section.~~

6 9 3. A diagnosis of mental retardation under this section
6 10 shall be made only when the onset of the person's condition
6 11 was prior to the age of eighteen years and shall be based on
6 12 an assessment of the person's intellectual functioning and
6 13 level of adaptive skills. The diagnosis shall be made by an
6 14 individual who is a psychologist or psychiatrist who is
6 15 professionally trained to administer the tests required to
6 16 assess intellectual functioning and to evaluate a person's
6 17 adaptive skills.

6 18 4. A diagnosis of mental retardation shall be made in
6 19 accordance with the criteria provided in the diagnostic and
6 20 statistical manual of mental disorders, fourth edition,
6 21 published by the American psychiatric association.

6 22 Sec. 6. Section 225C.1, subsection 1, Code 2009, is
6 23 amended to read as follows:

6 24 1. The general assembly finds that until July 1, 2010,
6 25 services to persons with mental illness, mental retardation,
6 26 developmental disabilities, or brain injury ~~are~~ were provided
6 27 in many parts of the state by highly autonomous
6 28 community-based service providers working cooperatively with
6 29 state and county officials. However, the general assembly
6 30 recognizes that heavy reliance on property tax funding for
6 31 mental health and mental retardation services ~~has enabled many~~
~~6 32 counties to exceed minimum state standards for the services~~
~~6 33 resulting~~ resulted in an uneven level of services around the
6 34 state. Consequently, greater efforts should be made to assure
6 35 close coordination and continuity of care for those persons



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7 1 receiving publicly supported disability services in Iowa. It
7 2 is the purpose of this chapter to continue and to strengthen
7 3 the services to persons with disabilities now available in the
7 4 state of Iowa, to make disability services conveniently
7 5 available to all persons in this state upon a reasonably
7 6 uniform financial basis, and to assure the continued high
7 7 quality of these services. Effective July 1, 2010, the
7 8 primary responsibility for adult disability services was
7 9 transitioned from the counties to the state in order to
7 10 enhance Iowa's capacity to achieve the purposes outlined in
7 11 this section.

7 12 Sec. 7. Section 229.42, Code 2009, is amended to read as
7 13 follows:

7 14 229.42 COSTS PAID VOLUNTARILY BY COUNTY.

7 15 1. If a person wishing to make application for voluntary
7 16 admission to a mental hospital established by chapter 226 is
7 17 unable to pay the costs of hospitalization or those
7 18 responsible for the person are unable to pay the costs, and
7 19 the person does not meet state eligibility guidelines,
7 20 application for authorization of voluntary admission ~~must~~ may
7 21 be made through a central point of coordination process before
7 22 ~~application for admission is made to the hospital~~ the person's
7 23 county of residence. The person's county of legal settlement
7 24 ~~shall be determined through the central point of coordination~~
7 25 ~~process and if the admission is approved through the central~~
7 26 ~~point of coordination process, the person's admission to a~~
7 27 ~~mental health hospital shall be authorized as a voluntary~~
7 28 ~~case.~~ The authorization shall be issued on forms provided by
7 29 the administrator. The costs of the hospitalization shall be
7 30 paid by the county of ~~legal settlement~~ residence to the
7 31 department of human services and credited to the general fund
7 32 of the state, provided that the mental health hospital
7 33 rendering the services has certified to the county auditor of
7 34 the county of ~~legal settlement~~ residence the amount chargeable
7 35 to the county and has sent a duplicate statement of the



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8 1 charges to the department of human services. ~~A~~ However, a
8 2 county shall not be billed for the cost of a patient unless
8 3 the patient's admission is authorized ~~through the central~~
~~8 4 point of coordination process~~ by the county's board of
8 5 supervisors. The mental health institute and the county ~~shall~~
8 6 may work together to locate appropriate alternative placements
8 7 and services, and to educate patients and family members of
8 8 patients regarding such alternatives.

8 9 2. All the provisions of chapter 230 shall apply to such
8 10 voluntary patients so far as is applicable.

8 11 3. The provisions of this section and of section 229.41
8 12 shall apply to all voluntary inpatients or outpatients
8 13 receiving mental health services either away from or at the
8 14 institution.

8 15 4. If a county has authorized the patient's admission and
8 16 fails to pay the billed charges within forty=five days from
8 17 the date the county auditor received the certification
8 18 statement from the superintendent, the department of human
8 19 services shall charge the delinquent county the penalty of one
8 20 percent per month on and after forty=five days from the date
8 21 the county received the certification statement until paid.
8 22 The penalties received shall be credited to the general fund
8 23 of the state.

8 24 Sec. 8. Section 230.1, Code 2009, is amended to read as
8 25 follows:

8 26 230.1 LIABILITY OF ~~COUNTY AND~~ STATE.

8 27 ~~1-~~ The necessary and legal costs and expenses attending
8 28 the taking into custody, care, investigation, admission,
8 29 commitment, and support of a person with mental illness
8 30 admitted or committed to a state hospital shall be paid by ~~a~~
~~8 31 county or by the state as follows:~~, except as otherwise
8 32 provided in section 229.42.

8 33 a. By the county in which such person has a legal
~~8 34 settlement, if the person is eighteen years of age or older.~~

8 35 b. By the state when such person has no legal settlement



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~~House File 532 — Introduced continued~~

~~9 1 in this state, when the person's legal settlement is unknown,
9 2 or if the person is under eighteen years of age.~~

~~9 3 2. The legal settlement of any person found mentally ill
9 4 who is a patient of any state institution shall be that
9 5 existing at the time of admission thereto.~~

~~9 6 3. A county of legal settlement is not liable for costs
9 7 and expenses associated with a person with mental illness
9 8 unless the costs and expenses are for services and other
9 9 support authorized for the person through the central point of
9 10 coordination process. For the purposes of this chapter,
9 11 "central point of coordination process" means the same as
9 12 defined in section 331.440.~~

9 13 Sec. 9. Section 249A.26, Code 2009, is amended by striking
9 14 the section and inserting in lieu thereof the following:

9 15 249A.26 STATE RESPONSIBILITY FOR MENTAL HEALTH AND
9 16 DISABILITY SERVICES.

9 17 Unless a county voluntarily agrees to participate in the
9 18 costs of disability services, as defined in section 225C.2,
9 19 effective July 1, 2010, the nonfederal share of the cost of
9 20 such services provided under the medical assistance program is
9 21 the responsibility of the state.

9 22 Sec. 10. Section 331.424, subsection 1, Code 2009, is
9 23 amended by adding the following new paragraph:

9 24 NEW PARAGRAPH. k. To the extent that the board deems it
9 25 advisable, the costs of disability services, as defined in
9 26 section 225C.2, provided to county residents.

9 27 Sec. 11. Section 904.201, subsection 8, Code 2009, is
9 28 amended to read as follows:

9 29 8. Chapter 230 governs the determination of costs and
9 30 charges for the care and treatment of persons with mental
9 31 illness admitted to the forensic psychiatric hospital, except
9 32 that charges for the care and treatment of any person
9 33 transferred to the forensic psychiatric hospital from an adult
9 34 correctional institution or from a state training school shall
9 35 be paid entirely from state funds. Charges for all other



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10 1 persons at the forensic psychiatric hospital shall be billed
10 2 to the ~~respective counties~~ department of human services at the
10 3 same ratio as for patients at state mental health institutes
10 4 under section 230.20.

10 5 Sec. 12. Sections 331.424A, 331.438, 331.439, and 331.440,
10 6 Code 2009, are repealed.

10 7 Sec. 13. Chapter 426B, Code 2009, is repealed.

10 8 Sec. 14. CONFORMING AMENDMENTS LEGISLATION. If this
10 9 division of this Act is enacted, the legislative services
10 10 agency shall prepare committee study bills for submission in
10 11 the 2010 regular session of the Eighty-third General Assembly
10 12 to the committees on human resources of the senate and house
10 13 of representatives to amend the Code of Iowa as necessary to
10 14 transfer responsibility for costs and delivery of disability
10 15 services, as defined in section 225C.2, from the counties to
10 16 the state. The provisions of the bill shall include but are
10 17 not limited to making changes in boards, committees, and
10 18 commissions, revising referral responsibilities, eliminating
10 19 or changing references to central point of coordination
10 20 administrators, repealing or amending provisions that are
10 21 rendered obsolete, incorrect, or inaccurate as a result of the
10 22 passage of this Act, and making other conforming amendments as
10 23 necessary. This section takes effect July 1, 2009.

10 24 Sec. 15. EFFECTIVE DATE. Except as otherwise provided in
10 25 this section and in the section of this division of this Act
10 26 providing for conforming amendments legislation, this division
10 27 of this Act takes effect July 1, 2010. This division of this
10 28 Act applies prior to July 1, 2010, for purposes of making
10 29 changes in the county budget and levy responsibilities and
10 30 authority necessary to implement the provisions of this
10 31 division of this Act beginning on July 1, 2010.

10 32 EXPLANATION

10 33 This bill relates to the duties and authority of state and
10 34 local government entities by providing for the reimbursement
10 35 of certain contributions paid by a city to the fire and police



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11 1 retirement fund and by amending provisions relating to a
11 2 county's duty to provide mental health services.
11 3 Division I of the bill provides a supplemental state
11 4 appropriation to reimburse each city for its total normal
11 5 contributions paid to the fire and police retirement fund
11 6 during the previous fiscal year, commencing with the fiscal
11 7 year beginning July 1, 2012. The bill provides that moneys
11 8 appropriated by the state to reimburse cities are allocated
11 9 among cities in proportion to the total amount of normal
11 10 contributions paid by each city in the previous fiscal year.
11 11 The bill requires that moneys received by a city from the
11 12 state's supplemental appropriation be deposited in the city's
11 13 general fund.
11 14 Division I appropriates funds for the reimbursement of
11 15 normal contributions paid by cities according to a schedule
11 16 that commences in the fiscal year beginning July 1, 2012, with
11 17 an amount equal to 10 percent of the total normal
11 18 contributions paid by all cities in the previous fiscal year,
11 19 and increasing each fiscal year until, for the fiscal year
11 20 beginning July 1, 2017, and each fiscal year thereafter, it
11 21 reaches an amount equal to 100 percent of the total normal
11 22 contributions paid by all cities in the previous fiscal year.
11 23 Division II of the bill relates to adult mental health,
11 24 mental retardation, and developmental disabilities services by
11 25 shifting responsibility for payment of such services from the
11 26 counties to the state effective July 1, 2010, and revising
11 27 county levy authority for such services. Many provisions of
11 28 the bill reference the definition of "disability services" in
11 29 Code section 225C.2, which defines the term to mean services
11 30 and other support available to a person with mental illness,
11 31 mental retardation or other developmental disability, or brain
11 32 injury (MI/MR/DD/BI).
11 33 New Code section 217.45 provides for transfer of county
11 34 employees paid under a county MH/MR/DD services fund from
11 35 county employment to state employment with the department of



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12 1 human services effective July 1, 2010, and outlines benefits
12 2 and rights of such employees.
12 3 Division II amends significant Code provisions outlining
12 4 county or state responsibilities for MH/MR/DD to provide for
12 5 state responsibility and that county participation in costs is
12 6 voluntary. The following Code provisions are addressed:
12 7 Code section 222.60 is amended to provide that the state is
12 8 responsible for expenses for the cost of admission or
12 9 commitment or for the treatment, training, instruction, care,
12 10 habilitation, support, and transportation of persons with
12 11 mental retardation in public or private facilities. However,
12 12 a county may voluntarily pay for the costs of such services
12 13 for a county resident who does not meet state eligibility
12 14 requirements and does not have a payment source.
12 15 Code section 225C.1, stating the purpose of the MH/MR/DD/BI
12 16 services chapter, is amended to provide for state
12 17 responsibility in lieu of counties effective July 1, 2010.
12 18 Code section 229.42, relating to financial responsibility
12 19 under the mental health commitment Code chapter, is amended to
12 20 provide that a county may voluntarily accept responsibility to
12 21 pay the costs of a patient who is a county resident and placed
12 22 in a state mental health institute.
12 23 Code section 230.1, relating to responsibility for the
12 24 necessary and legal costs and expenses attending the taking
12 25 into custody, care, investigation, admission, commitment, and
12 26 support of a person with mental illness in a state mental
12 27 health institute, is amended to provide that the state is
12 28 responsible and to eliminate county responsibility unless it
12 29 is provided voluntarily.
12 30 Code section 249A.26, relating to state and county
12 31 participation in funding for medical assistance (Medicaid)
12 32 program services to persons with disabilities, is amended by
12 33 striking the section and providing that unless a county
12 34 voluntarily agrees to participate in the costs, effective July
12 35 1, 2010, the nonfederal share of the cost of disability



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House File 532 - Introduced continued

13 1 services provided under the program is the responsibility of
13 2 the state.

13 3 Code section 331.424, relating to county supplemental levy
13 4 authority, is amended to authorize the county, when the
13 5 general levy is insufficient, to utilize its supplemental levy
13 6 authority to the extent that the board of supervisors deems it
13 7 advisable to pay the costs of disability services provided to
13 8 county residents.

13 9 Code section 904.201, relating to charges for services
13 10 provided at the Iowa medical and classification center at
13 11 Oakdale, is amended to provide that those costs for the care
13 12 and treatment of persons with mental illness that under
13 13 current law are charged to counties are instead charged to the
13 14 department of human services.

13 15 Division II repeals these Code sections: Code section
13 16 331.424A, providing for the establishment of the county
13 17 MI/MR/DD services fund and prohibiting the county from paying
13 18 for these services from any other fund; Code section 331.438,
13 19 relating to joint state=county planning, implementing, and
13 20 funding of MI/MR/DD services, including allowed growth
13 21 payments to counties; Code section 331.439, relating to county
13 22 eligibility for state funding associated with the services;
13 23 and Code section 331.440, relating to the county central point
13 24 of coordination system and shifting of state cases to county
13 25 responsibility. In addition, Code chapter 426B, relating to
13 26 property tax relief payments to counties and funding pools
13 27 associated with allowed growth payments, is repealed.

13 28 The legislative services agency is directed to prepare and
13 29 submit committee study bills for the 2010 regular legislative
13 30 session to further amend the Code as necessary to implement
13 31 division II of the bill. This section of division II relating
13 32 to the duties of the legislative services agency takes effect
13 33 July 1, 2009. The remainder of division II takes effect July
13 34 1, 2010. However, the bill provides that the changes in
13 35 division II that affect county budget preparation and levy



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House File 532 - Introduced continued

14 1 authority involving the fiscal year that begins on the
14 2 division's effective date, apply prior to the effective date.
14 3 LSB 1667YH 83
14 4 md/mg:sc/24



Iowa General Assembly
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House File 533 - Introduced

HOUSE FILE
BY WHITAKER

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

A BILL FOR

1 An Act relating to the operation of medium-speed electric
2 vehicles on certain roads, providing registration fees for
3 low-speed and medium-speed electric vehicles, and providing a
4 penalty.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 2202YH 83
7 dea/nh/8



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House File 533 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.1, Code 2009, is amended by adding
 1 2 the following new subsection:
 1 3 NEW SUBSECTION. 37A. a. "Medium-speed electric vehicle"
 1 4 means a self-propelled, electrically powered four-wheeled
 1 5 motor vehicle that meets all of the following conditions:
 1 6 (1) Is equipped with a roll cage or has a crush-proof body
 1 7 design.
 1 8 (2) Has a wheelbase of forty inches or greater and a wheel
 1 9 diameter of ten inches or greater.
 1 10 (3) Is fully enclosed and has at least one door for entry.
 1 11 (4) Is capable of attaining a maximum speed exceeding
 1 12 twenty-five miles per hour but not exceeding fifty miles per
 1 13 hour on a paved, level surface, as certified by the
 1 14 manufacturer.
 1 15 (5) Except with respect to maximum speed, meets or exceeds
 1 16 federal motor vehicle safety standards in 49 C.F.R. } 571.500.
 1 17 b. A medium-speed electric vehicle which is in compliance
 1 18 with the equipment requirements in 49 C.F.R. } 571.500 shall
 1 19 be deemed to be in compliance with all equipment requirements
 1 20 of this chapter.
 1 21 Sec. 2. Section 321.116, Code 2009, is amended to read as
 1 22 follows:
 1 23 321.116 ELECTRIC AUTOMOBILES VEHICLES.
 1 24 For an electric motor vehicle the annual fee is twenty-five
 1 25 dollars. However, if an electric motor vehicle is more than
 1 26 five model years old, the annual registration fee is fifteen
 1 27 dollars. ~~This section does not apply to low-speed vehicles~~
 1 28 ~~that are electric.~~
 1 29 Sec. 3. Section 321.381A, Code 2009, is amended to read as
 1 30 follows:
 1 31 321.381A OPERATION OF LOW-SPEED VEHICLES AND MEDIUM-SPEED
 1 32 ELECTRIC VEHICLES.
 1 33 1. A low-speed vehicle shall not be operated on a street
 1 34 with a posted speed limit greater than thirty-five miles per
 1 35 hour. This section shall not prohibit a low-speed vehicle



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2 1 from crossing a street with a posted speed limit greater than
2 2 thirty-five miles per hour.
2 3 2. A medium-speed electric vehicle shall not be operated
2 4 on a street or highway with a posted speed limit greater than
2 5 fifty-five miles per hour. This subsection shall not prohibit
2 6 a medium-speed electric vehicle from crossing a street or
2 7 highway with a posted speed limit greater than fifty-five
2 8 miles per hour.

2 9 EXPLANATION

2 10 This bill regulates the operation of medium-speed electric
2 11 vehicles on certain Iowa roads and establishes annual
2 12 registration fees for low-speed and medium-speed electric
2 13 vehicles.

2 14 Currently, Iowa law regulates the operation of certain
2 15 low-speed vehicles, which are capable of maximum speeds of up
2 16 to 25 miles per hour and are permitted on roads with a speed
2 17 limit of 35 miles per hour or less.

2 18 The bill defines "medium-speed electric vehicle" as a
2 19 self-propelled, electrically powered four-wheeled motor
2 20 vehicle that is equipped with a roll cage or has a crush-proof
2 21 body design; has a wheelbase of 40 inches or greater and a
2 22 wheel diameter of 10 inches or greater; is fully enclosed with
2 23 at least one entry door; can attain a maximum speed exceeding
2 24 25 miles per hour but not exceeding 50 miles per hour on a
2 25 paved, level surface as certified by the manufacturer; and
2 26 meets or exceeds federal motor vehicle equipment and safety
2 27 standards for low-speed vehicles. The bill specifies that if
2 28 those federal equipment standards are met, a medium-speed
2 29 electric vehicle is deemed to be in compliance with motor
2 30 vehicle equipment standards under Iowa law.

2 31 The bill restricts the operation of medium-speed electric
2 32 vehicles to roads with a posted speed limit no greater than 55
2 33 miles per hour. A violation is punishable as a simple
2 34 misdemeanor, subject to a scheduled fine of \$50. This is the
2 35 same penalty that currently applies to the operation of a



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3 1 restricted low-speed vehicle on a road with a speed limit
3 2 greater than 35 miles per hour.
3 3 Otherwise, provisions in existing law that apply to
3 4 titling, registration, and operation of motor vehicles apply
3 5 to medium-speed electric vehicles. Pursuant to current law,
3 6 the annual registration fee for electric vehicles is \$25. The
3 7 fee drops to \$15 when the vehicle is more than five model
3 8 years old. However, low-speed vehicles that are electric are
3 9 subject to fees based on the weight and value of the vehicle.
3 10 Under the bill, the flat fees for electric vehicles apply to
3 11 all electric vehicles including low-speed and medium-speed
3 12 electric vehicles.
3 13 LSB 2202YH 83
3 14 dea/nh/8.1



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March 04, 2009

House File 534 - Introduced

HOUSE FILE
BY FORD

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

A BILL FOR

- 1 An Act requiring a registry of certain dwelling units with lead
- 2 hazards.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2576HH 83
- 5 av/nh/14



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House File 534 - Introduced continued

PAG LIN

1 1 Section 1. Section 135.105D, Code 2009, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 8. A health care provider who performs
1 4 blood lead testing on a child and confirms that the child has
1 5 elevated blood lead levels shall report the results of the
1 6 test and the child's home address to the county assessor's
1 7 office of the county in which the child resides. The county
1 8 assessor shall keep a registry of all addresses of dwelling
1 9 units in the county for which reports of elevated blood lead
1 10 levels in children have been received, which shall be easily
1 11 accessible to the public. The registry shall not include the
1 12 names of the occupants of the dwelling units listed. The
1 13 owner of a dwelling unit which is listed in the registry may
1 14 have the dwelling unit removed from the registry upon
1 15 providing proof of inspection by a certified lead inspector
1 16 certifying that the dwelling unit has passed a lead hazard
1 17 test.

1 18

EXPLANATION

1 19 This bill requires a health care provider who performs
1 20 blood lead testing on a child and confirms that the child has
1 21 elevated blood lead levels to report the results of the test
1 22 and the child's home address to the county assessor's office
1 23 of the county in which the child resides. The county assessor
1 24 is required to keep a registry of all addresses of dwelling
1 25 units in the county for which such reports have been received,
1 26 which shall be easily accessible to the public. The registry
1 27 shall not include the names of the occupants of the dwelling
1 28 units listed.

1 29 The owner of a dwelling unit which is listed on the
1 30 registry may have the dwelling unit removed from the registry
1 31 upon providing proof of inspection by a certified lead
1 32 inspector certifying that the dwelling unit has passed a lead
1 33 hazard test.

1 34 LSB 2576HH 83

1 35 av/nh/14



Iowa General Assembly
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House File 535 - Introduced

HOUSE FILE

BY STRUYK, DEYOE, SORENSON,
 HAGENOW, WORTHAN, BAUDLER,
 DOLECHECK, FORRISTALL,
 HUSEMAN, WATTS, ROBERTS,
 ALONS, PETTENGILL, HUSER,
 DE BOEF, MAY, SWEENEY,
 COWNIE, and UPMEYER

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

Passed Senate, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring certain persons who register to vote after the
- 2 close of registration to vote a provisional ballot.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TL5B 1644YH 83
- 5 sc/nh/8



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House File 535 - Introduced continued

PAG LIN

1 1 Section 1. Section 48A.7A, Code 2009, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 3A. A person registering to vote under
1 4 this section shall cast a provisional ballot in the manner
1 5 prescribed by section 49.81.

1 6 Sec. 2. Section 49.77, subsection 4, paragraph b, Code
1 7 2009, is amended to read as follows:

1 8 b. If the voter informs the precinct election official
1 9 that the voter resides in the precinct and is not registered
1 10 to vote, the voter may register to vote pursuant to section
1 11 48A.7A and cast a ballot. If in the manner prescribed by
1 12 section 49.81, including when such a voter is unable to
1 13 establish identity and residency in the manner provided in
1 14 section 48A.7A, subsection 1, paragraph "b" or "c", ~~the voter~~
~~1 15 shall be allowed to cast a ballot in the manner prescribed by~~
~~1 16 section 49.81.~~

1 17 EXPLANATION

1 18 This bill provides that persons who register to vote after
1 19 the close of registration shall vote a provisional ballot if
1 20 they wish to vote in the election for which the registration
1 21 deadline applied.

1 22 LSB 1644YH 83

1 23 sc/nh/8



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House File 536 - Introduced

HOUSE FILE
BY FORD

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

A BILL FOR

- 1 An Act concerning the feasibility of tolling on interstate
- 2 highways.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2407YH 83
- 5 dea/nh/14



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 04, 2009**

House File 536 - Introduced continued

PAG LIN

1 1 Section 1. TOLL ROAD FEASIBILITY REVIEW. The department
1 2 of transportation shall review the feasibility of implementing
1 3 tolling on Iowa's interstate highways as a mechanism for
1 4 generating revenues to support the state's road system. In
1 5 undertaking its review, the department may consult with
1 6 persons who have conducted research concerning toll roads,
1 7 parties who have experience with establishing or operating
1 8 toll roads, and any other appropriate persons as determined by
1 9 the department. The department shall submit a written report
1 10 to the general assembly regarding its findings and any
1 11 recommendations on or before December 31, 2009.

1 12 EXPLANATION

1 13 This bill requires the department of transportation to
1 14 review the feasibility of tolling on interstate highways as a
1 15 means to generate revenues for Iowa's road system. The
1 16 department is authorized to consult with appropriate persons
1 17 including researchers and persons with experience establishing
1 18 and operating toll roads. The bill requires the department to
1 19 report its findings and any recommendations to the general
1 20 assembly on or before December 31, 2009.

1 21 LSB 2407YH 83

1 22 dea/nh/14



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

House File 537 - Introduced

HOUSE FILE
BY HEATON

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

A BILL FOR

- 1 An Act requiring a national criminal history record check for
- 2 certain child care providers and making penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1297YH 83
- 5 jp/nh/5



Iowa General Assembly
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House File 537 - Introduced continued

PAG LIN

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

1 3 2. a. A person shall not provide child care as a child
1 4 care home provider unless the person and any person who
1 5 resides or will reside in the child care home have been
1 6 subject to a fingerprint-based national criminal history
1 7 record check in accordance with section 237A.5.

1 8 b. If a person or program does not comply with paragraph
1 9 "a" or has been prohibited by the department from involvement
1 10 with child care, the person or program shall not provide child
1 11 care as a child care home provider and is subject to penalty
1 12 under section 237A.19 or injunction under section 237A.20 for
1 13 doing so.

1 14 Sec. 2. Section 237A.5, subsection 2, paragraph a,
1 15 subparagraph (1), subparagraph subdivision (e), Code 2009, is
1 16 amended to read as follows:

1 17 (e) The person will provide or is providing child care as
1 18 a child care home provider or will reside or resides in a
1 19 child care home that is not registered under this chapter ~~but~~
1 20 ~~that receives public funding for providing child care.~~

1 21 Sec. 3. Section 237A.5, subsection 2, paragraphs b and c,
1 22 Code 2009, are amended to read as follows:

1 23 b. If an individual person subject to a record check is
1 24 being considered for employment by a child care facility or
1 25 child care home, ~~in lieu of~~ prior to requesting a
1 26 fingerprint-based record check to be conducted by the
1 27 department under paragraph "c", the child care facility or
1 28 child care home may access the single contact repository
1 29 established pursuant to section 135C.33 as necessary to
1 30 conduct a criminal and child abuse record check of the
1 31 individual in this state. A copy of the results of the record
1 32 check conducted through the single contact repository shall
1 33 also be provided to the department. If the record check
1 34 indicates the individual is a person subject to an evaluation,
1 35 the child care facility or child care home may request that



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

House File 537 - Introduced continued

2 1 the department perform an evaluation as provided in this
2 2 subsection. Otherwise, the individual shall not be employed
2 3 by the child care facility or child care home. The cost of
2 4 accessing the single contact repository is the responsibility
2 5 of the child care facility or home.
2 6 c. (1) Unless a record check has already been conducted
~~2 7 in accordance with paragraph "b", For a person subject to a~~
2 8 record check, in addition to any record check conducted
2 9 pursuant to paragraph "b" and the record checks conducted
2 10 under subparagraph (2), the person's fingerprints shall be
2 11 provided to the department of public safety for submission
2 12 through the state criminal history repository to the United
2 13 States department of justice, federal bureau of investigation
2 14 for a national criminal history record check. For a child
2 15 care home that is not registered under this chapter, the cost
2 16 of the national criminal history record check for a person who
2 17 will provide or is providing child care or will reside or
2 18 resides in that child care home shall be paid by the person.
2 19 Otherwise, the cost of the national criminal history record
2 20 check and any other record checks conducted under this
2 21 lettered paragraph is the responsibility of the department.
2 22 (2) In addition to the national criminal history record
2 23 check, the department shall conduct a criminal and child abuse
2 24 record check in this state for a person who is subject to a
2 25 record check and may conduct ~~such~~ a child abuse record check
2 26 in other states. In addition, the department may conduct a
2 27 dependent adult abuse, sex offender registry, or other public
2 28 or civil offense record check in this state or in other states
2 29 for a person who is subject to a record check. If record
2 30 checks of a person who is subject to a record check have been
2 31 conducted through the single contact repository as described
2 32 in paragraph "b", the department may forego the record checks
2 33 addressed by this subparagraph.
2 34 (3) If a record check performed pursuant to this paragraph
2 35 identifies an individual as a person subject to an evaluation,



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March 04, 2009**

House File 537 - Introduced continued

3 1 an evaluation shall be performed to determine whether
3 2 prohibition of the person's involvement with child care is
3 3 warranted. The evaluation shall be performed in accordance
3 4 with procedures adopted for this purpose by the department.
3 5 (4) Prior to performing an evaluation, the department
3 6 shall notify the affected person, licensee, registrant, or
3 7 child care home applying for or receiving public funding for
3 8 providing child care, that an evaluation will be conducted to
3 9 determine whether prohibition of the person's involvement with
3 10 child care is warranted.

3 11 EXPLANATION

3 12 This bill requires a national criminal history record check
3 13 for certain child care providers.

3 14 Code section 237A.3, relating to requirements for
3 15 unregistered child care homes, is amended to prohibit a child
3 16 care home from operating unless the provider and anyone
3 17 residing with the provider has been subject to a
3 18 fingerprint-based national criminal history record check as
3 19 required by the bill. Violation of this requirement is a
3 20 simple misdemeanor under Code section 237A.19 and each day may
3 21 be a separate offense. A simple misdemeanor is punishable by
3 22 confinement for no more than 30 days or a fine of at least \$65
3 23 but not more than \$625 or by both. In addition, the provider
3 24 may be restrained by temporary or permanent injunction under
3 25 Code section 237A.19.

3 26 Code section 237A.5, relating to criminal history and child
3 27 abuse record check requirements for child care providers, is
3 28 amended to apply the record check requirements to all
3 29 unregistered child care homes. Current law applies the
3 30 requirement only to child care homes that receive public
3 31 funding. In addition, a fingerprint-based national criminal
3 32 history record check is required for all registered,
3 33 unregistered, and licensed child care providers. The cost of
3 34 the fingerprint-based record check is the responsibility of
3 35 the department of human services except for unregistered child



**Iowa General Assembly
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March 04, 2009**

House File 537 - Introduced continued

4 1 care homes which are required to pay the cost for the provider
4 2 and those who are residing or will reside with the
4 3 unregistered provider.
4 4 LSB 1297YH 83
4 5 jp/nh/5



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

House File 538 - Introduced

HOUSE FILE
BY FREVERT and MAY

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

A BILL FOR

1 An Act modifying wind energy production tax credit eligibility
2 requirements, providing for a refund of sales and use taxes,
3 and including effective and retroactive applicability date
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 2440HH 83
7 rn/mg:sc/14



**Iowa General Assembly
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March 04, 2009**

House File 538 - Introduced continued

PAG LIN

1 1 Section 1. Section 476B.1, subsection 4, paragraph d, Code
 1 2 2009, is amended to read as follows:
 1 3 d. For applications filed on or after March 1, 2008,
 1 4 consists of one or more wind turbines connected to a common
 1 5 gathering line which have a combined nameplate capacity of no
 1 6 less than two megawatts and no more than thirty megawatts.
 1 7 Sec. 2. Section 476B.4, Code 2009, is amended to read as
 1 8 follows:
 1 9 476B.4 ~~LIMITATIONS~~ LIMITATION.
 1 10 ~~1. The wind energy production tax credit shall not be~~
~~1 11 allowed for any kilowatt-hour of electricity produced on wind~~
~~1 12 energy conversion property for which the owner has claimed or~~
~~1 13 otherwise received for that property the benefit of special~~
~~1 14 valuation under section 427B.26 or section 441.21, subsection~~
~~1 15 8, or the exemption from retail sales tax under section~~
~~1 16 422.45, subsection 48, Code Supplement 2003, or section 423.3,~~
~~1 17 subsection 54, as applicable.~~
 1 18 ~~2.~~ The wind energy production tax credit shall not be
 1 19 allowed for any kilowatt-hour of electricity that is sold to a
 1 20 related person. For ~~purpose~~ purposes of this ~~subsection~~
 1 21 section, persons shall be treated as related to each other if
 1 22 such persons would be treated as a single employer under the
 1 23 regulations prescribed under section 52(b) of the Internal
 1 24 Revenue Code. In the case of a corporation that is a member
 1 25 of an affiliated group of corporations filing a consolidated
 1 26 return, such corporation shall be treated as selling
 1 27 electricity to an unrelated person if such electricity is sold
 1 28 to such a person by another member of such group.
 1 29 Sec. 3. Section 476B.6, subsection 1, Code 2009, is
 1 30 amended to read as follows:
 1 31 1. a. If a city or a county in which a qualified facility
 1 32 is located has enacted an ordinance under section 427B.26 and
 1 33 an owner has filed for and received special valuation pursuant
 1 34 to that ordinance, the owner is not required to obtain
 1 35 approval from the city council or county board of supervisors



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Daily Bills, Amendments & Study Bills
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House File 538 - Introduced continued

2 1 to apply for the wind energy production tax credit pursuant to
2 2 subsection 2.
2 3 ~~a.~~ b. (1) To be eligible to receive the wind energy
2 4 ~~production tax credit, If neither a city nor a county in which~~
2 5 ~~a qualified facility is located has enacted an ordinance under~~
2 6 ~~section 427B.26, or a qualified facility is not eligible for~~
2 7 ~~special valuation pursuant to an ordinance adopted by a city~~
2 8 ~~or a county under section 427B.26, the owner must first~~
2 9 ~~receive approval of the applicable city council or county~~
2 10 ~~board of supervisors of the city or county in which the~~
2 11 ~~qualified facility is located in order to be eligible to~~
2 12 ~~receive the wind energy production tax credit. The~~
2 13 ~~application for approval may be submitted prior to~~
2 14 ~~commencement of the construction of the qualified facility but~~
2 15 ~~shall be submitted no later than the close of the owner's~~
2 16 ~~first taxable year for which the credit is to be applied for.~~
2 17 ~~The application must contain the owner's name and address, the~~
2 18 ~~address of the qualified facility, and the dates of the~~
2 19 ~~owner's first and last taxable years for which the credit will~~
2 20 ~~be applied for. Within forty-five days of the receipt of the~~
2 21 ~~application for approval, the city council or county board of~~
2 22 ~~supervisors, as applicable, shall either approve or disapprove~~
2 23 ~~the application. After the forty-five-day limit time period~~
2 24 ~~has expired, the application is deemed to be approved.~~
2 25 ~~b. (2)~~ (2) Upon approval of ~~the~~ an application submitted
2 26 pursuant to subparagraph (1), the owner may apply for the tax
2 27 credit as provided in subsection 2. In addition, approval of
2 28 the application submitted pursuant to subparagraph (1) is
2 29 acceptance by the applicant for the assessment of the
2 30 qualified facility for property tax purposes for a period of
2 31 twelve years and approval by the city council or county board
2 32 of supervisors, as applicable, for the payment of the property
2 33 taxes levied on the qualified property to the state. For
2 34 purposes of property taxation, the qualified facility
2 35 receiving approval of an application submitted pursuant to



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House File 538 - Introduced continued

3 1 subparagraph (1) shall be centrally assessed and shall be
3 2 exempt from any replacement tax under section 437A.6 for the
3 3 period during which the facility is subject to property
3 4 taxation. The property taxes to be paid to the state are
3 5 those property taxes which make up the consolidated tax levied
3 6 on the qualified facility and which are due and payable in the
3 7 twelve-year period beginning with the first fiscal year
3 8 beginning on or after the end of the owner's first taxable
3 9 year for which the credit is applied for. Upon approval of
3 10 the application, the city council or county board of
3 11 supervisors, as applicable, shall notify the county treasurer
3 12 to ~~state~~ designate on the tax statement which lists the taxes
3 13 on the qualified facility ~~that~~ the amount of the property
3 14 taxes shall to be paid to the department. Payment of the
3 15 designated property taxes to the department shall be in the
3 16 same manner as required for the payment of regular property
3 17 taxes and failure to pay designated property taxes to the
3 18 department shall be treated the same as failure to pay
3 19 property taxes to the county treasurer.

3 20 c. Once the owner of the qualified facility receives
3 21 approval under paragraph "a" "b", subsequent approval under
3 22 paragraph "a" "b" is not required for the same qualified
3 23 facility for subsequent taxable years.

3 24 Sec. 4. REFUNDS. Refunds of taxes, interest, or penalties
3 25 which may arise from claims resulting from the amendment of
3 26 section 476B.4 in this Act, for the exemption of sales of wind
3 27 energy conversion property as provided in section 423.3,
3 28 subsection 54, occurring between January 1, 2008, and the
3 29 effective date of this Act, shall be limited to one hundred
3 30 thousand dollars in the aggregate and shall not be allowed
3 31 unless refund claims are filed prior to October 1, 2009,
3 32 notwithstanding any other provision of law. If the amount of
3 33 claims totals more than one hundred thousand dollars in the
3 34 aggregate, the department of revenue shall prorate the one
3 35 hundred thousand dollars among all claimants in relation to



Iowa General Assembly
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House File 538 - Introduced continued

4 1 the amounts of the claimants' valid claims. Claimants shall
4 2 not be entitled to interest on any refunds.

4 3 Sec. 5. EFFECTIVE AND APPLICABILITY DATES. This Act,
4 4 being deemed of immediate importance, takes effect upon
4 5 enactment and applies retroactively to January 1, 2008, for
4 6 tax years beginning on or after that date.

4 7 EXPLANATION

4 8 This bill modifies eligibility requirements applicable to
4 9 the wind energy production tax credit established in Code
4 10 chapter 476B.

4 11 The bill provides for a maximum combined nameplate capacity
4 12 restriction of no more than 30 megawatts for wind energy
4 13 production facilities applying for the wind energy production
4 14 tax credit.

4 15 The bill deletes a provision which had prevented
4 16 eligibility for the wind energy production tax credit for any
4 17 kilowatt-hour of electricity produced on wind energy
4 18 conversion property for which the owner had claimed or
4 19 received specified special property tax valuation or sales tax
4 20 exemptions, thus preserving credit availability for owners
4 21 having received special valuation or having claimed the sales
4 22 tax exemptions. Because of the retroactivity of the
4 23 elimination of the restriction of the receipt of the tax
4 24 credit to those who have not received the sales tax exemption,
4 25 a provision for refund of sales tax paid, subject to aggregate
4 26 maximums, is included in the bill.

4 27 The bill takes effect upon enactment and applies
4 28 retroactively to January 1, 2008, for tax years beginning on
4 29 or after that date.

4 30 LSB 2440HH 83

4 31 rn/mg:sc/14.1



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

House File 539 - Introduced

HOUSE FILE
BY FORD

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

A BILL FOR

- 1 An Act relating to minimum ratings required for financial
- 2 institution eligibility to receive deposits of state public
- 3 funds.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2618HH 83
- 6 rn/nh/5



Iowa General Assembly
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House File 539 - Introduced continued

PAG LIN

1 1 Section 1. Section 12C.6A, subsection 2, Code 2009, is
1 2 amended to read as follows:
1 3 2. In addition to establishing a minimum interest rate for
1 4 public funds pursuant to section 12C.6, the committee composed
1 5 of the superintendent of banking, the superintendent of credit
1 6 unions, the auditor of state or a designee, and the treasurer
1 7 of state shall develop a list of financial institutions
1 8 eligible to accept state public funds. The committee shall
1 9 require that a financial institution seeking to qualify for
1 10 the list ~~shall annually provide the committee a written~~
~~1 11 statement that the financial institution has complied with the~~
~~1 12 requirements of this chapter and has a commitment to community~~
~~1 13 reinvestment consistent with the safe and sound operation of a~~
~~1 14 financial institution, unless the financial institution has~~
1 15 received a rating of satisfactory or higher pursuant to the
1 16 federal Community Reinvestment Act, 12 U.S.C. } 2901 et seq.,
1 17 and ~~such~~ shall require certification of the rating ~~is~~
~~1 18 certified~~ to the committee by the superintendent of banking.
1 19 To qualify for the list, a financial institution must
1 20 demonstrate a continuing commitment to meet the credit needs
1 21 of the local community in which it is chartered.

1 22 EXPLANATION

1 23 This bill relates to eligibility requirements applicable to
1 24 financial institutions in order to receive deposits of state
1 25 public funds.

1 26 Currently, a financial institution shall be eligible to be
1 27 added to a list of financial institutions eligible to accept
1 28 state public funds compiled by a committee consisting of the
1 29 superintendent of banking, the superintendent of credit
1 30 unions, the auditor of state or a designee, and the treasurer
1 31 of state. Code section 12C.6A provides that the committee
1 32 shall require that a financial institution seeking to qualify
1 33 for the list must annually provide a written statement that
1 34 the financial institution has complied with the requirements
1 35 of the Code chapter and has a commitment to community



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House File 539 - Introduced continued

2 1 reinvestment consistent with the safe and sound operation of a
2 2 financial institution. This requirement is waived, however,
2 3 if the financial institution has received a rating of
2 4 satisfactory or higher pursuant to the federal Community
2 5 Reinvestment Act and the rating is certified to the committee
2 6 by the superintendent of banking.
2 7 The bill deletes the provision permitting a financial
2 8 institution that has not received a rating of satisfactory or
2 9 higher to qualify for the list pursuant to the written
2 10 statement of compliance and commitment.
2 11 LSB 2618HH 83
2 12 rn/nh/5



Iowa General Assembly
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House File 540 - Introduced

HOUSE FILE
BY WESSEL=KROESCHELL and
UPMEYER

(COMPANION TO LSB 2492SS
BY SODDERS)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act establishing a pilot physician assistant mental health
- 2 fellowship program and making appropriations.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2492HH 83
- 5 jp/nh/5



Iowa General Assembly
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House File 540 - Introduced continued

PAG LIN

1 1 Section 1. PILOT PHYSICIAN ASSISTANT MENTAL HEALTH
1 2 FELLOWSHIP PROGRAM == APPROPRIATIONS.
1 3 1. A pilot physician assistant mental health fellowship
1 4 program is established to be administered by the department of
1 5 public health with assistance from the college student aid
1 6 commission in accordance with this section. The purpose of
1 7 the program is to determine the effect of making available
1 8 specialized training and support for physician assistants in
1 9 providing mental health services on the efforts to address
1 10 Iowa's shortage of mental health professionals.
1 11 2. The program shall provide for all of the following:
1 12 a. Collaboration with a 220=bed hospital serving a
1 13 13=county area in central Iowa that provides a clinic at the
1 14 Iowa veterans home, a private nonprofit agency headquartered
1 15 in a city with a population of more than 190,000 that operates
1 16 a freestanding psychiatric medical institution for children, a
1 17 private university with a medical school educating osteopathic
1 18 physicians located in a city with a population of more than
1 19 190,000, the Iowa veterans home, and any other clinical
1 20 partner designated for the program. Population figures used
1 21 in this paragraph refer to the most recent certified federal
1 22 census. The clinical partners shall provide supervision,
1 23 clinical experience, training, and other support for the
1 24 program and physician assistant students participating in the
1 25 program.
1 26 b. Elderly, youth, and general population clinical
1 27 experiences.
1 28 c. A fellowship of twelve months for three physician
1 29 assistant students for each year of the program. The program
1 30 shall operate for three years, subject to the funding provided
1 31 for the program.
1 32 d. Supervision of students participating in the program
1 33 shall be provided by the university and the other clinical
1 34 partners participating in the program.
1 35 e. A student participating in the program shall be



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Daily Bills, Amendments & Study Bills
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House File 540 - Introduced continued

2 1 eligible for a stipend of not more than \$50,000 for the twelve
 2 2 months of the fellowship plus related fringe benefits. In
 2 3 addition, the students who complete the program and practice
 2 4 in Iowa in mental health professional shortage areas, as
 2 5 defined in section 135.80, shall be eligible for up to \$20,000
 2 6 in loan forgiveness. The stipend and loan forgiveness
 2 7 provisions shall be determined by the department and the
 2 8 commission, in consultation with the clinical partners.

2 9 f. The state and private entity clinical partners shall
 2 10 regularly evaluate and document the experiences with the
 2 11 approaches utilized and outcomes achieved by the program to
 2 12 identify an optimal model for operating such a program on an
 2 13 ongoing basis. The evaluation process shall include but is
 2 14 not limited to identifying ways the program's clinical and
 2 15 training components could be modified to facilitate other
 2 16 student and practicing physician assistants specializing as
 2 17 mental health professionals.

2 18 3. There is appropriated from the general fund of the
 2 19 state to the department of public health for the following
 2 20 fiscal years the following amounts, or so much thereof as is
 2 21 necessary, to be used for the pilot physician assistant mental
 2 22 health fellowship program in accordance with this section:

2 23	a. FY 2009=2010	\$ 300,000
2 24	b. FY 2010=2011	\$ 300,000
2 25	c. FY 2011=2012	\$ 300,000

2 26 Notwithstanding section 8.33, moneys appropriated in this
 2 27 section that remain unencumbered or unobligated at the close
 2 28 of a fiscal year shall not revert but shall remain available
 2 29 for expenditure for the purposes designated until the close of
 2 30 the succeeding fiscal year.

EXPLANATION

2 31
 2 32 This bill establishes a pilot physician assistant mental
 2 33 health fellowship program to be administered by the department
 2 34 of public health with assistance from the college student aid
 2 35 commission. The purpose of the program is to determine the



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

House File 540 - Introduced continued

3 1 effect of making available specialized training and support
3 2 for physician assistants in providing mental health services
3 3 on efforts to address Iowa's shortage of mental health
3 4 professionals.
3 5 The program is directed to physician assistant students by
3 6 providing a 12-month fellowship to three students per year.
3 7 Supervision of the student participants is to be performed by
3 8 a collaboration of a university training osteopathic
3 9 physicians, a hospital in central Iowa, a nonprofit agency
3 10 which operates a psychiatric medical institution for children,
3 11 the Iowa veterans home, and other clinical partners. Elderly,
3 12 youth, and general population clinical experiences are to be
3 13 provided to the students participating in the program. The
3 14 participants are eligible for a stipend of up to \$50,000 plus
3 15 fringe benefits and loan forgiveness of up to \$20,000 if
3 16 employed in a shortage area when beginning practice. The
3 17 state agencies and the clinical partners are required to
3 18 regularly evaluate the program.
3 19 Annual appropriations of \$300,000 are provided for the
3 20 program for fiscal years 2009=2010, 2010=2011, and 2011=2012.
3 21 LSB 2492HH 83
3 22 jp/nh/5



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

House File 541 - Introduced

HOUSE FILE
BY FORD

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

A BILL FOR

1 An Act exempting from inheritance taxation property, interest in
2 property, or income passing to brothers, sisters, nieces, and
3 nephews under certain conditions and including an
4 applicability date provision.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 2603HH 83
7 mg/sc/8



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March 04, 2009

House File 541 - Introduced continued

PAG LIN

1 1 Section 1. Section 450.10, subsection 6, Code 2009, is
1 2 amended to read as follows:
1 3 6. a. Property, interest in property, or income passing
1 4 to the surviving spouse, and parents, grandparents,
1 5 great-grandparents, and other lineal ascendants, children
1 6 including legally adopted children and biological children
1 7 entitled to inherit under the laws of this state,
1 8 stepchildren, and grandchildren, great-grandchildren, and
1 9 other lineal descendants, is not taxable under this section.
1 10 b. If at the time of the decedent's death the decedent has
1 11 no lineal descendants, property, interest in property, or
1 12 income passing to any brothers, sisters, nieces, and nephews,
1 13 is not taxable under this section, notwithstanding any other
1 14 provision of this section.
1 15 Sec. 2. APPLICABILITY DATE. This Act applies to estates
1 16 of decedents dying on or after July 1, 2009.
1 17 EXPLANATION
1 18 This bill exempts property and income of an estate that
1 19 passes to siblings, nieces, and nephews if the decedent, at
1 20 the time of death, does not have any lineal descendants.
1 21 The bill applies to estates of decedents dying on or after
1 22 July 1, 2009.
1 23 LSB 2603HH 83
1 24 mg/sc/8



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

House File 542 - Introduced

HOUSE FILE
BY BUKTA, GASKILL, FICKEN,
BURT, BEARD, MAREK,
T. TAYLOR, and THOMAS

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

A BILL FOR

1 An Act relating to boiler and pressure vessel inspections and the
2 boiler and pressure vessel board that oversees the
3 inspections.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2204YH 83
6 ak/rj/14



Iowa General Assembly
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March 04, 2009

House File 542 - Introduced continued

PAG LIN

1 1 DIVISION I
1 2 BOILER AND PRESSURE VESSEL INSPECTIONS
1 3 Section 1. Section 89.2, Code 2009, is amended by adding
1 4 the following new subsection:
1 5 NEW SUBSECTION. 5A. "Object" means a boiler or pressure
1 6 vessel.
1 7 Sec. 2. Section 89.3, subsections 4 and 5, Code 2009, are
1 8 amended by striking the subsections and inserting in lieu
1 9 thereof the following:
1 10 4. a. An object that meets all of the following criteria
1 11 shall be inspected at least once every two years internally
1 12 and externally while not under pressure, and at least once
1 13 every two years externally while under pressure, unless the
1 14 commissioner determines that an earlier inspection is
1 15 warranted.
1 16 (1) The object is a boiler with one hundred thousand
1 17 pounds per hour or more capacity, or the object is an unfired
1 18 steam pressure vessel or a regulated appurtenance that is part
1 19 of the same system as a boiler with one hundred thousand
1 20 pounds per hour or more capacity.
1 21 (2) The object contains only water subject to internal
1 22 continuous water treatment under the direct supervision of a
1 23 graduate engineer or chemist, or one having equivalent
1 24 experience in the treatment of boiler water.
1 25 (3) The water treatment is for the purpose of controlling
1 26 and limiting serious corrosion and other deteriorating
1 27 factors.
1 28 b. The owner or user of an object meeting the criteria in
1 29 paragraph "a" shall do the following:
1 30 (1) At any time the commissioner, a special inspector, or
1 31 the supervisor of water treatment deems a hydrostatic test is
1 32 necessary to determine the safety of an object, conduct the
1 33 test under the supervision of the commissioner.
1 34 (2) Keep available for examination by the commissioner
1 35 accurate records showing the date and actual time the object



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2 1 is out of service and the reason it is out of service.
2 2 (3) Keep available for examination by the commissioner
2 3 chemical physical laboratory analyses of samples of the object
2 4 water taken at regular intervals of not more than forty-eight
2 5 hours of operation as will adequately show the condition of
2 6 the water and any elements or characteristics of the water
2 7 which are capable of producing corrosion or other
2 8 deterioration of the object or its parts.
2 9 5. a. An object that meets the following criteria shall
2 10 be inspected at least once each year externally while under
2 11 pressure and at least once every four years internally while
2 12 not under pressure, unless the commissioner determines an
2 13 earlier inspection is warranted.
2 14 (1) The object is a boiler with one hundred thousand
2 15 pounds per hour or more capacity, or the object is an unfired
2 16 steam pressure vessel or a regulated appurtenance that is part
2 17 of the same system as a boiler with one hundred thousand
2 18 pounds per hour or more capacity.
2 19 (2) The object contains only water subject to internal
2 20 continuous water treatment under the direct supervision of a
2 21 graduate engineer or chemist, or one having equivalent
2 22 experience in the treatment of boiler water.
2 23 (3) The water treatment is for the purpose of controlling
2 24 and limiting serious corrosion and other deteriorating
2 25 factors.
2 26 (4) The owner or user is a participant in good standing in
2 27 the Iowa occupational safety and health voluntary protection
2 28 program and have achieved star status within the program,
2 29 which is administered by the division of labor in the
2 30 department of workforce development.
2 31 b. The owner or user of an object that meets the criteria
2 32 in paragraph "a" shall do the following:
2 33 (1) At any time the commissioner, a special inspector, or
2 34 the supervisor of the water treatment deems a hydrostatic test
2 35 necessary to determine the safety of an object, conduct the



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- 3 1 test under the supervision of the commissioner.
3 2 (2) Keep available for examination by the commissioner
3 3 accurate records showing the date and actual time the object
3 4 is out of service and the reason it is out of service.
3 5 (3) Arrange for an internal inspection of the object
3 6 during each planned outage by a special inspector or the
3 7 commissioner.
3 8 (4) Keep for examination by the commissioner accurate
3 9 records showing the chemical physical laboratory analyses of
3 10 samples of the object's water taken at regular intervals of
3 11 not more than forty-eight hours of operation adequate to show
3 12 the condition of the water and any elements or characteristics
3 13 of the water that are capable of producing corrosion or other
3 14 deterioration of the object or its parts.

3 15 DIVISION II

3 16 BOILER AND PRESSURE VESSEL BOARD

3 17 Sec. 3. Section 89.14, subsection 2, Code 2009, is amended
3 18 to read as follows:

3 19 2. The boiler and pressure vessel board is composed of
3 20 nine members, ~~one of whom shall be the~~ as follows:

3 21 a. The commissioner or the commissioner's designee.

3 22 b. The ~~remaining~~ following eight members who shall be
3 23 appointed by the governor, subject to confirmation by the
3 24 senate, to four-year staggered terms beginning and ending as
3 25 provided in section 69.19.

3 26 (1) One member shall be a special inspector who is
3 27 employed by an insurance company that is licensed and actively
3 28 writing boiler and machinery insurance in this state and who
3 29 is commissioned to inspect boiler and pressure vessels in this
3 30 state, ~~two members.~~

3 31 (2) One member shall be appointed from a certified
3 32 employee ~~organizations, one of whom~~ organization and shall
3 33 represent steamfitters, ~~two.~~

3 34 (3) One member shall be appointed from a certified
3 35 employee organization and shall represent boilermakers.



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- 4 1 (4) Two members shall be mechanical engineers who
4 2 regularly practice in the area of boilers and pressure
4 3 vessels, ~~one~~.
4 4 (5) One member shall be a boiler and pressure vessel
4 5 distributor in this state, ~~one~~.
4 6 (6) One member shall represent boiler and pressure vessel
4 7 manufacturers, ~~and one~~.
4 8 (7) One member shall be a mechanical contractor engaged in
4 9 the business of installation, renovation, and repair of
4 10 boilers and pressure vessels.

4 11 EXPLANATION

4 12 This bill under Code section 89.3(4) is unchanged in
4 13 content and covers boilers and certain pressure vessels that
4 14 are inspected at least once every two years internally and
4 15 externally while not under pressure, and at least once every
4 16 two years externally while under pressure.

4 17 The bill under Code section 89.3(5) allows certain boilers
4 18 and pressure vessels to extend from two years to four years
4 19 the internal inspection schedule if the owner or user is a
4 20 participant in good standing in the division of labor in the
4 21 department of workforce's Iowa occupational safety and health
4 22 voluntary protection program and have achieved star status
4 23 within the program.

4 24 The bill also alters the membership of the boiler and
4 25 pressure vessel board by requiring one member to represent
4 26 boilermakers from a certified employee organization. The
4 27 board keeps the same number of members by reducing the current
4 28 two members representing steamfitters from certified employee
4 29 organizations to just one representative.

4 30 LSB 2204YH 83

4 31 ak/rj/14



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House File 543 - Introduced

HOUSE FILE
BY BAUDLER

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

A BILL FOR

- 1 An Act relating to public intoxication by using or consuming a
- 2 controlled substance, and making penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2293YH 83
- 5 jm/rj/5



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House File 543 - Introduced continued

PAG LIN

1 1 Section 1. Section 123.46, subsection 1, Code 2009, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. bb. "Controlled substance" means a
1 4 substance or compound listed in section 124.204 or 124.206.
1 5 Sec. 2. Section 123.46, subsections 2 and 3, Code 2009,
1 6 are amended to read as follows:
1 7 2. a. A person shall not use or consume alcoholic liquor,
1 8 wine, or beer upon the public streets or highways. A person
1 9 shall not use or consume alcoholic liquor in any public place
1 10 except premises covered by a liquor control license. A person
1 11 shall not possess or consume alcoholic liquors, wine, or beer
1 12 on public school property or while attending a public or
1 13 private school-related function. A person shall not be
1 14 intoxicated or simulate intoxication in a public place. A
1 15 person violating this ~~subsection~~ paragraph is guilty of a
1 16 simple misdemeanor.
1 17 ~~3. b. When~~ If a peace officer arrests a person on a
1 18 charge of public intoxication under this section when
1 19 intoxication by alcohol is alleged, the peace officer shall
1 20 inform the person that the person may have a chemical test
1 21 administered at the person's own expense. If a device
1 22 approved by the commissioner of public safety for testing a
1 23 sample of a person's breath to determine the person's blood
1 24 alcohol concentration is available, that is the only test that
1 25 need be offered the person arrested. In a prosecution for
1 26 public intoxication pursuant to this subsection, evidence of
1 27 the results of a chemical test performed under this ~~subsection~~
1 28 paragraph is admissible upon proof of a proper foundation.
1 29 The percentage of alcohol present in a person's blood, breath,
1 30 or urine established by the results of a chemical test
1 31 performed within two hours after the person's arrest on a
1 32 charge of public intoxication is presumed to be the percentage
1 33 of alcohol present at the time of arrest.
1 34 3. a. A person shall not use or consume a controlled
1 35 substance upon the public streets or highways. A person shall



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2 1 not use or consume a controlled substance in a public place.
2 2 A person shall not be intoxicated by a controlled substance in
2 3 a public place. A person violating this subsection is guilty
2 4 of a simple misdemeanor.
2 5 b. If a peace officer arrests a person on a charge of
2 6 public intoxication under this section when intoxication by a
2 7 controlled substance is alleged, the peace officer shall
2 8 inform the person that the person may have a chemical test of
2 9 the person's blood or urine administered at the person's own
2 10 expense. In a prosecution for public intoxication pursuant to
2 11 this subsection, evidence of the results of a chemical test
2 12 performed under this subsection is admissible upon proof of a
2 13 proper foundation. The percentage of a controlled substance
2 14 present in a person's blood or urine established by the
2 15 results of a chemical test performed within two hours after
2 16 the person's arrest on a charge of public intoxication is
2 17 presumed to be the percentage of a controlled substance
2 18 present at the time of arrest.

2 19 Sec. 3. Section 123.46, Code 2009, is amended by adding
2 20 the following new subsection:

2 21 NEW SUBSECTION. 6. A person does not commit a violation
2 22 of subsection 3 if the controlled substance used or consumed
2 23 was prescribed for the person and was used or consumed in
2 24 accordance with the directions of a practitioner as defined in
2 25 section 155A.3 or if such substance was dispensed by a
2 26 pharmacist without a prescription pursuant to the rules of the
2 27 board of pharmacy.

2 28 Sec. 4. IMPLEMENTATION OF ACT. Section 25B.2, subsection
2 29 3, shall not apply to this Act.

2 30 EXPLANATION

2 31 This bill relates to public intoxication by using or
2 32 consuming a controlled substance.

2 33 The amendment to Code section 123.46 provides that a person
2 34 shall not use or consume a controlled substance upon the
2 35 public streets or highways. The bill also prohibits a person



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3 1 from using or consuming a controlled substance in a public
3 2 place or being intoxicated by such a controlled substance in a
3 3 public place. The bill requires a peace officer to inform the
3 4 person that the person may have a chemical test of the
3 5 person's blood or urine administered at the person's own
3 6 expense to determine the percentage of a controlled substance
3 7 present in a person's blood or urine.

3 8 The bill defines "controlled substance" to mean a schedule
3 9 I or II substance or compound listed in Code section 124.204
3 10 or 124.206.

3 11 The bill also provides that a person does not violate Code
3 12 section 123.46 if the controlled substance or other substance
3 13 used or consumed was prescribed for the person and was used or
3 14 consumed in accordance with the directions of a medical
3 15 practitioner as defined in Code chapter 155A or if the
3 16 substance was dispensed by a pharmacist without a prescription
3 17 pursuant to the rules of the board of pharmacy.

3 18 A person who violates the bill commits a simple
3 19 misdemeanor.

3 20 The bill may include a state mandate as defined in Code
3 21 section 25B.3. The bill makes inapplicable Code section
3 22 25B.2, subsection 3, which would relieve a political
3 23 subdivision from complying with a state mandate if funding for
3 24 the cost of the state mandate is not provided or specified.
3 25 Therefore, political subdivisions are required to comply with
3 26 any state mandate included in the bill.

3 27 LSB 2293YH 83

3 28 jm/rj/5



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House File 544 - Introduced

HOUSE FILE
BY SCHULTZ

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

A BILL FOR

- 1 An Act relating to the elimination of the requirements relating
- 2 to posting of signs under the smokefree air Act.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2344HH 83
- 5 pf/rj/5



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House File 544 - Introduced continued

PAG LIN

1 1 Section 1. Section 142D.5, Code 2009, is amended to read
1 2 as follows:

1 3 142D.5 DECLARATION OF AREA AS NONSMOKING.

1 4 ~~1.~~ Notwithstanding any provision of this chapter to the
1 5 contrary, an owner, operator, manager, or other person having
1 6 custody or control of an area otherwise exempt from the
1 7 prohibitions of section 142D.3 may declare the entire area as
1 8 a nonsmoking place.

1 9 ~~2. Smoking shall be prohibited in any location of an area
1 10 declared a nonsmoking place under this section if a sign is
1 11 posted conforming to the provisions of section 142D.6.~~

1 12 Sec. 2. Section 142D.6, Code 2009, is amended to read as
1 13 follows:

1 14 142D.6 NOTICE OF NONSMOKING REQUIREMENTS ~~-- POSTING OF
1 15 SIGNS.~~

1 16 1. Notice of the provisions of this chapter shall be
1 17 provided to all applicants for a business license in this
1 18 state, to all law enforcement agencies, and to any business
1 19 required to be registered with the office of the secretary of
1 20 state.

1 21 2. All employers subject to the prohibitions of this
1 22 chapter shall communicate to all existing employees and to all
1 23 prospective employees upon application for employment the
1 24 smoking prohibitions prescribed in this chapter.

1 25 ~~3. The owner, operator, manager, or other person having
1 26 custody or control of a public place, place of employment,
1 27 area declared a nonsmoking place pursuant to section 142D.5,
1 28 or outdoor area where smoking is prohibited under this chapter
1 29 shall clearly and conspicuously post in and at every entrance
1 30 to the public place, place of employment, area declared a
1 31 nonsmoking place pursuant to section 142D.5, or outdoor area,
1 32 "no smoking" signs or the international "no smoking" symbol.
1 33 Additionally, a "no smoking" sign or the international "no
1 34 smoking" symbol shall be placed in every vehicle that
1 35 constitutes a public place, place of employment, or area~~



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~~House File 544 — Introduced continued~~

~~2 1 declared a nonsmoking place pursuant to section 142D.5 under
2 2 this chapter, visible from the exterior of the vehicle. All
2 3 signs shall contain the telephone number for reporting
2 4 complaints and the internet site of the department of public
2 5 health. The owner, operator, manager, or other person having
2 6 custody or control of the public place, place of employment,
2 7 area declared a nonsmoking place pursuant to section 142D.5,
2 8 or outdoor area may use the sample signs provided on the
2 9 department of public health's internet site, or may use
2 10 another sign if the contents of the sign comply with the
2 11 requirements of this subsection.~~

2 12 4. 3. The owner, operator, manager, or other person
2 13 having custody or control of a public place, place of
2 14 employment, area declared a nonsmoking place pursuant to
2 15 section 142D.5, or outdoor area where smoking is prohibited
2 16 under this chapter shall remove all ashtrays from these
2 17 locations.

2 18 Sec. 3. Section 142D.8, subsection 1, Code 2009, is
2 19 amended to read as follows:

2 20 1. This chapter shall be enforced by the department of
2 21 public health or the department's designee. The department of
2 22 public health shall adopt rules to administer this chapter,
2 23 including rules regarding enforcement. The department of
2 24 public health shall provide information regarding the
2 25 provisions of this chapter and related compliance issues to
2 26 employers, owners, operators, managers, and other persons
2 27 having custody or control of a public place, place of
2 28 employment, area declared a nonsmoking place pursuant to
2 29 section 142D.5, or outdoor area where smoking is prohibited,
2 30 and the general public via the department's internet site.
2 31 The internet site shall include ~~sample signage and~~ the
2 32 telephone number for reporting complaints. Judicial
2 33 magistrates shall hear and determine violations of this
2 34 chapter.

2 35

EXPLANATION



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3 1 This bill eliminates requirements relating to posting of
3 2 signs under the smokefree air Act (Code chapter 142D) to
3 3 provide notice of smokefree areas. The bill makes conforming
3 4 changes throughout the Code chapter necessitated by
3 5 elimination of the requirements.
3 6 LSB 2344HH 83
3 7 pf/rj/5



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House File 545 - Introduced

HOUSE FILE
BY SCHULTZ and WINDSCHITL

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

A BILL FOR

- 1 An Act relating to proof of identity of a parent provided
- 2 notification of the performance of an abortion on the parent's
- 3 pregnant minor child.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2320YH 83
- 6 pf/rj/5



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House File 545 - Introduced continued

PAG LIN

1 1 Section 1. Section 135L.3, subsection 2, Code 2009, is
1 2 amended to read as follows:
1 3 2. The licensed physician who will perform the abortion
1 4 shall provide notification in person or by mailing the
1 5 notification by restricted certified mail to a parent of the
1 6 pregnant minor at the usual place of abode of the parent. For
1 7 the purpose of delivery by restricted certified mail, the time
1 8 of delivery is deemed to occur at twelve o'clock noon on the
1 9 next day on which regular mail delivery takes place,
1 10 subsequent to the mailing.

1 11 a. If a parent is provided notification in person under
1 12 this subsection, the parent shall present the licensed
1 13 physician with a current and valid government-issued photo
1 14 identification card. The licensed physician shall make a copy
1 15 of the photo identification card and retain the copy in the
1 16 medical file of the pregnant minor.

1 17 b. If a parent is provided notification by restricted
1 18 certified mail, the notification form shall be signed by the
1 19 parent, notarized, and returned to the licensed physician.
1 20 The licensed physician shall retain the signed and notarized
1 21 notification form in the medical file of the pregnant minor.

1 22 EXPLANATION

1 23 This bill relates to the notification of parents under Code
1 24 chapter 135L (notification requirements regarding pregnant
1 25 minors). Under current law, a licensed physician who will
1 26 perform an abortion on a minor is required to provide
1 27 notification in person or by mailing the notification by
1 28 restricted certified mail to a parent of the pregnant minor at
1 29 the usual place of abode of the parent, unless the minor
1 30 chooses other options under the law. If the parent is
1 31 notified by restricted certified mail, the time of delivery is
1 32 deemed to be 12 o'clock noon on the next day on which regular
1 33 mail delivery takes place, subsequent to the mailing.

1 34 The bill provides additional requirements based on the
1 35 manner of notification. Under the bill, if notification of



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2 1 the parent of a pregnant minor is provided in person, the
2 2 parent is required to present the licensed physician with a
2 3 current and valid government-issued photo identification card.
2 4 The licensed physician is then required to make a copy of the
2 5 photo identification card and retain the copy in the medical
2 6 file of the pregnant minor. If the parent is notified by
2 7 restricted certified mail, the notification form is to be
2 8 signed by the parent, notarized, and returned to the licensed
2 9 physician. The licensed physician is required to retain the
2 10 signed and notarized notification form in the medical file of
2 11 the pregnant minor.
2 12 LSB 2320YH 83
2 13 pf/rj/5



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House File 546 - Introduced

HOUSE FILE
BY KELLEY

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act increasing the penalties for sexually related criminal
- 2 offenses committed against a minor.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2225HH 83
- 5 jm/rj/8



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House File 546 - Introduced continued

PAG LIN

1 1 Section 1. Section 709.8, unnumbered paragraph 2, Code
1 2 2009, is amended to read as follows:
1 3 Any person who violates a provision of this section
1 4 ~~involving an act included in subsection 1 or 2 shall, upon~~
1 5 conviction, be guilty of a class "C" felony. ~~Any person who~~
~~1 6 violates a provision of this section involving an act included~~
~~1 7 in subsection 3 or 4 shall, upon conviction, be guilty of a~~
~~1 8 class "D" felony.~~
1 9 Sec. 2. Section 709.11, Code 2009, is amended to read as
1 10 follows:
1 11 709.11 ASSAULT WITH INTENT TO COMMIT SEXUAL ABUSE.
1 12 Any person who commits an assault, as defined in section
1 13 708.1, with the intent to commit sexual abuse is guilty of a
1 14 class ~~"C"~~ "B" felony if the person thereby causes serious
1 15 injury to any person and guilty of a class ~~"D"~~ "C" felony if
1 16 the person thereby causes any person a bodily injury other
1 17 than a serious injury. The person is guilty of ~~an aggravated~~
~~1 18 misdemeanor~~ a class "D" felony if no injury results.
1 19 Sec. 3. Section 709.12, unnumbered paragraph 1, Code 2009,
1 20 is amended to read as follows:
1 21 A person eighteen years of age or older is upon conviction
1 22 guilty of ~~an aggravated misdemeanor~~ a class "D" felony if the
1 23 person commits any of the following acts with a child, not the
1 24 person's spouse, with or without the child's consent, for the
1 25 purpose of arousing or satisfying the sexual desires of either
1 26 of them:
1 27 Sec. 4. Section 709.14, Code 2009, is amended to read as
1 28 follows:
1 29 709.14 LASCIVIOUS CONDUCT WITH A MINOR.
1 30 1. It is unlawful for a person over eighteen years of age
1 31 who is in a position of authority over a minor to force,
1 32 persuade, or coerce a minor, with or without consent, to
1 33 disrobe or partially disrobe for the purpose of arousing or
1 34 satisfying the sexual desires of either of them.
1 35 2. Lascivious conduct with a minor is a ~~serious~~



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~~2 1 misdemeanor class "D" felony.~~

2 2 EXPLANATION

2 3 This bill relates to sexual criminal offenses committed
2 4 against a minor.

2 5 The bill increases the criminal penalty from a class "D"
2 6 felony to a class "C" felony for lascivious acts with a child
2 7 involving solicitation of a child to engage in a sex act or
2 8 the infliction of pain or discomfort upon a child.

2 9 The bill increases the criminal penalty for an assault with
2 10 the intent to commit sexual abuse. The bill increases the
2 11 penalty from a class "C" felony to a class "B" felony if such
2 12 an assault causes serious injury. The bill increases the
2 13 penalty from a class "D" felony to a class "C" felony if such
2 14 an assault causes bodily injury. The bill increases the
2 15 penalty from an aggravated misdemeanor to a class "D" felony
2 16 if such an assault does not cause injury.

2 17 The bill increases the criminal penalty for indecent
2 18 contact with a child from an aggravated misdemeanor to a class
2 19 "D" felony.

2 20 The bill increases the criminal penalty for lascivious
2 21 conduct with a minor from a serious misdemeanor to a class "D"
2 22 felony.

2 23 LSB 2225HH 83

2 24 jm/rj/8



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House File 547 - Introduced

HOUSE FILE
BY HEATON

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

A BILL FOR

1 An Act relating to the disclosure of relationships with
2 pharmaceutical manufacturers by members of the medical
3 assistance pharmaceutical and therapeutics committee and the
4 drug utilization review commission.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 1415YH 83
7 pf/nh/14



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1 1 Section 1. Section 249A.20A, subsection 2, Code 2009, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. d. A member of the committee shall
1 4 disclose to the department, in a format and in accordance with
1 5 a schedule prescribed by rule of the department, any financial
1 6 relationship or affiliation with a pharmaceutical
1 7 manufacturer, including but not limited to any payments or
1 8 contributions for lectures, consulting, research, or other
1 9 services.

1 10 Sec. 2. Section 249A.24, Code 2009, is amended by adding
1 11 the following new subsection:

1 12 NEW SUBSECTION. 4. A member of the commission shall
1 13 disclose to the department, in a format and in accordance with
1 14 a schedule prescribed by rule of the department, any financial
1 15 relationship or affiliation with a pharmaceutical
1 16 manufacturer, including but not limited to any payments or
1 17 contributions for lectures, consulting, research, or other
1 18 services.

1 19 EXPLANATION

1 20 This bill requires a member of the medical assistance
1 21 pharmaceutical and therapeutics committee or a member of the
1 22 medical assistance drug utilization review commission to
1 23 disclose to the department of human services any financial
1 24 relationship or affiliation with a pharmaceutical
1 25 manufacturer, including but not limited to any payments or
1 26 contributions for lectures, consulting, research, or other
1 27 services. The members are to disclose the information in a
1 28 format and in accordance with a schedule prescribed by rule of
1 29 the department of human services.

1 30 LSB 1415YH 83

1 31 pf/nh/14



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House File 548 - Introduced

HOUSE FILE
BY MASCHER

(COMPANION TO LSB 2497SS
BY APPEL)

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

A BILL FOR

- 1 An Act relating to resources for families with premature infants.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2497HH 83
- 4 pf/nh/14



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House File 548 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 135.175 PREMATURE INFANTS ==
1 2 RESOURCES.
1 3 1. By January 1, 2010, the department shall develop
1 4 written educational publications or provide linkages to
1 5 existing resources, to provide information and support to
1 6 families with infants who are born at less than thirty-seven
1 7 weeks gestational age.
1 8 2. The department shall, to the greatest extent possible,
1 9 ensure that the information is provided in a manner that is
1 10 accessible and understandable to parents notwithstanding their
1 11 socioeconomic status, educational level, gender, or age.
1 12 3. The department may consult with appropriate
1 13 organizations, agencies, and programs including those that
1 14 focus on premature infants or pediatric health care in
1 15 developing the written educational publications and in
1 16 providing linkages to the existing resources under this
1 17 section.
1 18 4. The department shall make the information available to
1 19 families through various types of media and through a variety
1 20 of sources including but not limited to the department's
1 21 internet website, local public health departments, empowerment
1 22 areas, the HOPES=HFI program, child health providers, maternal
1 23 care providers, hospitals, health care provider locations,
1 24 public and private programs that focus on infant, child, and
1 25 maternal health, and other appropriate entities.
1 26 EXPLANATION
1 27 This bill directs the department of public health, by
1 28 January 1, 2010, to develop written educational publications
1 29 or to provide linkages to existing resources, to provide
1 30 information and support to families with premature infants.
1 31 The information is to be provided in a manner that is
1 32 accessible and understandable to parents notwithstanding their
1 33 socioeconomic status, educational level, gender, or age. The
1 34 bill directs the department to consult with other appropriate
1 35 organizations, agencies, and programs including those that



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House File 548 - Introduced continued

2 1 focus on premature infants or pediatric health care in
2 2 developing the written educational publications and in
2 3 providing linkages to the existing resources, and directs the
2 4 department to make the information available through various
2 5 types of media and through a variety of sources including the
2 6 department's internet website and other existing appropriate
2 7 entities.
2 8 LSB 2497HH 83
2 9 pf/nh/14



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House File 549 - Introduced

HOUSE FILE
BY KAUFMANN, S. OLSON, SANDS,
SCHUELLER, and REICHERT

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

A BILL FOR

- 1 An Act establishing two judicial election districts within the
- 2 seventh judicial district.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1393HH 83
- 5 jm/rj/5



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House File 549 - Introduced continued

PAG LIN

1 1 Section 1. Section 602.6107, subsection 3, Code 2009, is
1 2 amended to read as follows:
1 3 3. The composition of the judicial districts in section
1 4 602.6107, Code 2003, and judicial election districts in
1 5 section 602.6109, Code 2003, shall remain in effect until a
1 6 new division of the state into judicial districts and judicial
1 7 election districts is enacted. However, beginning January 1,
1 8 2010, the seventh district in section 602.6107, Code 2003,
1 9 shall be divided into two election districts as provided in
1 10 section 602.6109.

1 11 Sec. 2. Section 602.6109, Code 2009, is amended by adding
1 12 the following new subsection:

1 13 NEW SUBSECTION. 3. Beginning January 1, 2010, until a new
1 14 division of the state into judicial districts and judicial
1 15 election districts is enacted pursuant to the procedures in
1 16 section 602.6107, the seventh district shall be divided into
1 17 the following election districts:

1 18 a. Election district 7A shall consist of Scott county.

1 19 b. Election district 7B shall consist of the counties of
1 20 Cedar, Clinton, Jackson, and Muscatine.

1 21 Sec. 3. NEW SECTION. 602.11110A JUDGESHIPS FOR ELECTION
1 22 DISTRICTS 7A AND 7B.

1 23 As soon as practicable after January 1, 2010, the state
1 24 court administrator shall compute the number of judgeships to
1 25 which judicial election districts 7A and 7B are entitled
1 26 pursuant to section 602.6201, subsection 3. Notwithstanding
1 27 section 602.6201, subsection 2, the eleven incumbent district
1 28 judges in judicial district 7 on December 31, 2009, may reside
1 29 in either judicial election district 7A or 7B beginning
1 30 January 1, 2010. However, the state court administrator shall
1 31 first apportion to judicial election district 7A those
1 32 incumbent district judges who were appointed to replace
1 33 district judges residing in Scott county or who were appointed
1 34 to fill newly created judgeships while residing in Scott
1 35 county. The incumbent district judges residing in Scott



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House File 549 - Introduced continued

2 1 county on January 1, 2010, who are not so apportioned to
2 2 judicial election district 7A shall be apportioned to judicial
2 3 election district 7B but shall be reapportioned to judicial
2 4 election district 7A, in the order of their seniority as
2 5 district judges, as soon as the first vacancies occur in
2 6 judicial election district 7A due to death, resignation,
2 7 retirement, removal, or failure of retention. Such a
2 8 reapportionment constitutes a vacancy in judicial election
2 9 district 7B for purposes of section 602.6201, unless the
2 10 computed number of judgeships is less than the number of
2 11 judgeships apportioned to election district 7B.
2 12 Notwithstanding section 602.6201, subsection 2, the eleven
2 13 incumbent district judges in judicial election district 7A or
2 14 7B on December 31, 2009, shall stand for retention in the
2 15 judicial election district to which the district judges are
2 16 apportioned or reapportioned under this section, until such
2 17 time an incumbent district judge is no longer is apportioned
2 18 to a judicial election district other than the judicial
2 19 election where the incumbent district judge resides.
2 20 Commencing on January 1, 2010, vacancies within judicial
2 21 election districts 7A and 7B shall be determined and filled
2 22 under section 602.6201.

2 23 Sec. 4. NEW SECTION. 602.11111A JUDICIAL NOMINATING
2 24 COMMISSIONS FOR ELECTION DISTRICTS 7A AND 7B.

2 25 1. The membership of district judicial nominating
2 26 commissions for judicial election districts 7A and 7B shall be
2 27 as provided in chapter 46 except as provided in subsection 2:

2 28 2. Those judicial nominating commissioners of judicial
2 29 election district 7 who are residents of Scott county shall be
2 30 disqualified from serving in election district 7B on January
2 31 1, 2010, and those judicial nominating commissioners of
2 32 judicial election district 7 who are not residents of Scott
2 33 county shall be disqualified from serving in election district
2 34 7A on January 1, 2010. The vacancies thus created shall be
2 35 filled as provided in section 46.5 for the remainder of the



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House File 549 - Introduced continued

3 1 unexpired terms.

3 2 EXPLANATION

3 3 This bill establishes two judicial election districts
3 4 within the seventh judicial district.

3 5 Effective January 1, 2010, the bill creates judicial
3 6 election district 7A which consists of Scott county and
3 7 judicial election district 7B which consists of Cedar,
3 8 Clinton, Jackson, and Muscatine counties. Currently, the
3 9 seventh judicial district consists of Cedar, Clinton, Jackson,
3 10 Muscatine, and Scott counties. The current judicial districts
3 11 may be found in Code section 602.6107, Code 2003, and the
3 12 current judicial election districts may be found in Code
3 13 section 602.6109, Code 2003.

3 14 The bill modifies the nomination, appointment, and
3 15 retention of a district judge within the seventh judicial
3 16 district, by establishing two judicial election districts
3 17 within the seventh judicial district.

3 18 Under the bill and in current law, a district judge shall
3 19 reside within the judicial election district in order to be
3 20 nominated, appointed, and retained. If a judicial district
3 21 does not contain a judicial election district, a judge may
3 22 reside at any location within the judicial district.

3 23 The bill provides that the current 11 incumbent district
3 24 judges of the seventh district may reside in either judicial
3 25 election district 7A or 7B beginning January 1, 2010. The
3 26 bill requires that after computation of the number of
3 27 judgeships to which each judicial district is entitled, an
3 28 incumbent district judge in judicial election district 7A or
3 29 7B, shall be apportioned to the judicial election district of
3 30 the judge's residency. The bill requires the state court
3 31 administrator to apportion to first judicial election district
3 32 7A those incumbent district judges who were appointed to
3 33 replace district judges residing in Scott county or who were
3 34 appointed to fill newly created judgeships while residing in
3 35 Scott county. Under the bill, the incumbent district judges



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4 1 residing in Scott county on January 1, 2010, who are not so
4 2 apportioned to judicial election district 7A shall be
4 3 apportioned to judicial election district 7B but shall be
4 4 reapportioned to judicial election district 7A, in the order
4 5 of their seniority as district judges, as soon as the first
4 6 vacancies occur in judicial election district 7A due to death,
4 7 resignation, retirement, removal, or failure of retention.
4 8 Such a reapportionment constitutes a vacancy in judicial
4 9 election district 7B for purposes of Code section 602.6201,
4 10 unless the computed number of judgeships is less than the
4 11 number of judgeships apportioned to election district 7B. The
4 12 bill provides the 11 incumbent district judges in judicial
4 13 election district 7A or 7B on December 31, 2009, shall stand
4 14 for retention in the judicial election district to which the
4 15 district judges are apportioned or reapportioned.
4 16 The bill also modifies the judicial nominating commission
4 17 for the seventh judicial district. A judicial nominating
4 18 commission nominates persons to the governor for appointment
4 19 to the district court. A judicial nominating commission
4 20 consists of five members appointed by the governor, five
4 21 members elected by the attorneys of the judicial election
4 22 district, and the longest serving district judge within the
4 23 judicial election district.
4 24 The bill prohibits judicial nominating commissioners of
4 25 judicial election district 7 who are residents of Scott county
4 26 from serving in election district 7B and those judicial
4 27 nominating commissioners of judicial election district 7 who
4 28 are not residents of Scott county are prohibited from serving
4 29 in election district 7A. The vacancies thus created by the
4 30 bill shall be filled as provided in Code section 46.5 for the
4 31 remainder of the unexpired terms.
4 32 LSB 1393HH 83
4 33 jm/rj/5



Iowa General Assembly
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House File 550 - Introduced

HOUSE FILE
BY FORD

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

A BILL FOR

- 1 An Act mandating that certain health insurance policies provide
- 2 coverage for colorectal and prostate cancer screening under
- 3 some circumstances and providing an applicability date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2597HH 83
- 6 av/rj/14



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House File 550 - Introduced continued

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1 1 Section 1. NEW SECTION. 514C.24 COLORECTAL AND PROSTATE
1 2 CANCER SCREENING COVERAGE.
1 3 1. Notwithstanding the uniformity of treatment
1 4 requirements of section 514C.6, a policy, contract, or plan
1 5 providing for third-party payment or prepayment of health or
1 6 medical expenses shall provide minimum colorectal cancer
1 7 screening coverage and minimum prostate cancer screening
1 8 coverage, including but not limited to the following classes
1 9 of third-party payment provider contracts or policies
1 10 delivered, issued for delivery, continued, or renewed in this
1 11 state on or after January 1, 2010:
1 12 a. Individual or group accident and sickness insurance
1 13 providing coverage on an expense-incurred basis.
1 14 b. An individual or group hospital or medical service
1 15 contract issued pursuant to chapter 509, 514, or 514A.
1 16 c. An individual or group health maintenance organization
1 17 contract regulated under chapter 514B.
1 18 d. An individual or group Medicare supplemental policy,
1 19 unless coverage pursuant to such policy is preempted by
1 20 federal law.
1 21 2. This section shall not apply to accident only,
1 22 specified disease, short-term hospital or medical, hospital
1 23 confinement indemnity, credit, dental, vision, long-term care,
1 24 basic hospital, and medical=surgical expense coverage as
1 25 defined by the commissioner, disability income insurance
1 26 coverage, coverage issued as a supplement to liability
1 27 insurance, workers' compensation or similar insurance, or
1 28 automobile medical payment insurance.
1 29 3. As used in this section, "minimum colorectal cancer
1 30 screening coverage" means benefits for colorectal examinations
1 31 and laboratory tests for cancer for any nonsymptomatic covered
1 32 individual in accordance with the most recently published
1 33 guidelines of the American cancer society for colorectal
1 34 cancer screening, which at a minimum provide coverage for
1 35 colorectal cancer screening every year for any individual who



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2 1 is fifty years of age or older, or for any individual who is
2 2 less than fifty years of age and is at high risk for
2 3 colorectal cancer according to the most recently published
2 4 guidelines of the American cancer society.
2 5 4. As used in this section, "minimum prostate cancer
2 6 screening coverage" means benefits for prostate cancer
2 7 screening examinations including a digital rectal examination
2 8 and a prostate-specific antigen or equivalent test for the
2 9 presence of prostate cancer, which at a minimum provide
2 10 coverage for prostate cancer screening every year for all men
2 11 who are fifty years of age or older, and for all men less than
2 12 fifty years of age who are symptomatic or at high risk for
2 13 prostate cancer as determined by the treating physician.
2 14 As used in this subsection, "prostate-specific antigen or
2 15 equivalent test for the presence of prostate cancer" means a
2 16 seriological test for determining the presence of prostate
2 17 cytoplasmic protein and the generation of antibodies to it, as
2 18 a novel marker for prostatic disease.
2 19 5. The annual deductible or coinsurance for minimum
2 20 colorectal cancer screening coverage or minimum prostate
2 21 cancer screening coverage shall not be greater than the annual
2 22 deductible or coinsurance established for similar benefits
2 23 under the policy, contract, or plan. If the policy, contract,
2 24 or plan does not provide similar benefits, the deductible or
2 25 coinsurance for minimum colorectal cancer screening coverage
2 26 or minimum prostate cancer screening coverage shall not be an
2 27 amount that materially diminishes the value of the required
2 28 coverage.
2 29 6. The commissioner of insurance shall adopt rules under
2 30 chapter 17A as necessary to do all of the following:
2 31 a. Administer the provisions of this section.
2 32 b. Ensure that policies, contracts, or plans that provide
2 33 third-party payment or prepayment of health or medical
2 34 expenses do not include burdensome criteria or other obstacles
2 35 which interfere with access to and provision of the benefits



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3 1 required by this section.

3 2 EXPLANATION

3 3 This bill creates new Code section 514C.24, which mandates
3 4 payment of health care costs for minimum colorectal cancer
3 5 screening coverage and minimum prostate cancer screening
3 6 coverage in certain policies, contracts, or plans providing
3 7 for third-party payment or prepayment of health or medical
3 8 expenses. The bill provides that the mandate does not apply
3 9 to certain specified types of insurance coverage.

3 10 The bill defines "minimum colorectal cancer examination
3 11 coverage" as benefits for colorectal examinations and
3 12 laboratory tests for cancer for any nonsymptomatic covered
3 13 individual in accordance with the most recently published
3 14 guidelines of the American cancer society for colorectal
3 15 cancer screening. The covered benefits must, at a minimum,
3 16 provide for annual colorectal cancer screening for any
3 17 individual who is 50 years of age or older or for any
3 18 individual who is less than 50 years old and is at high risk
3 19 for colorectal cancer according to the most recently published
3 20 guidelines of the American cancer society.

3 21 The bill defines "minimum prostate cancer screening
3 22 coverage" to mean benefits for prostate cancer screening
3 23 examinations including a digital rectal examination and a
3 24 prostate-specific antigen (PSA) or equivalent test for the
3 25 presence of prostate cancer. The covered benefits must, at a
3 26 minimum, provide for annual prostate cancer screening for any
3 27 individual who is 50 years of age or older or for any
3 28 individual who is less than 50 years old and is symptomatic or
3 29 at high risk for prostate cancer as determined by the treating
3 30 physician. The bill also defines "prostate-specific antigen
3 31 (PSA) or equivalent test for the presence of prostate cancer"
3 32 to mean a seriological test for determining the presence of
3 33 prostate cytoplasmic protein and the generation of antibodies
3 34 to it, as a novel marker for prostatic disease.

3 35 The covered benefits also cannot be subject to an annual



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4 1 deductible or coinsurance that is greater than that
4 2 established for similar benefits, or if there are no similar
4 3 covered benefits, then the deductible or coinsurance cannot be
4 4 in an amount that materially diminishes the value of the
4 5 required coverage.
4 6 The bill also requires the commissioner of insurance to
4 7 adopt rules under Code chapter 17A as necessary to administer
4 8 the new Code section and to prevent insurers from adopting
4 9 burdensome criteria or creating other obstacles which
4 10 interfere with access to or provision of the benefits required
4 11 by the new Code section.
4 12 The new Code section applies to third-party payment
4 13 provider policies, contracts, or plans that are delivered,
4 14 issued for delivery, continued, or renewed in this state on or
4 15 after January 1, 2010.
4 16 LSB 2597HH 83
4 17 av/rj/14



Iowa General Assembly
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House File 551 - Introduced

HOUSE FILE
BY FORD

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

A BILL FOR

1 An Act relating to the operation of the Iowa communications
2 network by providing for expansion of the network to
3 facilitate statewide wireless network access, eliminating a
4 provision relating to the lease of specified network
5 components, and making appropriations.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 2548YH 83
8 rn/nh/14



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House File 551 - Introduced continued

PAG LIN

1 1 Section 1. Section 8D.13, subsection 5, Code 2009, is
1 2 amended by striking the subsection.
1 3 Sec. 2. NEW SECTION. 8D.15 STATEWIDE WIRELESS NETWORK
1 4 ACCESS == APPROPRIATION.
1 5 1. a. For the fiscal period beginning July 1, 2009, and
1 6 ending June 30, 2013, notwithstanding section 8.57, subsection
1 7 6, there is appropriated each fiscal year from the rebuild
1 8 Iowa infrastructure fund created in section 8.57 to the
1 9 commission the sum of twenty=five million dollars.
1 10 b. Notwithstanding section 8.33, moneys appropriated in
1 11 this subsection that remain unencumbered or unobligated at the
1 12 close of the fiscal year for which they were appropriated
1 13 shall not revert but shall remain available for expenditure
1 14 for the purposes designated until the earlier of the fiscal
1 15 year beginning July 1, 2016, or completion of the project.
1 16 2. The moneys appropriated in subsection 1 shall be used
1 17 by the commission to promote the availability of wireless
1 18 broadband access to all areas of the state with a goal of
1 19 achieving ninety=nine and ninety=five=hundredths percent
1 20 accessibility by no later than the end of calendar year 2014.
1 21 The commission shall utilize the moneys appropriated to
1 22 encourage participation and investment by the private sector
1 23 either through the establishment of public=private
1 24 partnerships or the establishment of incentives designed to
1 25 attract private sector investment for the purpose of providing
1 26 wireless broadband access. The commission's efforts may
1 27 include the use of the state's own fiberoptic cable
1 28 facilities.
1 29 3. Of the moneys appropriated in subsection 1 for the
1 30 fiscal year beginning July 1, 2009, and ending June 30, 2010,
1 31 the commission may use no more than three million dollars for
1 32 the purpose of entering into agreements pursuant to section
1 33 8D.13 for the purchase of existing leased Part III connections
1 34 and any other existing dark fiber. For purposes of this
1 35 section, "dark fiber" means strands of glass or plastic



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2 1 designed to guide light along their length by total internal
2 2 reflection, but which are not lit with optical equipment or
2 3 are lit solely for use by a specific user as of May 1, 2009.
2 4 Dark fiber may be colocated such that the use of the cable and
2 5 its sheathing is for a specific entity, or such that multiple
2 6 entities may share a common cable sheath but not cause
2 7 interference among those entities.

2 8 EXPLANATION

2 9 This bill appropriates a total of \$100 million from the
2 10 rebuild Iowa infrastructure fund to the Iowa
2 11 telecommunications and technology commission to achieve the
2 12 goal of 99.95 percent accessibility in all areas of the state
2 13 to wireless broadband access. Twenty-five million dollars is
2 14 appropriated for each fiscal year in the fiscal period
2 15 beginning July 1, 2009, and ending June 30, 2013, and the
2 16 moneys shall not revert to the general fund until the earlier
2 17 of July 1, 2016, or completion of the project. The bill
2 18 provides that the commission shall utilize the moneys to
2 19 encourage participation and investment by the private sector
2 20 either through the establishment of public-private
2 21 partnerships or the establishment of incentives designed to
2 22 attract private sector investment for the purpose of providing
2 23 wireless broadband access, and that these efforts may include
2 24 the use of the state's own fiberoptic cable facilities.

2 25 The bill specifies that out of the moneys appropriated for
2 26 the fiscal year, beginning July 1, 2009, and ending June 30,
2 27 2010, the commission may use no more than \$3 million for the
2 28 purpose of entering into agreements pursuant to Code section
2 29 8D.13 for the purchase of existing leased Part III connections
2 30 and any other existing dark fiber, as defined in the bill.

2 31 Additionally, the bill strikes Code section 8D.13,
2 32 subsection 5, which requires the lease by the state of all
2 33 fiberoptic cable facilities or facilities with DS=3 capacity
2 34 for Part III connections for which state funding is provided.

2 35 LSB 2548YH 83



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House File 551 - Introduced continued

3 1 rn/nh/14



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House File 552 - Introduced

HOUSE FILE
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HF 28)

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

A BILL FOR

- 1 An Act concerning the appointment of airport commissioners.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TL5B 1215HV 83
- 4 dea/nh/14



Iowa General Assembly
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House File 552 - Introduced continued

PAG LIN

1 1 Section 1. Section 330.20, Code 2009, is amended to read
1 2 as follows:

1 3 330.20 APPOINTMENT OF COMMISSION == TERMS.

1 4 When a majority of the voters favors airport control and
1 5 management by a commission, the governing body shall, within
1 6 ten days, appoint an airport commission of three or five
1 7 ~~resident voters~~ members, each of whom shall be a resident of
1 8 the city or county establishing the commission or a resident
1 9 of a city or county served by the airport. The governing body

1 10 shall by ordinance set the commencement dates of office and
1 11 the length of the terms of office which shall be no more than
1 12 six and no less than three years. The terms of the first
1 13 appointees of a newly created commission shall be staggered by
1 14 length of term and all subsequent appointments shall be for
1 15 full terms. ~~The governing body shall also provide for~~

~~1 16 staggered terms of office for the appointees of commissions~~
~~1 17 existing on July 1, 1991.~~ Vacancies shall be filled as

1 18 original appointments are made. Members of the airport
1 19 commission shall serve without compensation. Each
1 20 commissioner shall execute and furnish a bond in an amount
1 21 fixed by the governing body and filed with the city clerk or
1 22 county auditor. The commission shall elect from its own
1 23 members a chairperson and a secretary who shall serve for a
1 24 term as the commission shall determine.

1 25 EXPLANATION

1 26 This bill provides that a person appointed by the governing
1 27 body of a city or county to serve on an airport commission
1 28 must be either a resident of that city or county or a resident
1 29 of a city or county served by the airport. Under current law,
1 30 only resident voters of the city or county that established
1 31 the airport commission may serve as members of the commission.

1 32 The bill also strikes obsolete language from Code section
1 33 330.20 relating to members' terms of office for commissions in
1 34 existence in 1991.

1 35 LSB 1215HV 83



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House File 552 - Introduced continued

2 1 dea/nh/14



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House File 553 - Introduced

HOUSE FILE
BY BAUDLER

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

A BILL FOR

- 1 An Act relating to the arrest of an identified unauthorized
- 2 alien.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2457HH 83
- 5 jm/rj/8



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House File 553 - Introduced continued

PAG LIN

1 1 Section 1. Section 811.1, Code 2009, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 4. A defendant who is an identified
1 4 unauthorized alien and is not lawfully present in the United
1 5 States.

1 6 Sec. 2. NEW SECTION. 811.1B UNAUTHORIZED ALIEN ==
1 7 NOTIFICATION.

1 8 The law enforcement agency responsible for the arrest of a
1 9 defendant who has been denied bail pursuant to section 811.1,
1 10 subsection 4, shall notify the United States immigration and
1 11 customs enforcement of the identification of the defendant as
1 12 an unauthorized alien not lawfully present in the United
1 13 States.

1 14 Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection
1 15 3, shall not apply to this Act.

1 16 EXPLANATION

1 17 This bill relates to the arrest of an identified
1 18 unauthorized alien.

1 19 The bill denies bail to an identified unauthorized alien
1 20 arrested for a criminal offense.

1 21 The bill requires the law enforcement agency responsible
1 22 for the arrest of an unauthorized alien to notify the United
1 23 States immigration and customs enforcement about the defendant
1 24 who has been denied bail.

1 25 The bill may include a state mandate as defined in Code
1 26 section 25B.3. The bill makes inapplicable Code section
1 27 25B.2, subsection 3, which would relieve a political
1 28 subdivision from complying with a state mandate if funding for
1 29 the cost of the state mandate is not provided or specified.
1 30 Therefore, political subdivisions are required to comply with
1 31 any state mandate included in the bill.

1 32 LSB 2457HH 83

1 33 jm/rj/8



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House File 554 - Introduced

HOUSE FILE
 BY ALONS, HUSEMAN, SCHULTZ,
 SORENSON, MAY, SCHULTE,
 DE BOEF, PETTENGILL,
 RAYHONS, and MERTZ

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

A BILL FOR

- 1 An Act providing for increased reimbursement paid by the
- 2 department of human services for certain providers of services
- 3 to persons with mental retardation or other disabilities and
- 4 making an appropriation.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TL5B 1505YH 83
- 7 jp/nh/14



**Iowa General Assembly
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House File 554 - Introduced continued

PAG LIN

1 1 Section 1. DEPARTMENT OF HUMAN SERVICES == PROVIDER
 1 2 REIMBURSEMENTS.
 1 3 1. There is appropriated from the general fund of the
 1 4 state to the department of human services for the fiscal year
 1 5 beginning July 1, 2009, and ending June 30, 2010, the
 1 6 following amount, or so much thereof as is necessary, to be
 1 7 used for the purpose designated:
 1 8 For increasing the reimbursement paid to certain service
 1 9 providers in accordance with this section:
 1 10 \$ 1,134,000
 1 11 2. The appropriation made in this section shall be used in
 1 12 combination with other appropriations made for the services
 1 13 and providers listed in this section to increase the
 1 14 providers' reimbursement rate or amount for the fiscal year
 1 15 beginning July 1, 2009, and ending June 30, 2010, above the
 1 16 rates or amounts in effect on June 30, 2009. The increase
 1 17 shall be provided in addition to any other reimbursement rate
 1 18 or amount specified in other law addressing reimbursement for
 1 19 the listed providers for the fiscal year.
 1 20 3. Of the amount appropriated in this section, up to
 1 21 \$526,400 is allocated to provide a 4.1 percent cost of living
 1 22 increase in the reimbursement rates paid for intermediate care
 1 23 facilities for persons with mental retardation. Any
 1 24 percentile limitation applied to such providers shall be
 1 25 adjusted as necessary to incorporate the percentage increase
 1 26 addressed by this subsection.
 1 27 4. Of the amount appropriated in this section, up to
 1 28 \$607,600 is allocated to increase the reimbursement rates or
 1 29 amounts paid to residential care facilities and residential
 1 30 care facilities for persons with mental retardation by 3
 1 31 percent.
 1 32 5. The department may adjust the allocations made in this
 1 33 section as necessary for payment of the rates or amounts
 1 34 specified, provided the overall expenditures remain within the
 1 35 amount appropriated.



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House File 555 - Introduced

HOUSE FILE
BY HUNTER

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

A BILL FOR

- 1 An Act providing for fair share agreements relating to collective
- 2 bargaining and providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1614HH 83
- 5 ec/rj/24



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

House File 555 - Introduced continued

PAG LIN

1 1 Section 1. Section 20.3, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 5A. "Fair share fee" means the amount
1 4 charged to an employee in a bargaining unit who is not a
1 5 member of the employee organization certified by the board as
1 6 the exclusive bargaining representative for the public
1 7 employees in that bargaining unit, to cover the costs incurred
1 8 by the employee organization on behalf of the employee for
1 9 collective bargaining, contract administration, the adjustment
1 10 of grievances, and the pursuit of other matters affecting
1 11 wages, hours, and other conditions of employment.

1 12 Sec. 2. Section 20.8, subsection 4, Code 2009, is amended
1 13 to read as follows:

1 14 4. Refuse to join or participate in the activities of
1 15 employee organizations, including the payment of any dues,
1 16 fees or assessments or service fees of any type, except as
1 17 provided in section 20.9A.

1 18 Sec. 3. Section 20.9, unnumbered paragraph 1, Code 2009,
1 19 is amended to read as follows:

1 20 The public employer and the employee organization shall
1 21 meet at reasonable times, including meetings reasonably in
1 22 advance of the public employer's budget-making process, to
1 23 negotiate in good faith with respect to wages, hours,
1 24 vacations, insurance, holidays, leaves of absence, shift
1 25 differentials, overtime compensation, supplemental pay,
1 26 seniority, transfer procedures, job classifications, health
1 27 and safety matters, evaluation procedures, procedures for
1 28 staff reduction, in-service training and other matters
1 29 mutually agreed upon. Negotiations shall also include whether
1 30 a fair share fee shall be charged to nonmembers of the
1 31 employee organization, terms authorizing dues checkoff for
1 32 members of the employee organization and grievance procedures
1 33 for resolving any questions arising under the agreement, which
1 34 shall be embodied in a written agreement and signed by the
1 35 parties. If an agreement provides for dues checkoff, a



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2 1 member's dues may be checked off only upon the member's
2 2 written request and the member may terminate the dues checkoff
2 3 at any time by giving thirty days' written notice. Such
2 4 obligation to negotiate in good faith does not compel either
2 5 party to agree to a proposal or make a concession.

2 6 Sec. 4. NEW SECTION. 20.9A FAIR SHARE FEE PROCEDURES.

2 7 1. When a collective bargaining agreement between a public
2 8 employer and a certified employee organization, which provides
2 9 that a fair share fee shall be charged to nonmembers of the
2 10 employee organization, is reached by ratification of the
2 11 agreement or by issuance of an arbitration award under section
2 12 20.22, the public employer shall, within ten days of the date
2 13 the agreement is reached, provide the employee organization
2 14 with a list of the names and addresses of all employees in the
2 15 bargaining unit represented by the employee organization. If
2 16 a collective bargaining agreement providing for fair share
2 17 fees has a term of more than one year, the list shall be
2 18 provided by the public employer annually, not later than
2 19 thirty days prior to the commencement of the next full year of
2 20 the contract's term.

2 21 2. a. Following receipt by the employee organization of a
2 22 list of employees pursuant to subsection 1, the employee
2 23 organization shall provide the public employer with the name
2 24 of each nonmember of the employee organization and the amount
2 25 of the fair share fee. In addition, the employee organization
2 26 shall provide the labor commissioner with the amount of the
2 27 fair share fee and any supporting documentation utilized in
2 28 determining the amount of the fair share fee. Commencing on
2 29 the effective date of the collective bargaining agreement
2 30 which provides for a fair share fee or the public employer's
2 31 receipt of the names and amounts from the employee
2 32 organization, whichever occurs later, the public employer
2 33 shall deduct once each month from the wages or salaries of
2 34 each nonmember the amount of the fair share fee specified for
2 35 that nonmember by the employee organization and transmit the



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3 1 amounts deducted to the employee organization within fourteen
3 2 days of the deduction. If a collective bargaining agreement
3 3 includes a retroactive effective date, the public employer
3 4 shall make deductions for fair share fees prospectively only.

3 5 b. For purposes of determining the fair share fee, the
3 6 amount of the fair share fee shall not exceed the regular
3 7 membership dues paid by members of the employee organization
3 8 and shall not include any share of the costs incurred by the
3 9 employee organization for fraternal, ideological, political,
3 10 or other activities not germane to collective bargaining,
3 11 contract administration, the adjustment of grievances, or the
3 12 pursuit of other matters affecting wages, hours, and other
3 13 conditions of employment. Costs that shall be excluded from
3 14 the fair share fee include but are not limited to costs for
3 15 social events; lobbying on issues or for purposes other than
3 16 the negotiation, ratification, or implementation of a
3 17 collective bargaining agreement; voter registration training;
3 18 efforts to increase voting; political campaign techniques;
3 19 supporting or contributing to charitable organizations; and
3 20 supporting or contributing to religious or other ideological
3 21 causes.

3 22 3. As a precondition to the collection of a fair share
3 23 fee, the employee organization shall establish and maintain a
3 24 full and fair procedure that conforms with the requirements of
3 25 the Constitution of the United States and the Constitution of
3 26 the State of Iowa and all of the following:

3 27 a. Provides nonmembers of the employee organization with
3 28 an annual notice which informs them of the amount of the fair
3 29 share fee to be charged, provides them with sufficient
3 30 information to gauge the propriety of that amount, and informs
3 31 them of the procedure by which a nonmember may challenge that
3 32 amount.

3 33 b. Permits challenges by nonmembers to the amount of the
3 34 fair share fee.

3 35 c. Provides for the consolidation of all timely challenges



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4 1 and for an impartial hearing, before an arbitrator appointed
4 2 by the American arbitration association pursuant to its rules
4 3 for impartial determination of union fees, conducted in
4 4 accordance with those rules and paid for by the employee
4 5 organization.

4 6 d. Provides that the burden of proof relating to the
4 7 propriety of the amount of the fair share fee is on the
4 8 employee organization.

4 9 e. Provides that all fair share fees reasonably in dispute
4 10 while a challenge is pending shall be held by the employee
4 11 organization in an interest-bearing escrow account until a
4 12 final decision is issued by the arbitrator, at which time such
4 13 funds shall be disbursed in accordance with the arbitrator's
4 14 decision.

4 15 4. The employee organization shall notify the public
4 16 employer of any arbitrator's award issued pursuant to the
4 17 challenge procedure specified in subsection 3 which reduced
4 18 the amount of a fair share fee and the public employer shall
4 19 adjust its deduction from the wages or salaries of the
4 20 challenging nonmembers accordingly.

4 21 5. This section shall be enforced through an action in a
4 22 court of competent jurisdiction.

4 23 Sec. 5. Section 731.3, Code 2009, is amended to read as
4 24 follows:

4 25 731.3 CONTRACTS TO EXCLUDE UNLAWFUL.

4 26 ~~It~~ Except as provided in sections 20.8, 20.9A, and 731.4A,
4 27 it shall be unlawful for any person, firm, association,
4 28 corporation or labor organization to enter into any
4 29 understanding, contract, or agreement, whether written or
4 30 oral, to exclude from employment members of a labor union,
4 31 organization or association, or persons who do not belong to,
4 32 or who refuse to join, a labor union, organization or
4 33 association, or because of resignation or withdrawal
4 34 therefrom.

4 35 Sec. 6. Section 731.4, Code 2009, is amended to read as



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5 1 follows:

5 2 731.4 UNION DUES AS PREREQUISITE TO EMPLOYMENT ==

5 3 PROHIBITED.

5 4 ~~It~~ Except as provided in sections 20.8, 20.9A, and 731.4A,

5 5 it shall be unlawful for any person, firm, association, labor

5 6 organization or corporation, or political subdivision, either

5 7 directly or indirectly, or in any manner or by any means as a

5 8 prerequisite to or a condition of employment to require any

5 9 person to pay dues, charges, fees, contributions, fines or

5 10 assessments to any labor union, labor association or labor

5 11 organization.

5 12 Sec. 7. NEW SECTION. 731.4A FAIR SHARE FEE AGREEMENTS.

5 13 A labor union, labor association, labor organization, or

5 14 employee organization, which is the certified or recognized

5 15 exclusive representative for collective bargaining under

5 16 applicable federal law, may enter into an agreement with the

5 17 employer of the employees it is certified or recognized to

5 18 represent in collective bargaining that, as a condition of

5 19 continued employment, requires employees, after thirty days of

5 20 employment, either to become a member of the certified or

5 21 recognized labor union, labor association, labor organization,

5 22 or employee organization, or to pay a fair share fee to the

5 23 extent permitted by the Constitution of the United States, the

5 24 Constitution of the State of Iowa, and federal law. Nothing

5 25 in this section shall be deemed to require an employee to

5 26 become a member of a labor union, labor association, labor

5 27 organization, or employee organization. In addition, the

5 28 requirements of a fair share agreement shall not apply to an

5 29 employee whose initial date of employment with the employer

5 30 occurs on a date when a fair share fee agreement as authorized

5 31 by this section is not in effect.

5 32 Sec. 8. EFFECTIVE DATE. This Act, being deemed of

5 33 immediate importance, takes effect upon enactment.

5 34

EXPLANATION

5 35 This bill authorizes the negotiating of fair share fees in



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6 1 collective bargaining agreements.
6 2 Code chapter 20, concerning collective bargaining for
6 3 public employees, is amended to authorize fair share fees.
6 4 Code section 20.9 is amended to provide that the scope of
6 5 negotiations for purposes of a collective bargaining agreement
6 6 includes negotiating whether a fair share fee shall be charged
6 7 to nonmembers of an employee organization.
6 8 New Code section 20.9A establishes the procedures to follow
6 9 if a fair share fee is included in a collective bargaining
6 10 agreement. The new Code section provides that once an
6 11 agreement is ratified or an arbitration award is issued that
6 12 includes a fair share fee, the public employer shall, within
6 13 10 days, provide the employee organization with a list of
6 14 employees covered by the agreement. If the agreement has a
6 15 term of more than one year, the employer shall provide the
6 16 list on an annual basis. Once the employee organization
6 17 receives the list, the employee organization shall provide the
6 18 employer with a list of each nonmember of the employee
6 19 organization and the amount of the fair share fee. The
6 20 employee organization shall also inform the labor commissioner
6 21 of the amount of the fair share fee and how it was determined.
6 22 The bill provides that the fee shall not exceed the regular
6 23 membership dues paid by members and shall not include costs of
6 24 the employee organization that are not costs incurred by the
6 25 employee organization and germane for collective bargaining,
6 26 contract administration, the adjustment of grievances, and the
6 27 pursuit of other matters affecting wages, hours, and other
6 28 conditions of employment. The bill provides that the public
6 29 employer shall begin deducting the fair share fee from
6 30 nonmembers upon the later of the effective date of the
6 31 collective bargaining agreement or the date the public
6 32 employer receives the list of nonmembers and the amount of the
6 33 fair share fee. The bill provides that no retroactive
6 34 deductions for fair share fees are allowed.
6 35 The bill also establishes several additional conditions for



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7 1 the collection of a fair share fee from public employees. The
7 2 bill provides that nonmembers be given an annual notice of the
7 3 amount of the fair share fee and their rights as to
7 4 challenging the amount. The bill also provides that
7 5 nonmembers shall be permitted to challenge the amount of the
7 6 fair share fee at an impartial hearing before an arbitrator
7 7 appointed by the American arbitration association. The bill
7 8 provides that the employee organization has the burden of
7 9 proof relating to the amount of the fee to be charged. The
7 10 bill provides that the employee organization shall notify the
7 11 public employer of any arbitrator's award and the public
7 12 employer shall adjust the deduction from wages of the
7 13 nonmembers who challenged the fair share fee amount. The bill
7 14 provides that the requirements of this new Code section shall
7 15 be enforced in a court of competent jurisdiction.

7 16 Code chapter 731, concerning labor union membership, is
7 17 also amended to authorize fair share agreements. New Code
7 18 section 731.4A provides that a labor union, certified as the
7 19 bargaining representative of a private sector employer under
7 20 federal law, may enter into an agreement with an employer
7 21 that, as a condition of continued employment, requires
7 22 employees whom the union is certified to represent to become a
7 23 member of the labor union or to pay a fair share fee to the
7 24 extent permitted by the United States Constitution, the Iowa
7 25 Constitution, and applicable federal law. The new Code
7 26 section provides that nothing in this Code section shall be
7 27 deemed to require an employee to become a member of a labor
7 28 union and also provides that the requirement to pay a fair
7 29 share fee shall not apply to an employee whose initial date of
7 30 employment occurred on a date when a fair share agreement was
7 31 not in effect.

7 32 The bill takes effect upon enactment.

7 33 LSB 1614HH 83

7 34 ec/rj/24.1



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House File 556 - Introduced

HOUSE FILE
BY H. MILLER

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

A BILL FOR

- 1 An Act relating to local government development activities in
- 2 cultural and entertainment districts.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2571YH 83
- 5 tw/rj/8



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PAG LIN

1 1 Section 1. Section 303.3B, Code 2009, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 4. Cities or counties may encourage
1 4 development projects and activities in cultural and
1 5 entertainment districts through any of the following:

1 6 a. Promoting unique forms of transportation between the
1 7 district and recreational trails, including modes of
1 8 transportation for people who do not drive.

1 9 b. Facilitating the placement of road signs that are
1 10 easier to read, grooved land dividers, reflective road
1 11 markings, and dedicated left turn lanes.

1 12 c. Promoting recreational facilities and fitness programs
1 13 for different age groups.

1 14 d. Sponsoring programs for nutrition education and the
1 15 delivery of meals to people's homes.

1 16 e. Developing programs related to preventive health care,
1 17 healthy lifestyle education, immunizations, injury screenings,
1 18 and the onset of chronic diseases.

1 19 f. Lowering property tax rates.

1 20 g. Developing any other local incentive that attracts
1 21 seniors and creative people to live and work in a cultural
1 22 entertainment district.

1 23 EXPLANATION

1 24 This bill allows local governments to encourage development
1 25 projects and activities in cultural and entertainment
1 26 districts in order to attract seniors and creative people to
1 27 live and work in a cultural and entertainment district.

1 28 LSB 2571YH 83

1 29 tw/rj/8



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House File 557 - Introduced

HOUSE FILE
BY ANDERSON

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

A BILL FOR

1 An Act concerning the consumption of alcohol, wine, or beer in
2 public places and on the premises of businesses and making
3 penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2203HH 83
6 ec/rj/8



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PAG LIN

1 1 Section 1. Section 123.46, subsection 2, Code 2009, is
1 2 amended to read as follows:
1 3 2. A person shall not use or consume alcoholic liquor,
1 4 wine, or beer upon the public streets or highways. A person
1 5 shall not use or consume alcoholic liquor, wine, or beer in
1 6 any public place except premises covered by a liquor control
1 7 license or permit. In addition, a person who is an owner,
1 8 manager, or otherwise operates a place of business shall not
1 9 allow any person to use or consume alcoholic liquor, wine, or
1 10 beer on the premises of the business, unless the place of
1 11 business is covered by a liquor control license or permit. A
1 12 person shall not possess or consume alcoholic liquors, wine,
1 13 or beer on public school property or while attending a public
1 14 or private school-related function. A person shall not be
1 15 intoxicated or simulate intoxication in a public place. A
1 16 person violating this subsection is guilty of a simple
1 17 misdemeanor.

1 18

EXPLANATION

1 19 This bill provides that a person shall not use or consume
1 20 wine or beer in any public place not covered by a liquor
1 21 control license or permit. Current law provides only that a
1 22 person shall not use or consume alcoholic liquor in any public
1 23 place. The bill also provides that a person who owns,
1 24 manages, or operates a place of business shall not allow any
1 25 person to use or consume alcoholic liquor, wine, or beer on
1 26 the premises unless the place of business is covered by a
1 27 liquor control license or permit. A person who violates the
1 28 provisions of this bill commits a simple misdemeanor. A
1 29 simple misdemeanor is punishable by confinement for no more
1 30 than 30 days or a fine of at least \$65 but not more than \$625
1 31 or by both.

1 32 LSB 2203HH 83

1 33 ec/rj/8



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House File 558 - Introduced

HOUSE FILE
BY WENTHE

(COMPANION TO LSB 2051SS
BY SENG)

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

A BILL FOR

- 1 An Act providing for the taking of crops on land classified as a
- 2 farm tenancy.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2051HH 83
- 5 da/nh/14



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House File 558 - Introduced continued

PAG LIN

1 1 Section 1. Section 562.5, Code 2009, is amended to read as
1 2 follows:

1 3 562.5 TERMINATION OF FARM TENANCIES.

1 4 In the case of a farm tenancy, the notice must fix the
1 5 termination of the farm tenancy to take place on the first day
1 6 of March, except in cases of a mere cropper, whose farm
1 7 tenancy shall terminate when the crop is harvested and the
1 8 aboveground part of the crop is taken as provided in section

1 9 562.5A. However, ~~if the crop is corn,~~ the termination shall
1 10 not be later than the first day of December, unless otherwise
1 11 agreed upon.

1 12 Sec. 2. NEW SECTION. 562.5A FARM TENANCY == RIGHT TO
1 13 TAKE PART OF A HARVESTED CROP'S ABOVEGROUND PLANT.

1 14 Unless otherwise agreed to in writing by a lessor and farm
1 15 tenant, a farm tenant may take any part of the aboveground
1 16 part of a plant associated with a crop, at the time of harvest
1 17 or after the harvest, until the farm tenancy terminates as
1 18 provided in this chapter.

1 19 EXPLANATION

1 20 This bill provides that a farm tenant may take the
1 21 aboveground part of a plant associated with a crop, until the
1 22 termination of the farm tenancy. Currently, a farm tenancy at
1 23 will terminate on March 1 following a landlord's notice,
1 24 except in the case of a crop=share arrangement, which
1 25 terminates when the crop is harvested but not later than
1 26 December 1 for a corn crop. The bill provides that a farm
1 27 tenancy involving a crop=share arrangement must terminate by
1 28 December 1 for all crops.

1 29 LSB 2051HH 83

1 30 da/nh/14



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House File 559 - Introduced

HOUSE FILE
BY GAYMAN

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

A BILL FOR

1 An Act relating to the issuance of permits to carry weapons,
2 providing for an appeal process, and providing an effective
3 date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2481HH 83
6 rh/rj/5



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PAG LIN

1 1 Section 1. Section 229.24, subsection 1, Code 2009, is
1 2 amended to read as follows:
1 3 1. ~~All~~ Except as otherwise provided in this section, all
1 4 papers and records pertaining to any involuntary
1 5 hospitalization or application for involuntary hospitalization
1 6 of any person under this chapter, whether part of the
1 7 permanent record of the court or of a file in the department
1 8 of human services, are subject to inspection only upon an
1 9 order of the court for good cause shown. ~~Nothing in this~~ This
1 10 section shall not prohibit a hospital from complying with the
1 11 requirements of this chapter and of chapter 230 relative to
1 12 financial responsibility for the cost of care and treatment
1 13 provided a patient in that hospital, ~~not~~ or from properly
1 14 billing any responsible relative or third-party payer for such
1 15 care and treatment.

1 16 Sec. 2. Section 229.24, Code 2009, is amended by adding
1 17 the following new subsection:

1 18 NEW SUBSECTION. 4. The clerk of the district court shall
1 19 provide to the department of public safety notice of all
1 20 adjudications of persons involuntarily committed to a mental
1 21 institution for inpatient or outpatient or other appropriate
1 22 treatment by reason of serious mental impairment under this
1 23 chapter. Such notice shall only be used by the department to
1 24 submit information to the national instant criminal background
1 25 system maintained by the federal bureau of investigation and
1 26 shall otherwise remain confidential.

1 27 Sec. 3. Section 724.7, Code 2009, is amended to read as
1 28 follows:

1 29 724.7 NONPROFESSIONAL PERMIT TO CARRY WEAPONS.

1 30 ~~Any person who can reasonably justify going armed may be~~
~~1 31 issued a nonprofessional permit to carry weapons. A~~
1 32 nonprofessional permit to carry weapons shall be issued by the
1 33 issuing officer who shall, before issuing the permit,
1 34 determine that the requirements of sections 724.8 through
1 35 724.10 have been met. Such permits shall be on a form



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2 1 prescribed and published by the commissioner of public safety,
2 2 which shall be readily distinguishable from the professional
2 3 permit, and shall identify the holder thereof, ~~and state the~~
~~2 4 reason for the issuance of the permit, and the limits of the~~
~~2 5 authority granted by such permit.~~ All permits so issued shall
2 6 be for a definite period ~~as established by the issuing~~
~~2 7 officer, but in no event shall exceed a period of twelve~~
~~2 8 months one year.~~ The issuing officer shall not have any
2 9 authority to place limits of use or any other restrictions on
2 10 such permit.

2 11 Sec. 4. Section 724.8, Code 2009, is amended to read as
2 12 follows:

2 13 724.8 PERSONS ELIGIBLE FOR PERMIT TO CARRY WEAPONS.

2 14 ~~No~~ A person shall not be issued a professional or
2 15 nonprofessional permit to carry weapons unless:

2 16 1. The person is eighteen years of age or older for a
2 17 professional permit or twenty-one years or older for a
2 18 nonprofessional permit.

2 19 2. The person has never been convicted of a felony.

2 20 3. The person is not addicted to the use of alcohol or any
2 21 controlled substance.

2 22 4. The person has no history of repeated acts of violence.

2 23 5. The issuing officer reasonably determines that the
2 24 applicant does not constitute a danger to any person.

2 25 6. The person has never been convicted of any crime
2 26 defined in chapter 708, ~~except "assault" as defined in section~~
~~2 27 708.1 and "harassment" as defined in section 708.7.~~

2 28 7. The person has not been committed to a mental
2 29 institution for purposes of 18 U.S.C. } 922(g)(4).

2 30 8. The person is not subject to a protective order
2 31 pursuant to 18 U.S.C. } 922(g)(8) and has not been convicted
2 32 of a misdemeanor crime of domestic violence pursuant to 18
2 33 U.S.C. } 922(g)(9). It is the intent of the general assembly
2 34 that violations of these federal laws be strictly enforced in
2 35 the courts of this state.



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3 1 Sec. 5. Section 724.9, Code 2009, is amended to read as
3 2 follows:

3 3 724.9 ~~FIREARM~~ FIREARMS TRAINING PROGRAM.

3 4 A training program to qualify persons in the safe use of
3 5 firearms shall be provided by the issuing officer of permits,
3 6 as provided in section 724.11.

3 7 1. The commissioner of public safety shall establish
3 8 minimum standards for a training program designed to qualify
3 9 persons in the safe use of firearms and shall include a course
3 10 of instruction designed to qualify a person on a firing range.
3 11 The course of instruction shall be limited to a maximum of six
3 12 hours in length. The course of instruction shall include all
3 13 of the following:

3 14 a. Firearms safety in the classroom, at home, on the
3 15 firing range, and while carrying the firearm.

3 16 b. A physical demonstration performed by the applicant
3 17 that demonstrates the applicant's ability to safely load and
3 18 unload a revolver or a semiautomatic pistol and the
3 19 applicant's marksmanship.

3 20 c. The basic principles of marksmanship.

3 21 d. The law relating to firearms pursuant to this chapter.

3 22 e. The law relating to the justifiable use of force
3 23 pursuant to chapter 704.

3 24 f. A live fire shooting test administered to an applicant
3 25 pursuant to section 724.9A.

3 26 2. The commissioner of public safety shall approve the
3 27 training program, and the county sheriff or the commissioner
3 28 of public safety conducting the training program within their
3 29 respective jurisdictions may contract with a private
3 30 organization or use the services of other agencies, or may use
3 31 a combination of the two, to provide ~~such~~ a training program
3 32 that meets the standards specified in subsection 1. Any
3 33 person eligible to be issued a permit to carry weapons may
3 34 enroll in such course. A fee sufficient to cover the cost of
3 35 the program may be charged to each person attending.



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4 1 Certificates of completion, on a form prescribed and published
4 2 by the commissioner of public safety, shall be issued by a
4 3 qualified firearms safety instructor subject to the
4 4 restrictions of section 724.9B to each person who successfully
4 5 completes the program. ~~Ne~~ A person shall not be issued either
4 6 a professional or nonprofessional permit unless the person has
4 7 received a certificate of completion or is a certified peace
4 8 officer. ~~Ne~~ A peace officer or correctional officer, except a
4 9 certified peace officer, shall not go armed with a pistol or
4 10 revolver unless the officer has received a certificate of
4 11 completion, provided that this requirement shall not apply ~~to~~
~~4 12 persons who are employed in this state as peace officers on~~
~~4 13 January 1, 1978 until July 1, 1978, or to peace officers of~~
4 14 other jurisdictions exercising their legal duties within this
4 15 state.

4 16 Sec. 6. NEW SECTION. 724.9A LIVE FIRE SHOOTING TEST.

4 17 1. A live fire shooting test shall be administered in the
4 18 presence of a firearms safety instructor qualified under
4 19 section 724.9C to an applicant for a nonprofessional permit to
4 20 carry weapons. The live fire shooting test shall consist of
4 21 thirty rounds fired from a standing position or its equivalent
4 22 at a distance from a B=27 silhouette target or an FBI "Q"
4 23 target, ten rounds fired from a distance of five yards, ten
4 24 rounds fired from a distance of seven yards, and ten rounds
4 25 fired from a distance of ten yards. Two sets of five rounds
4 26 shall be fired consecutively at each designated distance and
4 27 each five-round string shall be fired within thirty seconds.
4 28 Twenty-one of the rounds fired must strike either the
4 29 eight-ring on the B=27 target or the smallest FBI "Q" target
4 30 to pass the live fire shooting test.

4 31 2. An applicant for a nonprofessional permit to carry
4 32 weapons may attempt to pass the live fire shooting test
4 33 administered pursuant to subsection 1 up to three times in one
4 34 day but must pass the shooting test within four weeks of
4 35 completing a firearms training program pursuant to section



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5 1 724.9. An applicant who fails the live fire shooting test
5 2 within the requisite four-week period shall be required to
5 3 retake the firearms training program prior to again attempting
5 4 to pass the live fire shooting test.

5 5 3. The provisions of this section shall be implemented
5 6 uniformly throughout the state and shall constitute the
5 7 statewide standard for the course of instruction qualifying a
5 8 person to shoot on a firing range pursuant to section 724.9.

5 9 Sec. 7. NEW SECTION. 724.9B CERTIFICATE OF COMPLETION.

5 10 A qualified firearms safety instructor shall not issue a
5 11 certificate of completion to an applicant for a permit to
5 12 carry weapons who does any of the following:

5 13 1. Fails to demonstrate the requisite knowledge and
5 14 technique regarding the proper handling of a firearm.

5 15 2. Handles a firearm in a manner that, in the judgment of
5 16 the qualified firearms safety instructor, poses a danger to
5 17 the applicant or others.

5 18 3. Fails the live fire shooting test pursuant to the
5 19 requirements specified in section 724.9A.

5 20 Sec. 8. NEW SECTION. 724.9C QUALIFIED FIREARMS SAFETY
5 21 INSTRUCTOR.

5 22 A firearms safety instructor shall be considered to be a
5 23 qualified firearms safety instructor if the instructor has any
5 24 of the following qualifications:

5 25 1. Is certified by the national rifle association as an
5 26 instructor in any course that provides basic instruction in
5 27 pistol marksmanship or in the use of pistols or revolvers for
5 28 personal protection.

5 29 2. Submits a photocopy of a certificate of completion of a
5 30 firearms safety instructor course offered by a local, state,
5 31 or federal governmental agency and approved by the department
5 32 of public safety.

5 33 3. Submits a photocopy of a certificate of completion of a
5 34 firearms safety instructor course approved by the department
5 35 of public safety.



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6 1 4. Has successfully completed a firearms safety instructor
6 2 course given by or under the supervision of any state, county,
6 3 municipal, or federal law enforcement agency.

6 4 5. Is a certified police officer firearms safety
6 5 instructor.

6 6 6. Is a certified law enforcement academy firearms safety
6 7 instructor.

6 8 Sec. 9. Section 724.11, Code 2009, is amended to read as
6 9 follows:

6 10 724.11 ISSUANCE OF PERMIT TO CARRY WEAPONS.

6 11 1. Applications for permits to carry weapons shall be made
6 12 to the sheriff of the county in which the applicant resides.

6 13 Applications from persons who are nonresidents of the state,
6 14 or whose need to go armed arises out of employment by the
6 15 state, shall be made to the commissioner of public safety. In

6 16 either case, ~~the issuance of the permit shall be issued by and~~
6 17 ~~at the discretion of the sheriff or commissioner, who shall,~~

6 18 before issuing the permit, determine that the requirements of
6 19 sections 724.6 to 724.10 have been satisfied. However, the

6 20 training program requirements in section 724.9 ~~may~~ shall be
6 21 waived for renewal permits. If the sheriff or the

6 22 commissioner denies an application for a permit under this
6 23 section, the sheriff or commissioner shall provide a written

6 24 statement of the reasons for the denial to the applicant by
6 25 certified mail within fifteen working days of the filing of

6 26 the application.

6 27 2. The issuing officer shall collect a fee of ten dollars,
6 28 except from a duly appointed peace officer or correctional

6 29 officer, for each permit issued. Renewal permits or duplicate
6 30 permits shall be issued for a fee of five dollars. The

6 31 issuing officer shall notify the commissioner of public safety
6 32 of the issuance of any permit at least monthly and forward to

6 33 the commissioner an amount equal to two dollars for each
6 34 permit issued and one dollar for each renewal or duplicate

6 35 permit issued. All such fees received by the commissioner



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7 1 shall be paid to the treasurer of state and deposited in the
7 2 operating account of the department of public safety to offset
7 3 the cost of administering this chapter. Any unspent balance
7 4 as of June 30 of each year shall revert to the general fund as
7 5 provided by section 8.33.

7 6 Sec. 10. NEW SECTION. 724.11A RECOGNITION OF
7 7 OUT-OF-STATE PERMITS TO CARRY.

7 8 A person possessing a valid permit to carry a weapon issued
7 9 by another state shall be entitled to the privileges and
7 10 subject to the restrictions prescribed in this chapter.

7 11 Sec. 11. NEW SECTION. 724.14 IMMUNITY.

7 12 The sheriff or the commissioner of public safety shall not
7 13 be liable for damages in any civil action arising from the
7 14 alleged wrongful issuance, renewal, or failure to revoke a
7 15 permit to carry weapons provided that the sheriff or the
7 16 commissioner acted reasonably and in good faith and in
7 17 accordance with the provisions of this chapter in carrying out
7 18 the sheriff's or the commissioner's official duties.

7 19 Sec. 12. NEW SECTION. 724.21A HEARING ON DENIAL OF
7 20 PERMIT TO CARRY WEAPONS.

7 21 1. In any case where the sheriff or the commissioner of
7 22 public safety denies an application for a permit to carry
7 23 weapons, the denied applicant shall have the right to appeal
7 24 the denial to an administrative law judge in the department of
7 25 inspections and appeals within thirty days of receiving
7 26 written notice of the denial.

7 27 2. A denial of an application for a permit to carry
7 28 weapons may be appealed by filing with an administrative law
7 29 judge a copy of the denial and a written statement that
7 30 clearly states the applicant's reasons rebutting the denial
7 31 along with a fee of ten dollars. Additional information which
7 32 may be pertinent to the applicant's request for a permit
7 33 should also be included.

7 34 3. The administrative law judge shall grant an aggrieved
7 35 applicant an opportunity to be heard within forty-five days of



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8 1 receipt of a request for an appeal. The hearing may be held
8 2 by telephone conference at the discretion of the
8 3 administrative law judge.
8 4 4. After the hearing, the administrative law judge shall
8 5 order that the denial of the application be either rescinded
8 6 or sustained. An applicant aggrieved by the final judgment of
8 7 the administrative law judge sustaining the denial shall have
8 8 the right to judicial review in accordance with the terms of
8 9 the Iowa administrative procedure Act, chapter 17A.
8 10 Sec. 13. EFFECTIVE DATE. The sections of this Act
8 11 amending section 229.24 take effect January 1, 2010.

EXPLANATION

8 13 This bill relates to the issuance of weapons permits.
8 14 The bill requires the clerk of the district court to
8 15 provide to the department of public safety notice of all
8 16 adjudications of persons involuntarily committed to a mental
8 17 institution for inpatient or outpatient or other appropriate
8 18 treatment by reasons of serious mental impairment under Code
8 19 chapter 229. This notice shall only be used by the department
8 20 of public safety to submit information to the national instant
8 21 criminal background system maintained by the federal bureau of
8 22 investigation and shall otherwise remain confidential. This
8 23 provision of the bill takes effect January 1, 2010.
8 24 The bill provides that a person who is at least 21 and who
8 25 meets additional eligibility requirements shall be issued a
8 26 nonprofessional permit to carry weapons. The issuing officer
8 27 shall not have any authority to place limits of use or any of
8 28 the restrictions on such permit. The bill provides that
8 29 persons who have been committed to a mental institution under
8 30 federal law or persons who are subject to protective orders or
8 31 who have been convicted of a misdemeanor crime of domestic
8 32 violence under federal law are all ineligible for a permit to
8 33 carry weapons.
8 34 The bill amends current law relating to a firearms training
8 35 program. The bill requires the commissioner of public safety



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9 1 to establish minimum firearms safety standards. The bill
9 2 specifies that the commissioner shall establish certain
9 3 training standards relating to the qualifications of persons
9 4 in the safe use of firearms. The bill further provides a
9 5 statewide standard designed to qualify an applicant for a
9 6 nonprofessional permit to carry weapons to shoot on a firing
9 7 range.
9 8 The bill provides that a qualified firearms safety
9 9 instructor shall issue a certificate of completion to a person
9 10 who successfully completes the training program, including the
9 11 completion of the requirements relating to live fire
9 12 ammunition testing on a firing range. The bill specifically
9 13 provides that a person who does not demonstrate proper firearm
9 14 handling, who handles a firearm in a manner that poses a
9 15 danger to the applicant or others, or who fails to pass the
9 16 live fire testing portion of the training program shall not be
9 17 issued a certificate of completion. An applicant for a permit
9 18 to carry weapons shall not be issued a permit to carry weapons
9 19 unless the applicant has received a certificate of completion
9 20 or is a certified peace officer.
9 21 The bill defines a qualified firearms safety instructor as
9 22 a person who meets any of the following qualifications:
9 23 1. Is certified by the national rifle association as an
9 24 instructor in any course that provides basic instruction in
9 25 pistol marksmanship or in the use of pistols or revolvers for
9 26 personal protection.
9 27 2. Submits a photocopy of a certificate of completion of a
9 28 firearms safety instructor course offered by a local, state,
9 29 or federal governmental agency and approved by the department
9 30 of public safety.
9 31 3. Submits a photocopy of a certificate of completion of a
9 32 firearms safety instructor course approved by the department
9 33 of public safety.
9 34 4. Has successfully completed a firearms safety instructor
9 35 course given by or under the supervision of any state, county,



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10 1 municipal, or federal law enforcement agency.
10 2 5. Is a certified police officer firearms safety
10 3 instructor.
10 4 6. Is a certified law enforcement academy firearms safety
10 5 instructor.
10 6 The bill provides that if the sheriff or commissioner
10 7 denies an application for a concealed weapons permit, the
10 8 sheriff or commissioner shall provide a written statement of
10 9 the reasons for the denial.
10 10 The bill provides that a person possessing a valid
10 11 out-of-state permit to carry a weapon shall be entitled to the
10 12 privileges and subject to the restrictions prescribed in Code
10 13 chapter 724.
10 14 The bill provides that the sheriff or the commissioner of
10 15 public safety shall not be liable for damages in any civil
10 16 action arising from the alleged wrongful issuance, renewal, or
10 17 failure to revoke a permit to carry weapons provided that the
10 18 sheriff or the commissioner acted reasonably and in good faith
10 19 and in accordance with provisions of Code chapter 724 in
10 20 carrying out the sheriff's or the commissioner's official
10 21 duties.
10 22 The bill provides an administrative review procedure for an
10 23 applicant who has been denied a permit to carry weapons. The
10 24 denied applicant may file an appeal of the denial to an
10 25 administrative law judge in the department of inspections and
10 26 appeals within 30 days of receiving written notice of the
10 27 denial. The applicant must then file a copy of the denial and
10 28 a written statement that clearly states the applicant's
10 29 reasons rebutting the denial along with a fee of \$10. An
10 30 applicant aggrieved by the final judgment of the
10 31 administrative law judge sustaining a denial of a permit shall
10 32 have the right to judicial review in accordance with the terms
10 33 of the Iowa administrative procedure Act, Code chapter 17A.
10 34 LSB 2481HH 83
10 35 rh/rj/5



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HOUSE FILE
BY COWNIE

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

A BILL FOR

1 An Act increasing the percentage of qualified expenditures that
2 may be claimed for purposes of the research activities tax
3 credit and including a retroactive applicability date
4 provision.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 2328YH 83
7 tw/mg:sc/5



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1 1 Section 1. Section 15.335, subsection 1, paragraph a,
1 2 subparagraph (1), Code 2009, is amended to read as follows:

1 3 (1) The credit equals the sum of the following:

1 4 (a) ~~Six and one-half~~ Ten percent of the excess of
1 5 qualified research expenses during the tax year over the base
1 6 amount for the tax year based upon the state's apportioned
1 7 share of the qualifying expenditures for increasing research
1 8 activities.

1 9 (b) ~~Six and one-half~~ Ten percent of the basic research
1 10 payments determined under section 41(e)(1)(A) of the Internal
1 11 Revenue Code during the tax year based upon the state's
1 12 apportioned share of the qualifying expenditures for
1 13 increasing research activities.

1 14 Sec. 2. Section 15A.9, subsection 8, paragraph a,
1 15 subparagraph (1), Code 2009, is amended to read as follows:

1 16 (1) The credit equals the sum of the following:

1 17 (a) ~~Thirteen~~ Twenty percent of the excess of qualified
1 18 research expenses during the tax year over the base amount for
1 19 the tax year based upon the state's apportioned share of the
1 20 qualifying expenditures for increasing research activities.

1 21 (b) ~~Thirteen~~ Twenty percent of the basic research payments
1 22 determined under section 41(e)(1)(A) of the Internal Revenue
1 23 Code during the tax year based upon the state's apportioned
1 24 share of the qualifying expenditures for increasing research
1 25 activities.

1 26 Sec. 3. Section 422.10, subsection 1, paragraph a, Code
1 27 2009, is amended to read as follows:

1 28 a. (1) For individuals, the credit equals the sum of the
1 29 following:

1 30 ~~(1)~~ (a) ~~Six and one-half~~ Ten percent of the excess of
1 31 qualified research expenses during the tax year over the base
1 32 amount for the tax year based upon the state's apportioned
1 33 share of the qualifying expenditures for increasing research
1 34 activities.

1 35 ~~(2)~~ (b) ~~Six and one-half~~ Ten percent of the basic



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2 1 research payments determined under section 41(e)(1)(A) of the
2 2 Internal Revenue Code during the tax year based upon the
2 3 state's apportioned share of the qualifying expenditures for
2 4 increasing research activities.

2 5 (2) The state's apportioned share of the qualifying
2 6 expenditures for increasing research activities is a percent
2 7 equal to the ratio of qualified research expenditures in this
2 8 state to total qualified research expenditures.

2 9 Sec. 4. Section 422.33, subsection 5, paragraph a, Code
2 10 2009, is amended to read as follows:

2 11 a. (1) The taxes imposed under this division shall be
2 12 reduced by a state tax credit for increasing research
2 13 activities in this state equal to the sum of the following:

2 14 ~~(1)~~ (a) ~~Six and one-half~~ Ten percent of the excess of
2 15 qualified research expenses during the tax year over the base
2 16 amount for the tax year based upon the state's apportioned
2 17 share of the qualifying expenditures for increasing research
2 18 activities.

2 19 ~~(2)~~ (b) ~~Six and one-half~~ Ten percent of the basic
2 20 research payments determined under section 41(e)(1)(A) of the
2 21 Internal Revenue Code during the tax year based upon the
2 22 state's apportioned share of the qualifying expenditures for
2 23 increasing research activities.

2 24 (2) The state's apportioned share of the qualifying
2 25 expenditures for increasing research activities is a percent
2 26 equal to the ratio of qualified research expenditures in this
2 27 state to the total qualified research expenditures.

2 28 Sec. 5. RETROACTIVE APPLICABILITY. This Act applies
2 29 retroactively to January 1, 2009, for tax years beginning on
2 30 or after that date.

2 31 EXPLANATION

2 32 This bill increases the amount of the research activities
2 33 tax credit.

2 34 Currently, the amount of the tax credit under the
2 35 individual and corporate income taxes is 6.5 percent of



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3 1 qualified research expenditures, but under Code section
3 2 15.335, the department of economic development may award an
3 3 additional 6.5 percent. The bill increases to 10 percent the
3 4 amount available under both the individual and corporate
3 5 income taxes as well as the additional credits awarded by the
3 6 department of economic development. Because the research
3 7 activities tax credit is in lieu of the income tax credits
3 8 under the quality jobs enterprise zone program, the bill
3 9 increases the percentage from 13 percent to 20 percent.
3 10 The bill applies retroactively to January 1, 2009, for tax
3 11 years beginning on or after that date.
3 12 LSB 2328YH 83
3 13 tw/mg:sc/5



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HOUSE FILE
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 116)

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

A BILL FOR

1 An Act relating to railway assistance and passenger rail service,
2 including provisions for the administration of the railway
3 revolving loan and grant fund, the elimination of the railway
4 finance authority, and the administration of the passenger
5 rail service revolving fund.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 1349HV 83
8 dea/nh/14



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1 1 DIVISION I
 1 2 RAILWAY ASSISTANCE
 1 3 Section 1. Section 6A.6, Code 2009, is amended to read as
 1 4 follows:
 1 5 6A.6 RAILWAYS.
 1 6 ~~The Iowa railway finance authority or any A railway~~
 1 7 ~~corporation,~~ may acquire by condemnation property as necessary
 1 8 for the location, construction, and convenient use of a
 1 9 railway. ~~The Iowa railway finance authority may acquire fee~~
~~1 10 title or a lesser property interest. The authority shall~~
~~1 11 offer to sell its interest in the property at fair market~~
~~1 12 value to the adjoining property owners upon abandonment. The~~
 1 13 acquisition shall carry the right to use for the construction
 1 14 and repair of the railway and its appurtenances any earth,
 1 15 gravel, stone, timber, or other material, on or from the land
 1 16 taken.
 1 17 Sec. 2. Section 6A.9, unnumbered paragraph 1, Code 2009,
 1 18 is amended to read as follows:
 1 19 The ~~Iowa railway finance authority~~ department of
~~1 20 transportation~~ or a railway corporation may, by condemnation
 1 21 or otherwise, acquire lands for the following additional
 1 22 purposes:
 1 23 Sec. 3. Section 6A.10, Code 2009, is amended to read as
 1 24 follows:
 1 25 6A.10 INITIATING RAILROAD CONDEMNATION BY RAILWAY
 1 26 CORPORATION.
 1 27 ~~1. The A~~ railway corporation shall apply to the department
 1 28 of transportation for permission to condemn. The railway
 1 29 corporation shall serve notice of the application and hearing
 1 30 and provide a copy of the legal description of the property to
 1 31 be condemned to the owner and any recordholders of liens and
 1 32 encumbrances on any land described in the application. The
 1 33 department may, after hearing, report to the clerk of the
 1 34 district court of the county in which the land is situated the
 1 35 description of the land sought to be condemned. The



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2 1 corporation may begin condemnation procedures in district
 2 2 court for the land described by the department.
 2 3 ~~2. The railway finance authority may begin condemnation~~
~~2 4 proceedings in district court.~~
 2 5 Sec. 4. Section 6A.16, Code 2009, is amended to read as
 2 6 follows:
 2 7 6A.16 RIGHT TO CONDEMN ABANDONED RIGHT=OF=WAY.
 2 8 Railroad right=of=way which has been abandoned by order of
 2 9 the proper authority, may be condemned by a railway
 2 10 corporation or the Iowa railway finance authority department
~~2 11 of transportation~~ before or after the track materials have
 2 12 been removed. The procedure to condemn abandoned right=of=way
 2 13 shall be the same as for an original condemnation.
 2 14 Sec. 5. Section 7E.7, subsection 2, Code 2009, is amended
 2 15 by striking the subsection.
 2 16 Sec. 6. Section 12.28, subsection 1, paragraph b, Code
 2 17 2009, is amended to read as follows:
 2 18 b. "State agency" means a board, commission, bureau,
 2 19 division, office, department, or branch of state government.
 2 20 However, state agency does not mean the state board of
 2 21 regents, institutions governed by the board of regents, or
 2 22 authorities created under chapter 16, 175, 257C, or 261A, ~~or~~
~~2 23 327I.~~
 2 24 Sec. 7. Section 12.30, subsection 1, paragraph a, Code
 2 25 2009, is amended to read as follows:
 2 26 a. "Authority" means a department, or public or
 2 27 quasi-public instrumentality of the state including but not
 2 28 limited to the authority created under chapter 12E, 16, 175,
 2 29 257C, 261A, ~~327I,~~ or 463C, which has the power to issue
 2 30 obligations, except that "authority" does not include the
 2 31 state board of regents or the Iowa finance authority to the
 2 32 extent it acts pursuant to chapter 260C. "Authority" also
 2 33 includes a port authority created under chapter 28J.
 2 34 Sec. 8. Section 307.24, Code 2009, is amended to read as
 2 35 follows:



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3 1 307.24 ADMINISTRATION OF HIGHWAYS.

3 2 The department's administrator of highways is responsible
3 3 for the planning, design, construction, and maintenance of the
3 4 state primary highways and shall administer chapters 306 to
3 5 320 and ~~327~~ and perform other duties as assigned by the
3 6 director. The administration of highways shall be organized
3 7 to provide administration for urban systems, for secondary
3 8 roads, and other categories of administration as necessary.

3 9 Sec. 9. Section 321.145, subsection 2, paragraph b,
3 10 subparagraph (4), Code 2009, is amended by striking the
3 11 subparagraph.

3 12 Sec. 10. Section 327G.76, Code 2009, is amended to read as
3 13 follows:

3 14 327G.76 TIME OF REVERSION.

3 15 Railroad property rights which are extinguished upon
3 16 cessation of service by the railroad divest when the ~~railway~~
~~3 17 finance authority department of transportation~~ or the
3 18 railroad, having obtained authority to abandon the rail line,
3 19 removes the track materials to the right-of-way. If the
3 20 ~~railway finance authority department of transportation~~ does
3 21 not acquire the line and the railway company does not remove
3 22 the track materials, the property rights which are
3 23 extinguished upon cessation of service by the railroad divest
3 24 one year after the railway obtains the final authorization
3 25 necessary from the proper authority to remove the track
3 26 materials.

3 27 Sec. 11. Section 327H.20A, Code 2009, is amended to read
3 28 as follows:

3 29 327H.20A RAILROAD REVOLVING LOAN AND GRANT FUND.

3 30 1. A railroad revolving loan and grant fund is established
3 31 in the office of the treasurer of state under the control of
3 32 the ~~authority~~ department. Moneys in the fund shall be
3 33 expended for the following purposes:

3 34 a. Grants or loans to provide assistance for the
3 35 restoration, conservation, improvement, and construction of



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4 1 railroad main lines, branch lines, switching yards, sidings,
4 2 rail connections, intermodal yards, highway grade separations,
4 3 and other railroad-related improvements.

4 4 b. Grants or loans for rail economic development projects
4 5 that improve rail facilities, including the construction of
4 6 branch lines, sidings, rail connections, intermodal yards, and
4 7 other rail-related improvements that spur economic development
4 8 and job growth.

4 9 2. The ~~authority~~ department shall administer a program for
4 10 the granting and administration of loans and grants under this
4 11 section. ~~No more than fifty percent of the total moneys~~
~~4 12 available in the fund in any year shall be awarded in the form~~
~~4 13 of grants.~~ The ~~authority~~ department may establish a limit on
4 14 the amount that may be awarded as a grant for any given
4 15 project in order to maximize the use of the moneys in the
4 16 fund. The ~~authority~~ department may enter into agreements with
4 17 railroad corporations, the United States government, cities,
4 18 counties, and other persons for carrying out the purposes of
4 19 this section.

4 20 3. Notwithstanding any other provision to the contrary, on
4 21 or after July 1, 2006, moneys received as repayments for loans
4 22 made pursuant to this chapter or chapter 327I, Code 2009,
4 23 before, on, or after July 1, 2005, other than repayments of
4 24 federal moneys subject to section 327H.21, shall be credited
4 25 to the railroad revolving loan and grant fund.
4 26 Notwithstanding section 8.33, moneys in the railroad revolving
4 27 loan and grant fund shall not revert to the general fund of
4 28 the state but shall remain available indefinitely for
4 29 expenditure under this section.

4 30 Sec. 12. Section 327H.26, Code 2009, is amended to read as
4 31 follows:

4 32 327H.26 ~~DEFINITIONS~~ DEFINITION.

4 33 As used in this chapter, unless the context otherwise
4 34 requires:

4 35 1. ~~"Authority" means the railway finance authority created~~



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~~5 1 in chapter 327I.~~

5 2 2. ~~"Department", "department"~~ means the state department
5 3 of transportation.

5 4 Sec. 13. Section 427.1, subsection 25, Code 2009, is
5 5 amended by striking the subsection.

5 6 Sec. 14. Chapter 327I, Code 2009, is repealed.

5 7 Sec. 15. CONTINUATION OF PRIOR AGREEMENTS. It is the
5 8 intent of the general assembly that the enactment of this Act
5 9 shall not affect the terms or duration of railroad assistance
5 10 agreements entered into under chapter 327H or 327I prior to
5 11 the effective date of this Act. The department of
5 12 transportation is the successor to the rights and obligations
5 13 of any agreements entered into by the Iowa railway finance
5 14 authority.

5 15

DIVISION II

5 16

PASSENGER RAIL SERVICE

5 17 Sec. 16. Section 327J.1, Code 2009, is amended by adding
5 18 the following new subsection:

5 19 NEW SUBSECTION. 6. "Passenger rail service" means
5 20 long-distance, intercity, and commuter passenger
5 21 transportation, including the midwest regional rail system,
5 22 which is provided on railroad tracks.

5 23 Sec. 17. Section 327J.2, subsection 2, Code 2009, is
5 24 amended to read as follows:

5 25 2. FUNDING. To achieve the purposes of this chapter,
5 26 moneys shall be credited to the passenger rail service
5 27 revolving fund by the treasurer of state from the following
5 28 sources:

5 29 a. Appropriations made by the general assembly.

5 30 ~~a.~~ b. Private grants and gifts intended for these
5 31 purposes.

5 32 ~~b.~~ c. Federal, state, and local grants and loans intended
5 33 for these purposes.

5 34 Sec. 18. Section 327J.3, Code 2009, is amended to read as
5 35 follows:



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6 1 327J.3 ADMINISTRATION.

6 2 1. The director may expend moneys from the fund to pay the
6 3 costs associated with the initiation, operation, and
6 4 maintenance of ~~rail~~ passenger rail service. The director
6 5 shall report by February 1 of each year to the legislative
6 6 services agency concerning the status of the fund including
6 7 anticipated expenditures for the following fiscal year.

6 8 2. The director may enter into agreements with AMTRAK,
6 9 other rail operators, local jurisdictions, and other states
6 10 ~~associated with the midwest regional rail system~~ for the
6 11 purpose of developing a rail passenger system rail service
6 12 ~~serving the midwest, including service from Chicago, Illinois,~~
6 13 ~~to Omaha, Nebraska, through~~ Iowa. The agreements may include
6 14 any of the following:

6 15 a. Cost-sharing agreements associated with initiating
6 16 service, capital costs, operating subsidies, and other costs
6 17 necessary to develop and maintain service.

6 18 b. Joint powers agreements and other institutional
6 19 arrangements associated with the administration, management,
6 20 and operation of a ~~midwest regional rail system~~ passenger rail
6 21 service.

6 22 3. The director shall enter into discussions with members
6 23 of Iowa's congressional delegation to foster ~~rail~~ passenger
6 24 rail service in this state and the midwest and to maximize the
6 25 level of federal funding for the service, ~~including funding~~
6 26 ~~for the midwest regional rail system~~.

6 27 4. The director may provide assistance and enter into
6 28 agreements with ~~cities~~ local jurisdictions along the proposed
6 29 route of the midwest regional rail system or other passenger
6 30 rail ~~system~~ service operations serving ~~the Midwest~~ Iowa to
6 31 ensure that rail stations and terminals are designed and
6 32 developed in accordance with the following objectives:

6 33 a. To meet safety and efficiency requirements outlined by
6 34 AMTRAK and the federal railroad administration.

6 35 b. To aid intermodal transportation.



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7 1 c. To encourage economic development.
7 2 5. The director shall report annually to the general
7 3 assembly concerning the development and operation of the
7 4 midwest regional rail system and the state's passenger rail
7 5 service.

7 6 EXPLANATION

7 7 This bill contains provisions relating to assistance for
7 8 railroads and passenger rail service.

7 9 DIVISION I == RAILWAY ASSISTANCE. This division of the
7 10 bill contains the repeal of Code chapter 327I, in which the
7 11 Iowa railway finance authority was established. The duties
7 12 and responsibilities of the railway finance authority for
7 13 administration of the railroad revolving loan and grant fund
7 14 are transferred to the department of transportation. The bill
7 15 specifies that the department is the successor to the rights
7 16 and obligations of any agreements for railroad assistance
7 17 entered into by the Iowa railway finance authority, and the
7 18 terms and duration of those prior agreements are preserved.

7 19 The bill eliminates references to the railway finance
7 20 authority in provisions relating to the condemnation of
7 21 property for the location, construction, and use of a railway.
7 22 The bill specifies that the authority currently granted to the
7 23 railway finance authority to acquire lands for certain
7 24 additional purposes, such as constructing sections of track,
7 25 establishing additional depot grounds or yards, modifying or
7 26 adding right-of-way, and preserving abandoned railroad
7 27 right-of-way, is retained by the department along with the
7 28 right to condemn abandoned railroad right-of-way.

7 29 The bill lifts the current limitation on the total amount
7 30 available in the railroad revolving loan and grant fund that
7 31 may be awarded annually in the form of grants.

7 32 Under current law, moneys are appropriated from the
7 33 statutory allocations fund for the payment of principal and
7 34 interest on obligations of the railway finance authority or
7 35 the payment of leases guaranteed by the authority. The bill



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House File 561 - Introduced continued

8 1 strikes that appropriation.
8 2 DIVISION II == PASSENGER RAIL SERVICE. This division of
8 3 the bill provides for the administration of passenger rail
8 4 service, including administration of the passenger rail
8 5 service revolving fund, by the department of transportation.
8 6 The term "passenger rail service" is defined in the bill as
8 7 long-distance, intercity, and commuter passenger
8 8 transportation, including the midwest regional rail system,
8 9 which is provided on railroad tracks. The bill amends
8 10 language describing funding sources for the passenger rail
8 11 service revolving fund to include appropriations made by the
8 12 general assembly.
8 13 Currently, the director of transportation has authority to
8 14 enter into agreements with AMTRAK and with states associated
8 15 with the midwest regional rail system for the purpose of
8 16 developing a passenger rail system serving the midwest. The
8 17 bill modifies that authority to allow agreements with AMTRAK,
8 18 other rail operators, local jurisdictions, and any other
8 19 states for the purpose of developing passenger rail service
8 20 serving Iowa.
8 21 LSB 1349HV 83
8 22 dea/nh/14



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House File 562 - Introduced

HOUSE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HF 383)

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

A BILL FOR

- 1 An Act relating to the state child care advisory council.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TL5B 2131HV 83
- 4 jp/nh/14



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House File 562 - Introduced continued

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

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

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

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

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

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



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House File 562 - Introduced continued

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

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

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

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

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

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

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

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

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

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



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House File 562 - Introduced continued

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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House File 562 - Introduced continued

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

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

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

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

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

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



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House File 562 - Introduced continued

5 1 i. Review departmental program data concerning child care
5 2 as deemed to be necessary by the advisory council, although
5 3 the department shall not provide personally identifiable data
5 4 or information.
5 5 2. The department shall provide information to the
5 6 advisory council semiannually on all of the following:
5 7 a. Federal, state, local, and private revenues and
5 8 expenditures for child care, including but not limited to
5 9 updates on the current and future status of the revenues and
5 10 expenditures.
5 11 b. Financial information and data relating to regulation
5 12 of child care by the department and the usage of the state
5 13 child care assistance program.
5 14 c. Utilization and availability data relating to child
5 15 care regulation, quantity, and quality from consumer and
5 16 provider perspectives.
5 17 d. Statistical and demographic data regarding child care
5 18 providers and the families utilizing child care.
5 19 e. Statistical data regarding the processing time for
5 20 issuing notices of decision to state child care assistance
5 21 applicants and for issuing payments to child care providers.
5 22 3. The advisory council shall report annually to the
5 23 governor and general assembly in December concerning the
5 24 status of child care in the state, providing findings, and
5 25 making recommendations. The annual report may be personally
5 26 presented to the general assembly's standing committees on
5 27 human resources by a representative of the advisory council.

5 28 EXPLANATION

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

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



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House File 562 - Introduced continued

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



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House File 563 - Introduced

HOUSE FILE
BY HEATON

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

A BILL FOR

- 1 An Act providing for implementation of a voluntary licensure
- 2 system for certain home-based child care providers.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1323YH 83
- 5 jp/sc/8



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House File 563 - Introduced continued

PAG LIN

1 1 Section 1. Section 237A.12, Code 2009, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 6. The department shall develop and
1 4 implement a voluntary system for licensing of child
1 5 development home providers in lieu of registration. All of
1 6 the requirements applicable to a registered child development
1 7 home, including but not limited to the record checks under
1 8 section 237A.5, shall apply to a child care provider that
1 9 elects to become a licensed child development home. However,
1 10 the requirements may be modified as deemed appropriate by the
1 11 department to improve quality while protecting the safety of
1 12 children. The standards under the voluntary licensing system
1 13 may include but are not limited to acceptance of a provider's
1 14 appropriate national accreditation, providing annual and
1 15 unannounced inspection visits, and requiring elements of the
1 16 voluntary child care quality rating system under section
1 17 237A.30.

1 18

EXPLANATION

1 19 This bill requires the department of human services to
1 20 develop and implement a voluntary system for licensing of
1 21 child development home providers in lieu of registration. The
1 22 requirements applicable to a registered child development home
1 23 remain applicable but may be modified as deemed appropriate by
1 24 the department to improve quality while protecting the safety
1 25 of children. The bill lists various elements that may be
1 26 addressed in the standards for licensure.

1 27 LSB 1323YH 83

1 28 jp/sc/8



Iowa General Assembly
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House File 564 - Introduced

HOUSE FILE
BY SCHULTZ

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

A BILL FOR

- 1 An Act relating to the establishment of exclusive grounds for a
- 2 dissolution of marriage.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2237HH 83
- 5 pf/rj/5



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House File 564 - Introduced continued

PAG LIN

1 1 Section 1. Section 598.3, Code 2009, is amended to read as
1 2 follows:
1 3 598.3 KIND OF ACTION == JOINDER.
1 4 An action for dissolution of marriage shall be by equitable
1 5 proceedings, and no cause of action, save for alimony, shall
1 6 be joined ~~therewith with the action. Such actions shall not~~
~~1 7 be subject to counterclaim or cross petition by the~~
~~1 8 respondent.~~ After the appearance of the respondent, ~~no a~~
1 9 dismissal of the cause of action shall not be allowed unless
1 10 both the petitioner and the respondent sign the dismissal.
1 11 Sec. 2. NEW SECTION. 598.4A DISSOLUTION OF MARRIAGE ==
1 12 EXCLUSIVE GROUNDS.
1 13 A party may petition for dissolution of marriage only upon
1 14 proof of any of the following:
1 15 1. The other party has committed adultery.
1 16 2. The other party has committed a felony and has been
1 17 sentenced to imprisonment.
1 18 3. The other party has willfully abandoned the matrimonial
1 19 domicile for a period of at least one year and refuses to
1 20 return.
1 21 4. The other party has physically or sexually abused the
1 22 other party or a child of the parties.
1 23 5. The parties have been living separate and apart
1 24 continuously without reconciliation for a period of two years.
1 25 6. The other party is a chronic substance abuser.
1 26 Sec. 3. Section 598.5, subsection 1, paragraph g, Code
1 27 2009, is amended to read as follows:
1 28 g. ~~Allege that there has been a breakdown of the marriage~~
~~1 29 relationship to the extent that the legitimate objects of~~
~~1 30 matrimony have been destroyed and there remains no reasonable~~
~~1 31 likelihood that the marriage can be preserved one or more~~
1 32 grounds for the dissolution specified in section 598.4A.
1 33 Sec. 4. NEW SECTION. 598.5B COUNTERCLAIM.
1 34 The respondent may obtain a dissolution of marriage upon a
1 35 counterclaim based upon any of the grounds specified in



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House File 564 - Introduced continued

2 1 section 598.4A.

2 2 Sec. 5. Section 598.8, subsection 2, paragraph a,
2 3 subparagraph (1), Code 2009, is amended to read as follows:

2 4 (1) The parties have certified in writing ~~that there has~~
~~2 5 been a breakdown of the marriage relationship to the extent~~
~~2 6 that the legitimate objects of matrimony have been destroyed~~
~~2 7 and there remains no reasonable likelihood that the marriage~~
~~2 8 can be preserved~~ demonstrated proof of one or more grounds
2 9 alleged in the petition for dissolution.

2 10 Sec. 6. Section 598.8, subsection 2, paragraph b,
2 11 subparagraph (1), Code 2009, is amended to read as follows:

2 12 (1) The petitioner has certified in writing ~~that there has~~
~~2 13 been a breakdown of the marriage relationship to the extent~~
~~2 14 that the legitimate objects of matrimony have been destroyed~~
~~2 15 and there remains no reasonable likelihood that the marriage~~
~~2 16 can be preserved~~ demonstrated proof of one or more grounds
2 17 alleged in the petition for dissolution.

2 18 Sec. 7. Section 598.17, Code 2009, is amended to read as
2 19 follows:

2 20 598.17 DISSOLUTION OF MARRIAGE == EVIDENCE.

2 21 1. A decree dissolving the marriage may be entered when
2 22 the court is satisfied from the evidence presented ~~that there~~
~~2 23 has been a breakdown of the marriage relationship to the~~
~~2 24 extent that the legitimate objects of matrimony have been~~
~~2 25 destroyed and there remains no reasonable likelihood that the~~
~~2 26 marriage can be preserved~~ of one or more grounds alleged in
2 27 the petition for dissolution. The decree shall state that the
2 28 dissolution is granted to the parties, and shall not state
2 29 that it is granted to only one party.

2 30 2. If at the time of trial petitioner fails to present
2 31 satisfactory evidence ~~that there has been a breakdown of the~~
~~2 32 marriage relationship to the extent that the legitimate~~
~~2 33 objects of matrimony have been destroyed and there remains no~~
~~2 34 reasonable likelihood that the marriage can be preserved~~ of
2 35 one or more of the grounds alleged in the petition for



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House File 564 - Introduced continued

3 1 dissolution, the respondent may then proceed to present such
3 2 evidence as though the respondent had filed the original
3 3 petition.

3 4 3. A dissolution of marriage granted when one of the
3 5 spouses has mental illness shall not relieve the other spouse
3 6 of any obligation imposed by law as a result of the marriage
3 7 for the support of the spouse with mental illness. The court
3 8 may ~~make~~ issue an order for the support or may waive the
3 9 support obligation when satisfied from the evidence that it
3 10 would create an undue hardship on the obliged spouse or that
3 11 spouse's other dependents.

3 12 Sec. 8. NEW SECTION. 598.18A FAULT OF PARTIES
3 13 CONSIDERED.

3 14 If, upon trial of an action for dissolution of marriage,
3 15 one party is found to have committed an act or acts which
3 16 would support or justify a decree of dissolution of marriage
3 17 based upon one or more grounds alleged in the petition, such
3 18 dissolution may be decreed and the act or acts of the one
3 19 party shall be considered in any order for disposition of
3 20 property pursuant to section 598.21, any order for spousal
3 21 support pursuant to section 598.21A, any order for child
3 22 support and medical support pursuant to section 598.21B, any
3 23 award of custody pursuant to section 598.41, and in any
3 24 subsequent modification of such order.

3 25 EXPLANATION

3 26 This bill establishes bases for the dissolution of
3 27 marriage. Current law requires a party petitioning for
3 28 dissolution of marriage to allege that there has been a
3 29 breakdown of the marriage relationship to the extent that the
3 30 legitimate objects of matrimony have been destroyed and there
3 31 remains no reasonable likelihood that the marriage can be
3 32 preserved. The bill would require instead that a party
3 33 allege: the other party has committed adultery; the other
3 34 party has committed a felony and has been sentenced to
3 35 imprisonment; the other party has willfully abandoned the



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House File 564 - Introduced continued

4 1 matrimonial domicile for a period of at least one year and
4 2 refuses to return; the other party has physically or sexually
4 3 abused the other party or a child of the parties; the parties
4 4 have been living separate and apart continuously without
4 5 reconciliation for a period of two years; or the other party
4 6 is a chronic substance abuser.

4 7 The bill also provides that if one party is found to have
4 8 committed an act or acts which would support or justify a
4 9 decree of dissolution of marriage based upon the grounds
4 10 alleged in the petition, the act or acts of the one party
4 11 shall be considered in any order for disposition of property,
4 12 spousal support, or child support and medical support, and in
4 13 any award of custody, and also in any subsequent modification
4 14 of such order.

4 15 The bill also makes conforming changes to reflect the
4 16 changes in the bill requiring the proof of grounds for a
4 17 dissolution of marriage.

4 18 LSB 2237HH 83

4 19 pf/rj/5



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House File 565 - Introduced

HOUSE FILE
BY WINCKLER, KRESSIG, KELLEY,
and BURT

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

A BILL FOR

- 1 An Act providing for a state research and development
- 2 prekindergarten through grade twelve school.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2187HH 83
- 5 ak/rj/5



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House File 565 - Introduced continued

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1 1 Section 1. NEW SECTION. 256G.1 LEGISLATIVE INTENT.
1 2 It is the intent of the general assembly to develop a state
1 3 research and development prekindergarten through grade twelve
1 4 school in order to do the following:
1 5 1. To raise and sustain the level of all prekindergarten
1 6 through grade twelve students' educational attainment and
1 7 personal development through innovative and promising teaching
1 8 practice.
1 9 2. To enhance the preparation and professional competence
1 10 of the educators in this state through collaborative inquiry
1 11 and exchange of professional knowledge in teaching and
1 12 learning.
1 13 3. To focus on research that transforms teaching practice
1 14 to meet the changing needs of this state's educational system.
1 15 Sec. 2. NEW SECTION. 256G.2 DEFINITIONS.
1 16 For purposes of this chapter:
1 17 1. "Department" means the department of education.
1 18 2. "Director" means the director of the department of
1 19 education.
1 20 3. "President" means the president of the university of
1 21 northern Iowa.
1 22 4. "Research and development school" means a
1 23 prekindergarten through grade twelve research, development,
1 24 demonstration, and dissemination school using expanded
1 25 facilities at the center for early development education, also
1 26 known as the Price laboratory school, in Cedar Falls.
1 27 5. "University" means the university of northern Iowa.
1 28 Sec. 3. NEW SECTION. 256G.3 RESEARCH AND DEVELOPMENT
1 29 SCHOOL FUNDING.
1 30 1. a. The research and development school shall be
1 31 eligible for the school foundation aid program under chapter
1 32 257.
1 33 b. The research and development school shall maintain a
1 34 basic geographic boundary line agreement with the Cedar Falls
1 35 community school district.



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2 1 c. Open enrollment under section 282.18 applies to the
2 2 research and development school.
2 3 2. To the same extent and under the same circumstances as
2 4 if the research and development school were a school district,
2 5 the research and development school shall be eligible to
2 6 receive funds from the secure an advanced vision for education
2 7 fund under section 423F.2 for infrastructure purposes as
2 8 allowed under section 423F.3.
2 9 3. The school budget review committee may grant
2 10 supplemental funding to the research and development school
2 11 for its research component if additional funding beyond the
2 12 funding provided by the university is necessary under section
2 13 257.31, subsection 5, paragraph "o".
2 14 4. Funds provided by the university for the center for
2 15 early development education under section 262.71 shall be
2 16 redirected as applicable to support the research component at
2 17 the research and development school.
2 18 Sec. 4. NEW SECTION. 256G.4 RESEARCH AND DEVELOPMENT
2 19 SCHOOL == GOVERNANCE.
2 20 1. The university shall be the governing entity of the
2 21 research and design school and as such shall be responsible
2 22 for the faculty, facility, grounds, and staffing.
2 23 2. The department shall be the accreditation agency and as
2 24 such shall serve as the authority on teacher qualification
2 25 requirements and waiver provisions.
2 26 3. a. A fourteen-member advisory council is created,
2 27 composed of the following members:
2 28 (1) Three standing committee members as follows:
2 29 (a) The director.
2 30 (b) The president.
2 31 (c) The director of the research and development school,
2 32 serving as an ex officio, nonvoting member.
2 33 (2) Seven members shall be jointly recommended for
2 34 membership by the president and the director and shall be
2 35 jointly approved by the state board of regents and the state



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House File 565 - Introduced continued

3 1 board of education, shall serve three-year staggered terms,
3 2 and shall be eligible to serve for two consecutive three-year
3 3 terms on the council in addition to any partial, initial term:

3 4 (a) One member representing prekindergarten through grade
3 5 twelve teachers.

3 6 (b) One member representing prekindergarten through grade
3 7 twelve administrators.

3 8 (c) One member representing area education agencies.

3 9 (d) One member representing Iowa state university of
3 10 science and technology.

3 11 (e) One member representing the university of Iowa.

3 12 (f) One member representing parents of students at the
3 13 research and development school.

3 14 (g) One member representing business and industry.

3 15 (3) Four members of the general assembly serving as ex
3 16 officio, nonvoting members, one representative to be appointed
3 17 by the speaker of the house of representatives, one
3 18 representative to be appointed by the minority leader of the
3 19 house of representatives, one senator to be appointed by the
3 20 majority leader of the senate after consultation with the
3 21 president of the senate, and one senator to be appointed by
3 22 the minority leader of the senate.

3 23 b. (1) The advisory council shall review and evaluate the
3 24 educational processes and results of the research and
3 25 development school.

3 26 (2) The advisory council shall provide an annual report to
3 27 the president, the director, the state board of regents, and
3 28 the state board of education.

3 29 4. a. An eight-member standing institutional research
3 30 committee, appointed by the president and the director, is
3 31 created, composed of the following members:

3 32 (1) The director of research at the research and
3 33 development school or the person designated with this
3 34 responsibility.

3 35 (2) One member representing the university of northern



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House File 565 - Introduced continued

4 1 Iowa.
4 2 (3) One member representing Iowa state university of
4 3 science and technology.
4 4 (4) One member representing the university of Iowa.
4 5 (5) One member representing business and industry.
4 6 (6) One member representing prekindergarten through grade
4 7 twelve students.
4 8 (7) One member representing the political community.
4 9 (8) One member representing the department.
4 10 b. The appointed members should collectively possess the
4 11 following characteristics:
4 12 (1) Be well informed about the educational needs of
4 13 students in the state.
4 14 (2) Be aware of and understand the standards and protocol
4 15 for educational research.
4 16 (3) Understand the dissemination of prekindergarten
4 17 through grade twelve research results.
4 18 (4) Understand the impact of educational research.
4 19 (5) Be knowledgeable about compliance with human subject
4 20 protection protocol.
4 21 c. The committee shall serve as the clearinghouse for the
4 22 investigative and applied research at the research and
4 23 development school.
4 24 d. The committee shall create research protocols, approve
4 25 research proposals, review the quality and results of
4 26 performed research, and provide support for dissemination
4 27 efforts.
4 28 Sec. 5. Section 257.31, subsection 5, Code 2009, is
4 29 amended by adding the following new paragraph:
4 30 NEW PARAGRAPH. o. Lack of funding for research at the
4 31 research and development school established under chapter
4 32 256G.
4 33 Sec. 6. RESEARCH AND DEVELOPMENT SCHOOL INFRASTRUCTURE.
4 34 1. a. There is appropriated from the general fund of the
4 35 state to the university of northern Iowa for the fiscal year



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House File 565 - Introduced continued

5 1 beginning July 1, 2009, and ending June 30, 2010, the
 5 2 following amount, or so much thereof as is necessary, to be
 5 3 used for the purposes designated:
 5 4 For a contract with a design firm to evaluate the condition
 5 5 of the center for early development education in Cedar Falls
 5 6 and determine an approximate cost of both renovation of the
 5 7 current facility and new construction with a recommendation as
 5 8 to which is more feasible:
 5 9 \$ 35,000
 5 10 b. The design firm's recommendation shall consider the
 5 11 following property elements:
 5 12 (1) Grounds, utility, and paving systems.
 5 13 (2) Exterior systems, including the roof, walls, windows,
 5 14 exterior doors, and structural components.
 5 15 (3) Interior systems, including walls, doors, floors, and
 5 16 ceilings.
 5 17 (4) Fire and life safety issues.
 5 18 (5) Readily achievable design features meeting the
 5 19 requirements of the federal Americans With Disabilities Act.
 5 20 (6) Heating, ventilation, and air conditioning including
 5 21 control mechanisms.
 5 22 (7) Electrical and electrical distribution system.
 5 23 (8) Plumbing.
 5 24 (9) Fire protection.
 5 25 (10) Elevators.
 5 26 (11) Special construction.
 5 27 c. The design firm shall report in fiscal year 2010=2011
 5 28 to the president, the director, and the transition team the
 5 29 results of its evaluation and recommendation.
 5 30 2. The renovation or rebuilding of the center for early
 5 31 development education shall be funded from a direct
 5 32 appropriation from the rebuild Iowa infrastructure fund
 5 33 created in section 8.57. Leadership in energy and
 5 34 environmental design certification shall be sought in order
 5 35 that the research and development school serve as a model of



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House File 565 - Introduced continued

6 1 energy efficiency and design.
6 2 3. A three-year timeline to establish the research and
6 3 development school is proposed for the university and the
6 4 department. A transition team, appointed by the president and
6 5 the director, shall develop and implement specific transition
6 6 plans for the first year of the transition and for the entire
6 7 three-year transition period in order to establish a
6 8 functioning research and development school at the end of the
6 9 transition period. The transition team shall use the
6 10 recommendations for each year of the transition as submitted
6 11 in the report of the committees required by 2008 Iowa Acts,
6 12 chapter 1101, to oversee the transition.

6 13 EXPLANATION

6 14 This bill provides for the establishment of a state
6 15 research and development prekindergarten through grade 12
6 16 school based on a three-year transition plan. The bill sets
6 17 out the basic structure of the school, including the
6 18 legislative intent, the school's basic funding, the school's
6 19 governance, and the school's infrastructure.

6 20 The research and development school's funding would include
6 21 being eligible for school foundation aid; funding from the
6 22 secure an advanced vision for education fund; additional
6 23 research funding, if needed, from the school budget review
6 24 committee; and funding from the university of northern Iowa
6 25 (UNI) that currently supports the Price laboratory school.

6 26 The bill sets out the research and development school's
6 27 governance such that UNI governs the facility, faculty,
6 28 staffing, and grounds. The department of education is
6 29 responsible for accrediting the teachers and staff. A
6 30 14-member advisory council will review and evaluate the
6 31 educational processes and results of the school. An
6 32 eight-member standing institutional research committee will
6 33 serve as the clearinghouse for the investigative and applied
6 34 research at the school, including creating research protocols,
6 35 approving research proposals, and reviewing the quality and



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House File 565 - Introduced continued

7 1 results of performed research.

7 2 The research and development school's infrastructure is
7 3 based on a three-year transition plan from the current Price
7 4 laboratory school. The bill calls for a design firm to be
7 5 hired to evaluate the current school facility and determine
7 6 whether renovation or new construction is the most feasible
7 7 option. The design firm's report is due in FY 2010=2011 and
7 8 the bill makes an appropriation of \$35,000 for the cost of the
7 9 evaluation.

7 10 The bill states that the cost of renovation or rebuilding
7 11 for the school shall be funded from the rebuild Iowa
7 12 infrastructure fund and that leadership in energy and
7 13 environmental design certification be sought.

7 14 The bill requires that a three-year timeline be established
7 15 and that a transition team be appointed in order to have a
7 16 functioning research and development school at the end of
7 17 three years.

7 18 LSB 2187HH 83

7 19 ak/rj/5



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House File 566 - Introduced

HOUSE FILE
BY LUKAN

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

A BILL FOR

- 1 An Act providing tax credits to low-income workers for purchases
- 2 of used vehicles and including a retroactive applicability
- 3 date provision.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1810HH 83
- 6 tw/mg:sc/14



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House File 566 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 422.11X USED COMMUTER VEHICLE
1 2 TAX CREDIT.
1 3 1. A tax credit in an amount not to exceed five hundred
1 4 dollars shall be allowed against the taxes imposed in this
1 5 division for the costs incurred by an eligible taxpayer for
1 6 the purchase during the tax year of the taxpayer's motor
1 7 vehicle.
1 8 2. To be eligible for the credit, the taxpayer shall meet
1 9 all of the following conditions:
1 10 a. The taxable income of the taxpayer shall not exceed the
1 11 applicable income threshold specified in the most recently
1 12 issued federal poverty guidelines as updated periodically in
1 13 the federal register by the United States department of health
1 14 and human services under the authority of 42 U.S.C. } 9902(2).
1 15 b. The taxpayer shall be employed at the end of the tax
1 16 year.
1 17 c. The motor vehicle shall be used as a means of
1 18 transportation to and from the taxpayer's place of employment.
1 19 d. The motor vehicle purchased by the taxpayer shall be a
1 20 previously owned vehicle subject to registration.
1 21 3. Only the latest purchased motor vehicle subject to
1 22 registration shall be considered for the credit.
1 23 4. Any tax credit in excess of the taxpayer's liability
1 24 for the tax year is refundable.
1 25 5. The department shall adopt rules implementing this
1 26 section.
1 27 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
1 28 retroactively to January 1, 2009, for tax years beginning on
1 29 or after that date.
1 30 EXPLANATION
1 31 This bill provides a tax credit of up to \$500 to low-income
1 32 workers for the purchase of a used vehicle subject to
1 33 registration. The credit is available to a taxpayer for a
1 34 portion of the cost of purchasing the licensed vehicle if:
1 35 (1) the taxpayer's taxable income is within the limits



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House File 566 - Introduced continued

2 1 specified in the federal poverty guidelines; (2) the taxpayer
2 2 is employed at the end of the tax year; (3) the vehicle is to
2 3 be used for commuting to work; and (4) the vehicle is a
2 4 previously owned vehicle. Only the latest purchased vehicle
2 5 is considered for the credit. The credit is refundable.
2 6 The bill applies retroactively to January 1, 2009, for tax
2 7 years beginning on or after that date.
2 8 LSB 1810HH 83
2 9 tw/mg:sc/14



Iowa General Assembly
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House File 567 - Introduced

HOUSE FILE
BY SCHULTZ and WINDSCHITL

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

A BILL FOR

- 1 An Act prohibiting the provision of state funds to certain
- 2 entities in the state that provide family planning services.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2245HH 83
- 5 pf/nh/5



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House File 567 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 146A.1 STATE FUNDING FOR
1 2 ABORTIONS.
1 3 1. As used in this section, unless the context otherwise
1 4 requires:
1 5 a. "Abortion" means abortion as defined in section 146.1.
1 6 b. "Family planning services" means preconception services
1 7 that limit or enhance fertility, including methods of
1 8 contraception, the management of infertility, preconception
1 9 counseling, education, and general reproductive health care.
1 10 2. State funds shall not be appropriated, granted, or
1 11 otherwise provided to an entity in this state that meets all
1 12 of the following criteria:
1 13 a. Primarily focuses services on reproductive health care.
1 14 b. Provides or is an affiliate of an organization that
1 15 provides abortions.
1 16 c. Provides family planning services which directly or
1 17 indirectly subsidize abortion services.
1 18 d. Includes abortion as part of its continuum of family
1 19 planning services or general reproductive health care
1 20 services.

1 21 EXPLANATION
1 22 This bill prohibits the appropriation, granting, or other
1 23 provision of state funds to entities in this state that
1 24 primarily focus services on reproductive health care, provide
1 25 or are affiliates of organizations that provide abortions,
1 26 directly or indirectly subsidize abortion services, and
1 27 include abortion as part of a continuum of family planning
1 28 services or reproductive health care services.
1 29 LSB 2245HH 83
1 30 pf/nh/5



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House File 568 - Introduced

HOUSE FILE
BY SWAIM and DRAKE

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

A BILL FOR

- 1 An Act specifying general policy provisions applicable to
- 2 telecommunications regulation.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2189HH 83
- 5 rn/sc/14



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House File 568 - Introduced continued

PAG LIN

1 1 Section 1. Section 476.95, Code 2009, is amended to read
1 2 as follows:
1 3 476.95 FINDINGS == STATEMENT OF POLICY.
1 4 The general assembly finds all of the following:
1 5 1. Communications services should be available throughout
1 6 the state at just, reasonable, and affordable rates from a
1 7 variety of providers.
1 8 2. In rendering decisions with respect to regulation of
1 9 telecommunications companies, the board shall consider the
1 10 effects of its decisions on the provision of advanced
1 11 communications services, shall balance local economic
1 12 development and competition in telecommunications markets and,
1 13 to the extent reasonable and lawful, shall act to further the
1 14 development of ~~competition~~ adequate services at just,
1 15 reasonable, and affordable rates in those markets.
1 16 3. In order to ~~encourage competition for all~~ promote
1 17 adequate telecommunications services and the continued
1 18 deployment of advanced communications services, the board
1 19 ~~should address issues relating to the movement of prices~~
1 20 ~~toward cost and the removal of subsidies in the existing price~~
1 21 ~~structure of the incumbent local exchange carrier shall~~
1 22 consider compensation issues in light of the provision,
1 23 maintenance, and upgrade costs of advanced communications
1 24 services and the principle of just, reasonable, and affordable
1 25 rates for communications services throughout the state.
1 26 4. Regulatory flexibility is appropriate when competition
1 27 provides customers with competitive choices in the variety,
1 28 quality, and pricing of communications services, and when
1 29 consistent with consumer protection and other relevant public
1 30 interests.
1 31 5. The board ~~should~~ shall respond with speed and
1 32 flexibility to changes in the communications industry.
1 33 6. Economic development can be fostered by the existence
1 34 of advanced ~~communications networks~~ communications services.
1 35 Sec. 2. Section 476.96, Code 2009, is amended by adding



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2 1 the following new subsection:

2 2 NEW SUBSECTION. 0A. "Advanced communications services"
2 3 means high-speed, switched broadband telecommunications that
2 4 enable users to originate and receive high quality voice,
2 5 data, graphics, and video technology.

2 6 Sec. 3. Section 476.96, subsection 6, Code 2009, is
2 7 amended to read as follows:

2 8 6. "Nonbasic communications services" means all
2 9 communications services subject to the board's jurisdiction
2 10 which are not deemed either by statute or by rule to be basic
2 11 communications services, including advanced communications
2 12 services and any service offered by the local exchange carrier
2 13 for the first time after July 1, 1995. A service is not
2 14 considered new if it constitutes the bundling, unbundling, or
2 15 repricing of an already existing service. Consistent with
2 16 community expectations and the public interest, the board may
2 17 reclassify by rule as nonbasic those two-way switched
2 18 communications services previously classified by rule as
2 19 basic.

2 20 EXPLANATION

2 21 This bill modifies general policy statements contained in
2 22 Code chapter 476.95 and applicable to provisions relating to
2 23 price regulation of telecommunications services providers.

2 24 The bill provides that the utilities board of the utilities
2 25 division of the department of commerce shall consider the
2 26 effects of its regulatory decisions on the provision of
2 27 advanced telecommunications services, shall balance local
2 28 economic development and competition, and shall act to further
2 29 the development of adequate services at just, reasonable, and
2 30 affordable rates. Further, the bill deletes a provision
2 31 directing the board to address issues relating to the movement
2 32 of prices toward cost and the removal of subsidies in the
2 33 existing price structure of the incumbent local exchange
2 34 carrier in order to encourage competition. This provision is
2 35 replaced with the directive that the board consider



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3 1 compensation issues in light of the provision, maintenance,
3 2 and upgrade costs of advanced communications services and the
3 3 principle of just, reasonable, and affordable rates for
3 4 communications services throughout the state in order to
3 5 promote adequate telecommunications services. Additionally,
3 6 the bill substitutes the word "shall" for the word "should"
3 7 with reference to the board responding with speed and
3 8 flexibility to changes in the communications industry, and
3 9 changes a reference to "advanced communications networks" to
3 10 "advanced communications services".

3 11 The bill defines "advanced communications services" to mean
3 12 high-speed, switched broadband telecommunications that enable
3 13 users to originate and receive high quality voice, data,
3 14 graphics, and video technology.

3 15 The bill encompasses "advanced communications services"
3 16 within the definition of "nonbasic communications services"
3 17 applicable to telecommunications regulatory provisions.

3 18 LSB 2189HH 83

3 19 rn/sc/14



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House File 569 - Introduced

HOUSE FILE

BY SORENSON, TYMESON, WINDSCHITL,
HAGENOW, COWNIE, UPMEYER,
HELLAND, FORRISTALL, WAGNER,
THOMAS, LUKAN, BAUDLER, SANDS,
HUSEMAN, ROBERTS, D. TAYLOR,
T. TAYLOR, SCHULTZ, LENSING,
T. OLSON, WILLEMS, SCHULTE,
and JACOBY

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning the manufacture and sale of native distilled
- 2 spirits, and establishing a related permit fee and excise tax.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2460YH 83
- 5 ec/nh/14



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House File 569 - Introduced continued

PAG LIN

1 1 Section 1. Section 123.32, subsection 1, Code 2009, is
1 2 amended to read as follows:
1 3 1. FILING OF APPLICATION. An application for a class "A",
1 4 class "B", class "C", or class "E" liquor control license, for
1 5 a class "A" native distilled spirits permit, for a retail beer
1 6 permit as provided in sections 123.128 and 123.129, or for a
1 7 class "B", class "B" native, or class "C" native retail wine
1 8 permit as provided in section 123.178, 123.178A, or 123.178B,
1 9 accompanied by the necessary fee and bond, if required, shall
1 10 be filed with the appropriate city council if the premises for
1 11 which the license or permit is sought are located within the
1 12 corporate limits of a city, or with the board of supervisors
1 13 if the premises for which the license or permit is sought are
1 14 located outside the corporate limits of a city. An
1 15 application for a class "D" liquor control license and for a
1 16 class "A" beer or class "A" wine permit, accompanied by the
1 17 necessary fee and bond, if required, shall be filed with the
1 18 division, which shall proceed in the same manner as in the
1 19 case of an application approved by local authorities.
1 20 Sec. 2. Section 123.41, subsection 1, Code 2009, is
1 21 amended to read as follows:
1 22 1. Upon application in the prescribed form and accompanied
1 23 by a fee of three hundred fifty dollars, the administrator may
1 24 in accordance with this chapter grant and issue a license,
1 25 valid for a one-year period after date of issuance, to a
1 26 manufacturer, other than a manufacturer of native distilled
1 27 spirits licensed pursuant to section 123.43A, which shall
1 28 allow the manufacture, storage, and wholesale disposition and
1 29 sale of alcoholic liquors to the division and to customers
1 30 outside of the state.
1 31 Sec. 3. NEW SECTION. 123.43A NATIVE DISTILLED SPIRITS ==
1 32 PERMIT == EXCISE TAX.
1 33 1. Subject to rules of the division, a manufacturer of
1 34 native distilled spirits holding a class "A" native distilled
1 35 spirits permit pursuant to this section may sell, keep, or



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House File 569 - Introduced continued

2 1 offer for sale native distilled spirits. As provided in this
2 2 section, sales may be made at retail for off-premises
2 3 consumption when sold on the premises of the manufacturer of
2 4 the native distilled spirits. Any other sale shall only be
2 5 made to the division for wholesale disposition and sale by the
2 6 division.

2 7 2. For the purposes of this section, "native distilled
2 8 spirits" means distilled spirits manufactured by a distillery
2 9 located in this state.

2 10 3. A manufacturer of native distilled spirits shall not
2 11 sell more than five thousand proof gallons of native distilled
2 12 spirits on the premises of the manufacturer, annually. For
2 13 each proof gallon sold in a month, the manufacturer of native
2 14 distilled spirits shall remit an excise tax of fifteen dollars
2 15 per proof gallon to the division on or before the tenth day of
2 16 the following month. All revenue derived from the excise tax
2 17 shall be deposited in the general fund of the state.

2 18 4. A manufacturer of native distilled spirits shall not
2 19 sell native distilled spirits other than as permitted in this
2 20 chapter and shall not allow native distilled spirits sold to
2 21 be consumed upon the premises of the manufacturer. However,
2 22 prior to sale, native distilled spirits may be sampled on the
2 23 premises where made, when no charge is made for the sampling.

2 24 5. A class "A" native distilled spirits permit for a
2 25 native distilled spirits manufacturer shall be issued and
2 26 renewed annually upon payment of a fee of twenty-five dollars
2 27 which shall be in lieu of any other license fee required by
2 28 this chapter. The class "A" permit shall allow the native
2 29 distilled spirits manufacturer to sell, keep, or offer for
2 30 sale the manufacturer's native distilled spirits as provided
2 31 under this section.

2 32 6. For the purposes of this section, section 123.43 shall
2 33 not apply to a manufacturer of native distilled spirits.

2 34 7. The sale of native distilled spirits to the division
2 35 for wholesale disposition and sale by the division shall be



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3 1 subject to the requirements of this chapter regarding such
3 2 disposition and sale.

3 3 EXPLANATION

3 4 This bill relates to the manufacture and sale of native
3 5 distilled spirits, and provides for the obtaining of a class
3 6 "A" native distilled spirits permit.

3 7 The bill provides that a manufacturer of native distilled
3 8 spirits may sell, keep, or offer for sale native distilled
3 9 spirits for off-premises consumption through sales on the
3 10 manufacturer's premises. The bill restricts any other form of
3 11 sale to sales made to the alcoholic beverages division for
3 12 wholesale disposition and sale by the division. The bill
3 13 defines "native distilled spirits" to mean distilled spirits
3 14 manufactured by a distillery located in Iowa.

3 15 The bill provides that a manufacturer shall not sell more
3 16 than 5,000 proof gallons of native distilled spirits on the
3 17 premises of the manufacturer, annually. The bill also imposes
3 18 an excise tax of \$15 payable to the division to be deposited
3 19 in the general fund for each proof gallon sold by a
3 20 manufacturer. The bill specifies that a manufacturer shall
3 21 not allow native distilled spirits sold to be consumed upon
3 22 the premises of the manufacturer, but that prior to sale they
3 23 may be sampled on the premises where made, when no charge is
3 24 made for the sampling.

3 25 The bill provides for a new permit applicable to native
3 26 distilled spirits, requiring a fee of \$25 for initial issuance
3 27 and annual renewal. The class "A" native distilled spirits
3 28 permit allows a manufacturer to sell, keep, or offer for sale
3 29 the manufacturer's native distilled spirits.

3 30 The bill also provides that the sale of native distilled
3 31 spirits to the alcoholic beverages division for wholesale
3 32 disposition and sale by the division shall be subject to the
3 33 requirements of Code chapter 123 relating to liquor sales and
3 34 distribution by the division.

3 35 The bill provides that a manufacturer of native distilled



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4 1 spirits is not considered a manufacturer pursuant to Code
4 2 sections 123.41 and 123.43, which require a license allowing
4 3 the manufacture, storage, and wholesale disposition and sale
4 4 of alcoholic liquors to the division and to customers outside
4 5 of the state.
4 6 The bill makes conforming changes to provisions in Code
4 7 chapter 123.
4 8 LSB 2460YH 83
4 9 ec/nh/14



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House File 570 - Introduced

HOUSE FILE
BY WENTHE

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

A BILL FOR

- 1 An Act relating to the hours of supervised driving time required
- 2 under the graduated driver licensing program.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2342YH 83
- 5 dea/nh/14



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House File 570 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.180B, subsections 2 and 4, Code
1 2 2009, are amended to read as follows:
1 3 2. INTERMEDIATE LICENSE.
1 4 a. The department may issue an intermediate driver's
1 5 license to a person sixteen or seventeen years of age who
1 6 possesses an instruction permit issued under subsection 1 or a
1 7 comparable instruction permit issued by another state for a
1 8 minimum of six months immediately preceding application, and
1 9 who presents an affidavit signed by a parent or guardian on a
1 10 form to be provided by the department that the permittee has
1 11 accumulated a total of ~~twenty~~ thirty hours of street or
1 12 highway driving of which ~~two~~ five hours were conducted after
1 13 sunset and before sunrise and the street or highway driving
1 14 was with the permittee's parent, guardian, instructor, a
1 15 person certified by the department, or a person at least
1 16 twenty-five years of age who had written permission from a
1 17 parent or guardian to accompany the permittee, and whose
1 18 driving privileges have not been suspended, revoked, or barred
1 19 under this chapter or chapter 321J during, and who has been
1 20 accident and violation free continuously for, the six-month
1 21 period immediately preceding the application for an
1 22 intermediate license. An applicant for an intermediate
1 23 license must meet the requirements of section 321.186,
1 24 including satisfactory completion of driver education as
1 25 required in section 321.178, and payment of the required
1 26 license fee before an intermediate license will be issued.
1 27 b. A person issued an intermediate license must limit the
1 28 number of passengers in the motor vehicle when the
1 29 intermediate licensee is operating the motor vehicle to the
1 30 number of passenger safety belts.
1 31 c. Except as otherwise provided, a person issued an
1 32 intermediate license under this subsection who is operating a
1 33 motor vehicle between the hours of twelve-thirty a.m. and five
1 34 a.m. must be accompanied by a person issued a driver's license
1 35 valid for the vehicle operated who is the parent or guardian



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2 1 of the permittee, a member of the permittee's immediate family
2 2 if the family member is at least twenty-one years of age, an
2 3 approved driver education instructor, a prospective driver
2 4 education instructor who is enrolled in a practitioner
2 5 preparation program with a safety education program approved
2 6 by the state board of education, or a person at least
2 7 twenty-five years of age if written permission is granted by
2 8 the parent or guardian, and who is actually occupying a seat
2 9 beside the driver. However, a licensee may operate a vehicle
2 10 to and from school-related extracurricular activities and work
2 11 without an accompanying driver between the hours of
2 12 twelve-thirty a.m. and five a.m. if such licensee possesses a
2 13 waiver on a form to be provided by the department. An
2 14 accompanying driver is not required between the hours of five
2 15 a.m. and twelve-thirty a.m.

2 16 4. FULL DRIVER'S LICENSE. A full driver's license may be
2 17 issued to a person seventeen years of age who possesses an
2 18 intermediate license issued under subsection 2 or a comparable
2 19 intermediate license issued by another state for a minimum of
2 20 twelve months immediately preceding application, and who
2 21 presents an affidavit signed by a parent or guardian on a form
2 22 to be provided by the department that the intermediate
2 23 licensee has accumulated a total of ~~ten~~ twenty hours of street
2 24 or highway driving of which ~~two~~ five hours were conducted
2 25 after sunset and before sunrise and the street or highway
2 26 driving was with the licensee's parent, guardian, instructor,
2 27 a person certified by the department, or a person at least
2 28 twenty-five years of age who had written permission from a
2 29 parent or guardian to accompany the licensee, whose driving
2 30 privileges have not been suspended, revoked, or barred under
2 31 this chapter or chapter 321J during, and who has been accident
2 32 and violation free continuously for, the twelve-month period
2 33 immediately preceding the application for a full driver's
2 34 license, and who has paid the required fee.

2 35 EXPLANATION



**Iowa General Assembly
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House File 570 - Introduced continued

3 1 This bill increases the total amount of supervised driving
3 2 experience required of a young person under the graduated
3 3 driver licensing program. The amount of supervised driving
3 4 time that a permittee between 14 and 18 years of age must
3 5 accumulate to qualify for an intermediate license is increased
3 6 from 20 hours, including two hours of nighttime driving, to 30
3 7 hours, including five hours of nighttime driving. The amount
3 8 of supervised driving time that an intermediate licensee must
3 9 accumulate to qualify for a full driver's license at age 17 is
3 10 increased from 10 hours, including two hours of nighttime
3 11 driving, to 20 hours, including five hours of nighttime
3 12 driving.
3 13 Under the graduated driver licensing program, supervised
3 14 driving means the driver is accompanied by a parent, guardian,
3 15 instructor, person certified by the department of
3 16 transportation, or a person at least 25 years of age who has
3 17 written permission from a parent or guardian to accompany the
3 18 driver.
3 19 LSB 2342YH 83
3 20 dea/nh/14



Iowa General Assembly
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House File 571 - Introduced

HOUSE FILE
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HSB 207)

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

A BILL FOR

- 1 An Act relating to public notice requirements for meetings of
- 2 boards of township trustees.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1851HV 83
- 5 md/sc/8



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

House File 571 - Introduced continued

PAG LIN

1 1 Section 1. Section 21.4, subsection 1, Code 2009, is
1 2 amended to read as follows:
1 3 1. A governmental body, ~~except township trustees,~~ shall
1 4 give notice of the time, date, and place of each meeting, and
1 5 its tentative agenda, in a manner reasonably calculated to
1 6 apprise the public of that information. Reasonable notice
1 7 shall include advising the news media who have filed a request
1 8 for notice with the governmental body and posting the notice
1 9 on a bulletin board or other prominent place which is easily
1 10 accessible to the public and clearly designated for that
1 11 purpose at the principal office of the body holding the
1 12 meeting, or if no such office exists, at the building in which
1 13 the meeting is to be held.

1 14 Sec. 2. Section 359.17, subsection 2, Code 2009, is
1 15 amended to read as follows:

1 16 2. A board of township trustees shall give prior notice of
1 17 a meeting to discuss, deliberate, or act upon a matter
1 18 relating to the budget or a tax levy of the township or
1 19 relating to the trustees' duty to provide fire protection
1 20 service and, if provided, emergency medical service, pursuant
1 21 to section 359.42. The trustees shall give notice of such
1 22 meeting at least ~~forty-eight~~ twenty-four hours preceding the
1 23 commencement of the meeting. However, a notice is not
1 24 required pursuant to this subsection when the trustees gather
1 25 for ~~minor or~~ purely ministerial matters relating to the
1 26 trustees' duty for providing such fire protection service or
1 27 emergency medical service. The notice shall state the time,
1 28 date, and place of the meeting and the proposed agenda. The
1 29 notice shall be provided to the county auditor who shall post
1 30 the notice in an area of the courthouse where notices to the
1 31 public are commonly posted.

1 32 EXPLANATION

1 33 Current law requires that notice of a board of township
1 34 trustees meeting relating to the budget, a tax levy of the
1 35 township, or the trustees' duty or authority to provide fire



**Iowa General Assembly
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House File 571 - Introduced continued

2 1 protection service or emergency medical service shall be given
2 2 at least 48 hours before the meeting. This bill requires such
2 3 notice to be given at least 24 hours before the meeting.
2 4 The bill removes the exemption for township trustees in
2 5 Code section 21.4 relating to notices required for meetings of
2 6 governmental bodies. The bill amends the exemption from the
2 7 board of township trustees meeting notice requirements for
2 8 minor or ministerial matters to conform with the provisions of
2 9 Code section 21.2.
2 10 LSB 1851HV 83
2 11 md/sc/8



Iowa General Assembly
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House File 572 - Introduced

HOUSE FILE

BY WENTHE, T. OLSON, GAYMAN,
 COWNIE, KOESTER, RANTS,
 ALONS, BAUDLER, HELLAND,
 MAY, WAGNER, SORENSON,
 LUKAN, GRASSLEY, SCHULTE,
 HAGENOW, BAILEY, PALMER,
 THEDE, ZIRKELBACH, THOMAS,
 PETERSEN, and STECKMAN

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

Passed Senate, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act concerning the appointment of young adults to appointive
 2 boards, commissions, committees, and councils and including an
 3 applicability date provision.
 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 5 TL5B 2215HH 83
 6 ec/sc/8



Iowa General Assembly
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House File 572 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 69.16D YOUNG ADULT
1 2 REPRESENTATION.
1 3 1. For purposes of this section, unless the context
1 4 otherwise requires:
1 5 a. "Qualified appointive boards" means all of the
1 6 following:
1 7 (1) The Iowa economic development board created in section
1 8 15.103.
1 9 (2) The vision Iowa board created in section 15F.102.
1 10 (3) The commission of Latino affairs created in section
1 11 216A.12.
1 12 (4) The commission on the status of women created in
1 13 section 216A.52.
1 14 (5) The commission of persons with disabilities created in
1 15 section 216A.72.
1 16 (6) The commission on community action agencies created in
1 17 section 216A.92A.
1 18 (7) The commission on the deaf created in section
1 19 216A.112.
1 20 (8) The commission on the status of African-Americans
1 21 created in section 216A.142.
1 22 (9) The commission on the status of Iowans of Asian and
1 23 Pacific Islander heritage created in section 216A.152.
1 24 (10) The commission on Native American affairs created in
1 25 section 216A.162.
1 26 (11) The state board of regents created in section 262.1.
1 27 (12) The Iowa great places board established in section
1 28 303.3C.
1 29 (13) The Iowa arts council created in section 303.86.
1 30 (14) The natural resource commission created in section
1 31 455A.5.
1 32 b. "Young adult" means a person who, at the time of
1 33 appointment or reappointment, is at least eighteen years of
1 34 age but less than thirty-five years of age.
1 35 2. a. All appointive boards, commissions, committees, and



Iowa General Assembly
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House File 572 - Introduced continued

2 1 councils of the state established by the Code should provide,
2 2 to the extent practicable and if not otherwise provided by
2 3 law, for young adult representation. All appointing
2 4 authorities of boards, commissions, committees, and councils
2 5 should consider qualified young adults for appointment to
2 6 boards, commissions, committees, and councils.

2 7 b. All qualified appointive boards shall include at least
2 8 two members who are young adults. A person shall not be
2 9 appointed or reappointed to any qualified appointive board if
2 10 that appointment or reappointment would cause the number of
2 11 young adult members of the qualified appointive board to be
2 12 less than two members. If there are multiple appointing
2 13 authorities for a qualified appointive board, they shall
2 14 consult each other to avoid a violation of this paragraph "b".

2 15 Sec. 2. APPLICABILITY DATE. The provision of this Act
2 16 requiring the appointment of young adults to qualified
2 17 appointive boards is applicable to appointments made to
2 18 qualified appointive boards on and after January 1, 2011.

2 19 EXPLANATION

2 20 This bill concerns the appointment of young adults to
2 21 appointive boards, commissions, committees, and councils of
2 22 the state that are established by the Code. The bill provides
2 23 that a young adult is a person who, at the time of
2 24 appointment, is at least 18 but less than 35 years of age.

2 25 The bill provides that all appointive boards, commissions,
2 26 committees, and councils established by the Code should
2 27 provide for young adult representation and provides that
2 28 appointing authorities should consider qualified young adults
2 29 for appointment to such boards, commissions, committees, and
2 30 councils.

2 31 The bill also provides that certain qualified appointive
2 32 boards shall include at least two young adult members on the
2 33 board by January 1, 2011. The bill defines qualified
2 34 appointive boards to mean the economic development board, the
2 35 vision Iowa board, the commission of Latino affairs, the



**Iowa General Assembly
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House File 572 - Introduced continued

3 1 commission on the status of women, the commission of persons
3 2 with disabilities, the commission on community action
3 3 agencies, the commission on the deaf, the commission on the
3 4 status of African-Americans, the commission on the status of
3 5 Iowans of Asian and Pacific Islander heritage, the commission
3 6 on Native American affairs, the state board of regents, the
3 7 great places board, the Iowa arts council, and the natural
3 8 resource commission.

3 9 The provision of the bill requiring the appointment of
3 10 young adults to qualified appointive boards is applicable to
3 11 appointments made to those boards on and after January 1,
3 12 2011.

3 13 LSB 2215HH 83

3 14 ec/sc/8.1



Iowa General Assembly
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House Resolution 22 - Introduced

PAG LIN

H.R. _____ S.R. _____

1 1 HOUSE RESOLUTION NO. ____

1 2 BY BELL

1 3 A Resolution supporting a free trade agreement between

1 4 the Republic of China on Taiwan and the United States.

1 5 WHEREAS, the Republic of China on Taiwan and the

1 6 United States enjoy one of the most important economic

1 7 and strategic international relationships that exists

1 8 today; and

1 9 WHEREAS, together, Taiwan and the United States

1 10 promote a shared belief in freedom, democracy, and

1 11 market principles; and

1 12 WHEREAS, the level of mutual investment between

1 13 Taiwan and the United States is substantial; and

1 14 WHEREAS, streamlined foreign investment procedures

1 15 developed under a free trade agreement between Taiwan

1 16 and the United States would create new business

1 17 opportunities and new jobs; and

1 18 WHEREAS, a free trade agreement between Taiwan and

1 19 the United States would encourage greater innovations

1 20 and manufacturing efficiencies by stimulating joint

1 21 technological development, practical applications, and

1 22 new cooperative ventures; and

1 23 WHEREAS, a recent study by the United States

1 24 International Trade Commission supports the

1 25 negotiation of a free trade agreement between Taiwan

1 26 and the United States; and

1 27 WHEREAS, a free trade agreement between Taiwan and

1 28 the United States would build on the existing strong

1 29 relations between Taiwan and the United States to

1 30 simultaneously boost Taiwan's security and democracy



**Iowa General Assembly
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House Resolution 22 - Introduced continued

2 1 and serve the broader interests of the United States
2 2 in the Asia-Pacific region; NOW THEREFORE,
2 3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
2 4 That the House of Representatives supports the
2 5 negotiation of a free trade agreement between the
2 6 Republic of China on Taiwan and the United States of
2 7 America; and
2 8 BE IT FURTHER RESOLVED, That upon adoption, an
2 9 official copy of this Resolution be prepared and
2 10 presented to the Taipei Economic and Cultural Office
2 11 located in Chicago, Illinois.
2 12 LSB 2274HH 83
2 13 jr/rj/14



Iowa General Assembly
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March 04, 2009

House Resolution 23 - Introduced

PAG LIN

H.R. _____ S.R. _____

1 1 HOUSE RESOLUTION NO.
1 2 BY WINCKLER and L. MILLER
1 3 A Resolution designating March 2009 as Iowa Women's
1 4 History Month.
1 5 WHEREAS, Iowa women of every race, class, and
1 6 ethnic background have made historic contributions to
1 7 the growth and strength of our state and nation in
1 8 countless recorded and unrecorded ways, including
1 9 through the struggle for women's rights; and
1 10 WHEREAS, Iowa women have played and continue to
1 11 play a critical economic, cultural, and social role by
1 12 constituting a significant portion of the labor force
1 13 working inside and outside the home despite being
1 14 underpaid; and
1 15 WHEREAS, Iowa women were particularly important in
1 16 the establishment of early charitable, philanthropic,
1 17 and cultural institutions in our state and nation; and
1 18 WHEREAS, Iowa women and men ratified the amendment
1 19 to the Iowa Constitution, declaring that "All men and
1 20 women are, by nature, free and equal, and have certain
1 21 inalienable rights"; and
1 22 WHEREAS, Iowa women have been leaders in the
1 23 abolitionist movement, the emancipation movement, the
1 24 industrial labor movement, the civil rights movement,
1 25 the peace movement, and the women's suffrage movement,
1 26 which created a more fair and just society for all
1 27 people; and
1 28 WHEREAS, despite these contributions, and those of
1 29 women throughout the world, the role of women has been
1 30 consistently overlooked and undervalued, in the



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House Resolution 23 - Introduced continued

2 1 literature, teaching, and study of history; NOW
2 2 THEREFORE,
2 3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
2 4 That the House of Representatives designates the month
2 5 of March 2009 as Iowa Women's History Month and
2 6 invites the citizens of Iowa to continue to uncover,
2 7 recognize, and honor the roles women have played
2 8 throughout history.
2 9 LSB 2649HH 83
2 10 jr/rj/5



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House Study Bill 252

HOUSE FILE
BY (PROPOSED COMMITTEE ON
REBUILD IOWA AND DISASTER
RECOVERY BILL BY
CHAIRPERSON SCHUELLER)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for the award of local watershed improvement
- 2 grants.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1140HC 83
- 5 da/rj/8



Iowa General Assembly
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March 04, 2009

House Study Bill 252 continued

PAG LIN

1 1 Section 1. Section 466A.3, subsection 4, paragraph a, Code
1 2 2009, is amended to read as follows:

1 3 a. Award local watershed improvement grants and monitor
1 4 the progress of local watershed improvement projects awarded
1 5 grants. A local watershed improvement grant may be awarded
1 6 for ~~a~~ an original period not to exceed ~~three~~ five years.
1 7 However, during those five years, the board may extend the
1 8 period of the award for up to five additional years after the
1 9 date that the original period would have ended. Each local
1 10 watershed improvement grant awarded shall not exceed ten
1 11 percent of the moneys appropriated for the grants during a
1 12 fiscal year.

1 13 EXPLANATION

1 14 This bill amends Code chapter 466A, which provides for a
1 15 watershed improvement fund to enhance water quality in the
1 16 state through a variety of impairment-based, locally directed
1 17 watershed improvement grant projects (Code section 466A.2).
1 18 The fund is administered by a watershed improvement review
1 19 board, which awards grants to support local watershed
1 20 improvement projects.

1 21 The bill increases the period of use for such awards from
1 22 three to five years and provides that during those five years,
1 23 the board may extend the period of use for an additional five
1 24 years.

1 25 LSB 1140HC 83

1 26 da/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
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House Study Bill 253

HOUSE FILE
BY (PROPOSED COMMITTEE ON
REBUILD IOWA AND DISASTER
RECOVERY BILL BY
CHAIRPERSON SCHUELLER)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for a lead containment and abatement equipment
- 2 program and fund and making an appropriation.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2472HC 83
- 5 tw/nh/5



Iowa General Assembly
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House Study Bill 253 continued

PAG LIN

1 1 Section 1. NEW SECTION. 15.296 LEAD CONTAINMENT AND
1 2 ABATEMENT EQUIPMENT FUND AND PROGRAM.
1 3 1. A lead containment and abatement equipment fund is
1 4 created in the state treasury under the control of the
1 5 department of economic development consisting of the
1 6 following:
1 7 a. The moneys appropriated to the department for deposit
1 8 in the fund.
1 9 b. Payments of interest, repayments of moneys loaned, and
1 10 recaptures of grants and loans made pursuant to this section.
1 11 c. Moneys credited to the fund are not subject to section
1 12 8.33. Notwithstanding section 12C.7, interest or earnings on
1 13 moneys in the fund shall be credited to the fund.
1 14 2. The department shall establish and administer a lead
1 15 containment and abatement equipment program for purposes of
1 16 providing financial assistance to applicants from the lead
1 17 containment and abatement equipment fund. Financial
1 18 assistance awarded under the program may include grants,
1 19 loans, or forgivable loans.
1 20 3. a. Awards of financial assistance pursuant to this
1 21 section shall be in an amount equal to fifty percent of the
1 22 cost incurred in the purchase of lead containment and
1 23 abatement equipment. However, an applicant shall not receive
1 24 assistance in an amount greater than two thousand dollars.
1 25 b. To be eligible to receive financial assistance pursuant
1 26 to this section, an applicant shall be certified as a lead
1 27 abater pursuant to section 135.105A and shall have
1 28 successfully completed a lead abatement contractor course.
1 29 c. In administering the program described in this section,
1 30 the department shall encourage minority persons and
1 31 minority-owned businesses to apply. For purposes of this
1 32 paragraph, "minority person" means the same as defined in
1 33 section 15.102, subsection 7.
1 34 4. The department may adopt rules pursuant to chapter 17A
1 35 for the administration of this section.



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House Study Bill 254

HOUSE FILE
BY (PROPOSED COMMITTEE ON
ENVIRONMENTAL PROTECTION
BILL BY CHAIRPERSON OLSON)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the regulation of junkyards.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2653HC 83
- 4 tm/nh/5



Iowa General Assembly
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House Study Bill 254 continued

PAG LIN

1 1 Section 1. Section 455D.1, Code 2009, is amended by adding
1 2 the following new subsections:

1 3 NEW SUBSECTION. 4A. "Junk" means used or scrap rope,
1 4 rags, batteries, paper, trash, rubber, debris or solid waste,
1 5 discarded appliances, or inoperable machinery; junked,
1 6 dismantled, or wrecked automobiles, or parts thereof; or used
1 7 or scrap iron, steel, copper, brass, or other ferrous or
1 8 nonferrous metal.

1 9 NEW SUBSECTION. 4B. "Junkyard" means an establishment or
1 10 place of business which is maintained, operated, or used
1 11 primarily for storing, keeping, buying, or selling junk.

1 12 Sec. 2. NEW SECTION. 455D.21A LOCAL ORDINANCE ==
1 13 JUNKYARDS.

1 14 1. A city or county may adopt a local ordinance creating
1 15 licensure requirements for junkyards located in the city or
1 16 county. Such an ordinance must include, at a minimum, all of
1 17 the following:

1 18 a. Environmental and other related requirements for
1 19 licensees including but not limited to the following:

1 20 (1) Building and property maintenance requirements.

1 21 (2) Pest and rodent control requirements.

1 22 (3) Requirements relating to fluid removal from junk
1 23 accepted at the junkyard.

1 24 (4) Requirements relating to the management of lead acid
1 25 batteries.

1 26 (5) Requirements that any junk at least partially covered
1 27 by flood waters must be removed from the junkyard and disposed
1 28 of at a sanitary landfill within thirty days of flood waters
1 29 receding from the junkyard.

1 30 (6) Storage requirements for automobiles and automobile
1 31 parts.

1 32 (7) Restrictions on the storage, placement, and number of
1 33 waste tires. A junkyard shall not store more than one
1 34 thousand waste tires at one time.

1 35 (8) Requirements for the proper recycling of universal



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House Study Bill 254 continued

2 1 waste.

2 2 b. Notice that the licensing entity may conduct an audit
2 3 of the licensed facility at any time without notice.

2 4 c. A statement identifying license fees.

2 5 d. License renewal requirements.

2 6 2. A city or county may impose a license fee for purposes
2 7 of administering a licensure program for junkyards.

2 8 3. A city or county may conduct an audit of a licensed
2 9 facility at any time during a licensure period without notice
2 10 to the licensee for purposes of ensuring compliance with the
2 11 terms of the license.

2 12 4. Criteria and requirements included in an ordinance
2 13 adopted pursuant to this section, and in a license issued
2 14 under the ordinance, may be more restrictive than prescribed
2 15 by this chapter and chapter 455B and the rules adopted
2 16 pursuant to those chapters.

2 17 5. A city or county may revoke or temporarily suspend a
2 18 license at any time provided that the grounds for doing so are
2 19 provided for in the ordinance.

2 20 6. A city or county may restrict a person from locating a
2 21 junkyard in a floodplain. This subsection does not apply to
2 22 junkyards in existence on July 1, 2009.

2 23 7. The department shall, in collaboration with cities,
2 24 counties, and other stakeholders, develop model audits, model
2 25 ordinances, and model licenses for use by cities and counties
2 26 under this section.

2 27 EXPLANATION

2 28 This bill relates to the regulation of junkyards.

2 29 The bill allows a city or county to adopt a local ordinance
2 30 creating licensure requirements for junkyards located in the
2 31 city or county. The bill provides that an ordinance must
2 32 include, at a minimum, certain environmental and other related
2 33 requirements, notice that the licensing entity may conduct an
2 34 audit of the licensed facility at any time without notice, a
2 35 statement identifying license fees, and license renewal



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House Study Bill 254 continued

3 1 requirements.

3 2 The bill provides that a city or county may impose a
3 3 license fee for purposes of administering a licensure program
3 4 for junkyards. The bill provides that criteria and
3 5 requirements included in an ordinance and in a license may be
3 6 more restrictive than prescribed in Code chapter 455D and Code
3 7 chapter 455B and the rules adopted pursuant to those Code
3 8 chapters. The bill allows a city or county to revoke or
3 9 temporarily suspend a license at any time provided that the
3 10 grounds for doing so are provided for in the ordinance.

3 11 The bill allows a city or county to restrict a person from
3 12 locating a junkyard in a floodplain. A city or county shall
3 13 not make such restrictions for junkyards in existence on July
3 14 1, 2009.

3 15 The bill requires the department of natural resources, in
3 16 collaboration with cities, counties, and other stakeholders,
3 17 to develop and make available model audits, model ordinances,
3 18 and model licenses.

3 19 LSB 2653HC 83

3 20 tm/nh/5



Iowa General Assembly
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 March 04, 2009

House Study Bill 255

HOUSE FILE
 BY (PROPOSED COMMITTEE ON
 REBUILD IOWA AND DISASTER
 RECOVERY BILL BY
 CHAIRPERSON SCHUELLER)

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

A BILL FOR

- 1 An Act relating to linked investments by making loans available
- 2 to borrowers in disaster areas.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1037HC 83
- 5 tw/rj/14



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

House Study Bill 255 continued

PAG LIN

1 1 Section 1. Section 12.32, subsection 3, Code 2009, is
1 2 amended to read as follows:
1 3 3. "Linked investment" means a certificate of deposit
1 4 issued pursuant to this section and sections 12.34 through
1 5 12.43 to the treasurer of state by an eligible lending
1 6 institution, at an interest rate not more than three percent
1 7 below current market rate on the condition that the
1 8 institution agrees to lend the value of the deposit, according
1 9 to the investment agreement provided in section 12.35, to an
1 10 eligible borrower at a rate not to exceed four percent above
1 11 the rate paid on the certificate of deposit, or, if the
1 12 borrower is located in an area declared a disaster area by the
1 13 governor pursuant to section 29C.6 or by any federal official,
1 14 at a rate not to exceed two percent above the rate paid on the
1 15 certificate of deposit. The treasurer of state shall
1 16 determine and make available the current market rate which
1 17 shall be used each month.

1 18 Sec. 2. Section 12.36, subsection 2, Code 2009, is amended
1 19 to read as follows:

1 20 2. Upon acceptance of the linked investment loan package
1 21 or any portion of the package, the treasurer of state shall
1 22 deposit funds with the eligible lending institution and the
1 23 eligible lending institution shall issue to the treasurer of
1 24 state one or more certificates of deposit with interest at a
1 25 rate determined pursuant to section 12.32, subsection 3. The
1 26 treasurer of state shall not deposit funds with an eligible
1 27 lending institution pursuant to sections 12.32, 12.34, 12.35,
1 28 this section, and sections 12.37 through 12.43, unless the
1 29 certificate of deposit earns a rate of interest of at least
1 30 one percent, except that if the borrower is located in an area
1 31 declared a disaster area by the governor pursuant to section
1 32 29C.6 or by any federal official, the certificate of deposit
1 33 may earn a rate of interest of less than one percent.

1 34 Interest earned on the certificate of deposit and principal
1 35 not renewed shall be remitted to the treasurer of state at the



Iowa General Assembly
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March 04, 2009

House Study Bill 255 continued

2 1 time the certificate of deposit matures. Interest from the
2 2 linked investments for tomorrow program shall be considered
2 3 earnings of the general fund of the state. Certificates of
2 4 deposit issued pursuant to sections 12.32, 12.34, 12.35, this
2 5 section, and sections 12.37 through 12.43 are not subject to a
2 6 penalty for early withdrawal.

2 7 Sec. 3. Section 12.37, subsection 1, Code 2009, is amended
2 8 to read as follows:

2 9 1. Upon the placement of a linked investment with an
2 10 eligible lending institution, the institution is required to
2 11 lend the funds to the eligible borrower listed in the linked
2 12 investment loan package and in accordance with the investment
2 13 agreement. The loan shall be at a rate ~~not more than four~~
~~2 14 percent above the rate paid the treasurer by the financial~~
~~2 15 institution determined pursuant to section 12.32, subsection~~
2 16 3. The eligible lending institution shall be required to
2 17 submit a certification of compliance with this section in the
2 18 form and manner as prescribed by the treasurer of state.

2 19 EXPLANATION

2 20 This bill adjusts the interest rates on certificates of
2 21 deposits and the related loans issued to borrowers under the
2 22 linked investments program when those borrowers are located in
2 23 a declared disaster area.

2 24 The linked investments program allows the treasurer of
2 25 state to invest the lesser of \$108 million or 25 percent of
2 26 the balance of the state pooled money fund in certificates of
2 27 deposit in eligible lending institutions. The money deposited
2 28 by the state is then lent to eligible borrowers at an interest
2 29 rate which, under current law, can be no more than 4
2 30 percentage points above the rate paid to the treasurer of
2 31 state on the certificate of deposit. Current law also
2 32 requires the treasurer of state to receive an interest rate of
2 33 at least 1 percent on the certificate of deposit.

2 34 The bill adjusts the interest rates on the certificates of
2 35 deposit and the loans for a borrower located in a disaster



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House Study Bill 255 continued

3 1 area. The treasurer of state can receive less than 1 percent
3 2 interest on a certificate of deposit and the lending
3 3 institution cannot issue a loan at a rate more than 2
3 4 percentage points above the interest rate paid to the
3 5 treasurer of state on the certificate of deposit.
3 6 LSB 1037HC 83
3 7 tw/rj/14



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House Study Bill 256

HOUSE FILE
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON WENDT)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring the director of the department of education to
- 2 develop and distribute guidelines related to life-threatening
- 3 food allergies to school districts.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2647YC 83
- 6 kh/rj/8



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House Study Bill 256 continued

PAG LIN

1 1 Section 1. Section 256.9, Code 2009, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 61. Develop and distribute to school
1 4 districts recommended guidelines relating to life-threatening
1 5 food allergies. The department shall develop the guidelines
1 6 in collaboration with the department of public health and with
1 7 input from pediatricians, school nurses, allergy specialists,
1 8 parents and guardians of children with life-threatening
1 9 allergies, school administrators, teachers, and food service
1 10 directors. The guidelines may include but shall not be
1 11 limited to recommendations relating to the following:

1 12 a. Education and training for school personnel on the
1 13 management of students with life-threatening food allergies,
1 14 including training related to the administration of medication
1 15 with a cartridge injector.

1 16 b. Procedures for responding to life-threatening allergic
1 17 reactions.

1 18 c. A process for the implementation of individualized
1 19 health care and food allergy action plans for every student
1 20 with a life-threatening food allergy.

1 21 d. Strategies for reduction of the risk of exposure to
1 22 anaphylactic causative agents including food and other
1 23 allergens.

1 24 e. Suggested policies which school boards may implement
1 25 based on the guidelines for the management of students with
1 26 life-threatening allergies.

1 27 f. Designation of an employee to annually inform parents
1 28 and guardians of students with life-threatening allergies and
1 29 life-threatening chronic illnesses of applicable provisions of
1 30 section 504 of the federal Rehabilitation Act of 1973, as
1 31 amended and codified in 29 U.S.C. } 794, and other applicable
1 32 federal and state statutes, regulations, and rules; inform
1 33 appropriate school staff of their responsibilities under
1 34 school district policy; provide training necessary for staff
1 35 to carry out these responsibilities; and monitor school



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2 1 district policy implementation.

2 2 EXPLANATION

2 3 This bill requires the director of the department of
2 4 education to develop and distribute to school districts
2 5 recommended guidelines relating to life-threatening food
2 6 allergies and the management of students with life-threatening
2 7 food allergies. The guidelines must be developed in
2 8 collaboration with the department of public health with input
2 9 from pediatricians, school nurses, allergy specialists,
2 10 parents and guardians of children with life-threatening
2 11 allergies, school administrators, teachers, and food service
2 12 directors. The bill lists potential areas for
2 13 recommendations.

2 14 LSB 2647YC 83

2 15 kh/rj/8



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House Study Bill 257

HOUSE FILE
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON GASKILL)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to local regulation of certain lawn applications.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2146HC 83
- 4 tm/sc/5



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House Study Bill 257 continued

PAG LIN

1 1 Section 1. Section 200.22, subsection 2, Code 2009, is
1 2 amended to read as follows:
1 3 2. The Except as provided in subsection 2A, the provisions
1 4 of this chapter and rules adopted by the department pursuant
1 5 to this chapter shall preempt local legislation adopted by a
1 6 local governmental entity relating to the use, sale,
1 7 distribution, storage, transportation, disposal, formulation,
1 8 labeling, registration, or manufacture of a fertilizer or soil
1 9 conditioner. A local governmental entity shall not adopt or
1 10 continue in effect local legislation relating to the use,
1 11 sale, distribution, storage, transportation, disposal,
1 12 formulation, labeling, registration, or manufacture of a
1 13 fertilizer or soil conditioner, regardless of whether a
1 14 statute or rule adopted by the department applies to preempt
1 15 the local legislation. Local legislation in violation of this
1 16 section is void and unenforceable. However, local legislation
1 17 adopted pursuant to subsection 2A is not considered to be in
1 18 violation of this section.

1 19 Sec. 2. Section 200.22, Code 2009, is amended by adding
1 20 the following new subsection:
1 21 NEW SUBSECTION. 2A. A local governmental entity may adopt
1 22 local ordinances regulating the use of lawn applications
1 23 containing phosphorus on property zoned for residential use
1 24 and property zoned for commercial use which is used for
1 25 residential purposes provided the adopted local ordinances are
1 26 not less stringent than applicable state law or rules adopted
1 27 by the department. This subsection shall not apply to
1 28 property zoned for commercial or residential use if the
1 29 property is used for agricultural purposes.

1 30 EXPLANATION
1 31 This bill relates to local regulation of certain lawn
1 32 applications.

1 33 The bill allows local governmental entities to adopt local
1 34 ordinances regulating the use of lawn applications containing
1 35 phosphorus on residentially zoned property and commercially



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2 1 zoned property used for residential purposes provided the
2 2 adopted local ordinances are not less stringent than
2 3 applicable state law or rule. Such ordinances shall not apply
2 4 to property zoned for residential or commercial use if the
2 5 property is used for agricultural purposes.
2 6 LSB 2146HC 83
2 7 tm/sc/5



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House Study Bill 258

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

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the federal Adam Walsh Child Protection and
- 2 Safety Act.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2665HC 83
- 5 jm/rj/5



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House Study Bill 258 continued

PAG LIN

1 1 Section 1. ADAM WALSH ACT. It is the intent of the
1 2 general assembly to enact legislation relating to the federal
1 3 Adam Walsh Child Protection and Safety Act.

1 4 EXPLANATION

1 5 This bill provides that it is the intent of the general
1 6 assembly to enact legislation relating to the federal Adam
1 7 Walsh Child Protection and Safety Act.

1 8 LSB 2665HC 83

1 9 jm/rj/5



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House Study Bill 259

HOUSE FILE
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON SMITH)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to criteria under the medical assistance program
- 2 for admission to a psychiatric medical institution for
- 3 children.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1568HC 83
- 6 jp/rj/8



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House Study Bill 259 continued

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1 1 Section 1. Section 135H.3, Code 2009, is amended by adding
1 2 the following new unnumbered paragraph:
1 3 NEW UNNUMBERED PARAGRAPH. If a child is diagnosed with a
1 4 biologically based mental illness as defined in section
1 5 514C.22 and meets the medical assistance program criteria for
1 6 admission to a psychiatric medical institution for children,
1 7 the child shall be deemed to meet the acuity criteria for
1 8 inpatient benefits under a group policy, contract, or plan
1 9 providing for third-party payment or prepayment of health,
1 10 medical, and surgical coverage benefits issued by a carrier,
1 11 as defined in section 513B.2, or by an organized delivery
1 12 system authorized under 1993 Iowa Acts, chapter 158, that is
1 13 subject to section 514C.22.

1 14 EXPLANATION

1 15 This bill relates to the criteria under the medical
1 16 assistance (Medicaid) program for a child's admission to a
1 17 psychiatric medical institution for children (PMIC). The bill
1 18 amends Code section 135H.3, relating to the nature of care in
1 19 a PMIC. The amendment provides that if a child requires
1 20 treatment for a biologically based mental illness and meets
1 21 the Medicaid program criteria for PMIC admission, the child
1 22 also meets the acuity criteria for inpatient benefits under
1 23 various types of health care coverage. The term "biologically
1 24 based mental illness" means the same as defined in Code
1 25 section 514C.22, relating to health and accident insurance
1 26 coverages for such illnesses.

1 27 LSB 1568HC 83

1 28 jp/rj/8



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House Study Bill 260

HOUSE FILE
BY (PROPOSED COMMITTEE ON
ENVIRONMENTAL PROTECTION
BILL BY CHAIRPERSON
OLSON)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the comprehensive recycling planning task
- 2 force.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2657HC 83
- 5 tm/rj/8



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1 1 Section 1. 2008 Iowa Acts, chapter 1109, section 11,
1 2 subsection 2, paragraphs a and c, are amended to read as
1 3 follows:
1 4 a. The task force shall consist of the following voting
1 5 members:
1 6 (1) One member ~~selected by~~ representing the Iowa recycling
1 7 association.
1 8 (2) One member ~~selected by~~ representing the Iowa society
1 9 of solid waste operations.
1 10 (3) Three members ~~selected by the Iowa society of solid~~
1 11 ~~waste operations~~ representing solid waste planning areas of
1 12 various sizes and from various locations across the state.
1 13 (4) One member ~~selected by~~ representing the Iowa league of
1 14 cities.
1 15 (5) One member ~~selected by the solid waste association of~~
1 16 ~~north America~~ representing private solid waste disposal
1 17 entities.
1 18 (6) The director of the department of natural resources,
1 19 or the director's designee.
1 20 (7) One member ~~selected by~~ representing the Iowa
1 21 environmental council.
1 22 (8) One member ~~selected by~~ representing the league of
1 23 women voters of Iowa.
1 24 (9) One member ~~selected by~~ representing the Iowa wholesale
1 25 beer distributors association.
1 26 (10) One member ~~selected by the Iowa beverage association~~
1 27 representing juice and soft drink distributors.
1 28 (11) One member ~~selected by the Iowa bottle bill coalition~~
1 29 representing independent redemption centers.
1 30 (12) One member ~~selected by~~ representing the Iowa
1 31 association of counties.
1 32 (13) One member ~~selected by~~ representing the Iowa farm
1 33 bureau federation.
1 34 (14) One member ~~selected by~~ representing the Iowa
1 35 association of business and industry.



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2 1 (15) One member ~~selected by~~ representing the home builders
2 2 association of Iowa.

2 3 (16) The director of the alcoholic beverages division of
2 4 the department of commerce, or the director's designee.

2 5 (17) One member ~~selected by~~ representing keep Iowa
2 6 beautiful.

2 7 (18) One member ~~selected by~~ representing the Iowa grocery
2 8 industry association.

2 9 (19) One member ~~selected by~~ representing the Iowa dairy
2 10 foods association.

2 11 (20) One member ~~selected by~~ representing the petroleum
2 12 marketers and convenience stores of Iowa.

2 13 (21) One member ~~selected by~~ representing the Iowa retail
2 14 federation.

2 15 (22) One member ~~selected by~~ representing the Iowa wine
2 16 growers association.

2 17 (23) The director ~~of the department~~ of transportation, or
2 18 the director's designee.

2 19 c. The voting members shall be appointed by the governor
2 20 in compliance with the requirements of sections 69.16, 69.16A,
2 21 and 69.19, and shall serve for the duration of the task force.

2 22 Sec. 2. 2008 Iowa Acts, chapter 1109, section 11,
2 23 subsections 4 and 5, are amended to read as follows:

2 24 4. REPORT. The task force shall submit a written report
2 25 containing its findings and recommendations to the governor
2 26 and the general assembly by January 1, ~~2009~~ 2010.

2 27 5. DISSOLUTION. The task force shall complete its duties
2 28 no later than January 1, ~~2009~~ 2010, but may complete its
2 29 duties and dissolve itself prior to that date.

2 30 EXPLANATION

2 31 This bill requires the governor to appoint the voting
2 32 members of the comprehensive recycling planning task force.
2 33 Currently, the voting members are selected by various private
2 34 entities.

2 35 The task force was required to submit a written report to



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3 1 the governor and the general assembly by January 1, 2009, and
3 2 was to be dissolved by January 1, 2009. The bill changes both
3 3 dates to January 1, 2010.
3 4 LSB 2657HC 83
3 5 tm/rj/8



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House Study Bill 261

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 uniform adult guardianship and protective
2 proceedings Act relating to the establishment, transfer, and
3 recognition of guardianships and conservatorships in
4 multistate cases, and including effective date and
5 applicability provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 1811HC 83
8 rh/rj/8



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1 1 DIVISION XIX
1 2 PART 1
1 3 GENERAL PROVISIONS
1 4 Section 1. NEW SECTION. 633.800 SHORT TITLE.
1 5 This division shall be known and may be cited as the "Iowa
1 6 Uniform Adult Guardianship and Protective Proceedings
1 7 Jurisdiction Act".
1 8 Sec. 2. NEW SECTION. 633.801 DEFINITIONS.
1 9 As used in this division, unless the context otherwise
1 10 requires:
1 11 1. "Adult" means an individual who is eighteen years of
1 12 age or older.
1 13 2. "Conservator" means a person appointed by the court to
1 14 have the custody and control of the property of an adult under
1 15 the provisions of this chapter.
1 16 3. "Court" means, when referring to a court of this state,
1 17 the district court sitting in probate with jurisdiction of
1 18 conservatorships and guardianships.
1 19 4. "Foreign judgment" means a judgment, decree, or order
1 20 of a court of the United States or of any other court that
1 21 meets any of the following requirements:
1 22 a. Is entitled to full faith and credit in this state.
1 23 b. Appoints a guardian or conservator in the issuing
1 24 jurisdiction.
1 25 5. "Guardian" means a person appointed by the court to
1 26 make decisions regarding the adult under the provisions of
1 27 this chapter.
1 28 6. "Guardianship order" means an order appointing a
1 29 guardian as defined in section 633.3.
1 30 7. "Guardianship proceeding" means a judicial proceeding
1 31 in which an order for the appointment of a guardian is sought
1 32 or has been issued.
1 33 8. "Incapacitated person" means an adult who has been
1 34 adjudged incompetent by a court who meets one or both of the
1 35 following conditions:



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- 2 1 a. Has a decision making capacity which is so impaired
2 2 that the person is unable to care for the person's personal
2 3 safety or to attend to or provide for necessities for the
2 4 person such as food, shelter, clothing, or medical care,
2 5 without which physical injury or illness may occur.
- 2 6 b. Has a decision making capacity which is so impaired
2 7 that the person is unable to make, communicate, or carry out
2 8 important decisions concerning the person's financial affairs.
- 2 9 9. "Party" means the respondent, petitioner, guardian,
2 10 conservator, or any other person allowed by the court to
2 11 participate in a guardianship or protective proceeding.
- 2 12 10. "Person" means an individual, corporation, business
2 13 trust, estate, trust, partnership, limited liability company,
2 14 association, joint venture, public corporation, or government;
2 15 governmental subdivision, agency, or instrumentality; or any
2 16 other legal or commercial entity.
- 2 17 11. "Protected person" means an adult for whom a
2 18 conservatorship has been issued.
- 2 19 12. "Protective order" means an order appointing a
2 20 conservator as defined in section 633.3. "Protective order"
2 21 does not include protective orders issued pursuant to chapter
2 22 664A or protective orders issued pursuant to sections 235B.18
2 23 and 235B.19.
- 2 24 13. "Protective proceeding" means a judicial proceeding in
2 25 which a conservatorship is sought or has been granted.
- 2 26 14. "Record" means information that is inscribed on a
2 27 tangible medium or that is stored in an electronic or other
2 28 medium and is retrievable in perceivable form.
- 2 29 15. "Respondent" means an adult for whom a conservatorship
2 30 or guardianship is sought.
- 2 31 16. "State" means a state of the United States, the
2 32 District of Columbia, Puerto Rico, the United States Virgin
2 33 Islands, a federally recognized Indian tribe, or any territory
2 34 or insular possession subject to the jurisdiction of the
2 35 United States.



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3 1 Sec. 3. NEW SECTION. 633.802 INTERNATIONAL APPLICATION.
3 2 A court of this state shall treat a foreign country as if
3 3 it were a state of the United States for the purpose of
3 4 applying this part and parts 2, 3, and 5.
3 5 Sec. 4. NEW SECTION. 633.803 COMMUNICATION BETWEEN
3 6 COURTS.
3 7 1. A court of this state may communicate with a court in
3 8 another state concerning a proceeding arising under this
3 9 division. The court may allow the parties to participate in
3 10 the communication. Except as otherwise provided in subsection
3 11 2, the court shall make a record of the communication. The
3 12 record may be limited to the fact that the communication
3 13 occurred.
3 14 2. Communication between courts concerning schedules,
3 15 calendars, court records, and other administrative matters may
3 16 occur without making a record.
3 17 Sec. 5. NEW SECTION. 633.804 COOPERATION BETWEEN COURTS.
3 18 1. In a guardianship or protective proceeding in this
3 19 state, a court of this state may request the appropriate court
3 20 of another state to do any of the following:
3 21 a. Hold an evidentiary hearing.
3 22 b. Order a person in the other state to produce evidence
3 23 or give testimony pursuant to procedures of that state.
3 24 c. Order that an evaluation or assessment be made of the
3 25 respondent.
3 26 d. Order any appropriate investigation of a person
3 27 involved in a proceeding.
3 28 e. Forward to the court of this state a certified copy of
3 29 the transcript or other record of the hearing pursuant to
3 30 paragraph "a" or any other proceeding, the evidence otherwise
3 31 produced pursuant to paragraph "b", and any evaluation or
3 32 assessment prepared in compliance with an order pursuant to
3 33 paragraph "c" or "d".
3 34 f. Issue any order necessary to assure the appearance in
3 35 the proceeding of a person whose presence is necessary for the



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4 1 court to make a determination, including the respondent.
4 2 g. Issue an order authorizing the release of medical,
4 3 financial, criminal, or other relevant information in that
4 4 state, including protected health information as defined in 45
4 5 C.F.R. } 164.504, as amended.

4 6 2. If a court of another state in which a guardianship or
4 7 protective proceeding is pending requests assistance pursuant
4 8 to subsection 1, a court of this state has jurisdiction for
4 9 the limited purpose of granting the request or making
4 10 reasonable efforts to comply with the request.

4 11 Sec. 6. NEW SECTION. 633.805 TAKING TESTIMONY IN ANOTHER
4 12 STATE.

4 13 1. In addition to other procedures that may be available
4 14 in a guardianship or protective proceeding, the testimony of a
4 15 witness who is located in another state may be offered by
4 16 deposition or other means allowable in this state for
4 17 testimony taken in another state. The court on its own motion
4 18 may order that the testimony of a witness be taken in another
4 19 state and may prescribe the manner in which and the terms upon
4 20 which the testimony is to be taken.

4 21 2. In a guardianship or protective proceeding, a court in
4 22 this state may permit a witness located in another state to be
4 23 deposed or to testify by telephone, audiovisual means, or
4 24 other electronic means. A court of this state shall cooperate
4 25 with courts of other states in designating an appropriate
4 26 location for the deposition or testimony.

4 27 3. Documentary evidence transmitted from another state to
4 28 a court of this state by technological means that do not
4 29 produce an original writing shall not be excluded from
4 30 evidence on an objection based on the best evidence rule.

4 31 PART 2
4 32 JURISDICTION

4 33 Sec. 7. NEW SECTION. 633.806 DEFINITIONS.

4 34 As used in this part, unless the context otherwise requires
4 35 otherwise:



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5 1 1. "Emergency" means a circumstance that likely will
5 2 result in substantial harm to a respondent's health, safety,
5 3 or welfare, and for which the appointment of a guardian is
5 4 necessary because no other person has authority and is willing
5 5 to act on the respondent's behalf.

5 6 2. "Home state" means either of the following:

5 7 a. The state in which the respondent was physically
5 8 present, including any period of temporary absence, for at
5 9 least six consecutive months immediately before the filing of
5 10 a petition for a protective order or the appointment of a
5 11 guardian.

5 12 b. The state in which the respondent was physically
5 13 present, including any period of temporary absence, for at
5 14 least six consecutive months ending within the six months
5 15 prior to the filing of a petition for a protective order or
5 16 the appointment of a guardian.

5 17 3. "Significant=connection state" means a state, other
5 18 than the home state, with which a respondent has a significant
5 19 connection other than mere physical presence and in which
5 20 substantial evidence concerning the respondent is available.

5 21 Sec. 8. NEW SECTION. 633.807 SIGNIFICANT CONNECTION
5 22 FACTORS.

5 23 1. In determining whether a respondent has a significant
5 24 connection with a particular state, the court shall consider
5 25 all of the following:

5 26 a. The location of the respondent's family and other
5 27 persons required to be notified of the guardianship or
5 28 protective proceeding.

5 29 b. The length of time the respondent at any time was
5 30 physically present in the state and the duration of any
5 31 absence.

5 32 c. The location of the respondent's property.

5 33 d. The extent to which the respondent has ties to the
5 34 state such as voting registration, state or local tax return
5 35 filing, vehicle registration, driver's license, social



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6 1 relationship, and receipt of services.
6 2 Sec. 9. NEW SECTION. 633.808 EXCLUSIVE BASIS.
6 3 This part provides the exclusive jurisdictional basis for a
6 4 court of this state to appoint a guardian or issue a
6 5 protective order for an adult.
6 6 Sec. 10. NEW SECTION. 633.809 JURISDICTION.
6 7 A court of this state has jurisdiction to appoint a
6 8 guardian or issue a protective order for a respondent if any
6 9 of the following apply:
6 10 1. This state is the respondent's home state.
6 11 2. This state is a significant=connection state and on the
6 12 date the petition is filed, any of the following apply:
6 13 a. The respondent does not have a home state or a court of
6 14 the respondent's home state has declined to exercise
6 15 jurisdiction because this state is a more appropriate forum.
6 16 b. The respondent has a home state, a petition for an
6 17 appointment or order is not pending in a court of that state
6 18 or another significant=connection state, and, before the court
6 19 makes the appointment or issues the order all of the following
6 20 apply:
6 21 (1) A petition for an appointment or order is not filed in
6 22 the respondent's home state.
6 23 (2) An objection to the court's jurisdiction is not filed
6 24 by a person required to be notified of the proceeding.
6 25 (3) The court in this state concludes that it is an
6 26 appropriate forum under the factors set forth in section
6 27 633.812.
6 28 3. Either of the following apply:
6 29 a. This state does not have jurisdiction under either
6 30 subsection 1 or 2, the respondent's home state and all
6 31 significant=connection states have declined to exercise
6 32 jurisdiction because this state is the more appropriate forum,
6 33 and jurisdiction in this state is consistent with the
6 34 Constitution of the State of Iowa and the Constitution of the
6 35 United States.



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7 1 b. The requirements for special jurisdiction under section
7 2 633.810 are met.

7 3 Sec. 11. NEW SECTION. 633.810 SPECIAL JURISDICTION.

7 4 1. A court of this state lacking jurisdiction under
7 5 section 633.809 has special jurisdiction to do any of the
7 6 following:

7 7 a. Appoint a guardian in an emergency for a period not to
7 8 exceed ninety days for a respondent who is physically present
7 9 in this state.

7 10 b. Issue a protective order with respect to real or
7 11 tangible personal property located in this state.

7 12 c. Appoint a guardian or conservator for an incapacitated
7 13 or protected person for whom a provisional order to transfer
7 14 the proceeding from another state has been issued under
7 15 procedures similar to section 633.816.

7 16 2. If a petition for the appointment of a guardian in an
7 17 emergency is brought in this state and this state was not the
7 18 respondent's home state on the date the petition was filed,
7 19 the court shall dismiss the proceeding at the request of the
7 20 court of the home state, if any, whether dismissal is
7 21 requested before or after the emergency appointment.

7 22 Sec. 12. NEW SECTION. 633.811 EXCLUSIVE AND CONTINUING
7 23 JURISDICTION.

7 24 Except as otherwise provided in section 633.810, a court
7 25 that has appointed a guardian or issued a protective order
7 26 consistent with this chapter has exclusive and continuing
7 27 jurisdiction over the proceeding until terminated by the court
7 28 or the appointment or order expires by its own terms.

7 29 Sec. 13. NEW SECTION. 633.812 APPROPRIATE FORUM.

7 30 1. A court of this state with jurisdiction under section
7 31 633.809 to appoint a guardian or issue a protective order may
7 32 decline to exercise its jurisdiction if it determines at any
7 33 time that a court of another state is a more appropriate
7 34 forum.

7 35 2. If a court of this state declines to exercise its



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8 1 jurisdiction under subsection 1, the court shall either
8 2 dismiss or stay the proceeding. The court may impose any
8 3 condition the court considers just and proper, including the
8 4 condition that a petition for the appointment of a guardian or
8 5 issuance of a protective order be filed promptly in another
8 6 state.
8 7 3. In determining whether it is an appropriate forum, the
8 8 court shall consider all of the following:
8 9 a. Any expressed preference of the respondent.
8 10 b. Whether abuse, neglect, or exploitation of the
8 11 respondent has occurred or is likely to occur and which state
8 12 could best protect the respondent from the abuse, neglect, or
8 13 exploitation.
8 14 c. The length of time the respondent was physically
8 15 present in or was a legal resident of this state or another
8 16 state.
8 17 d. The distance of the respondent from the court in each
8 18 state.
8 19 e. The financial circumstances of the respondent's estate.
8 20 f. The nature and location of the evidence.
8 21 g. The ability of the court in each state to decide the
8 22 issue expeditiously and the procedures necessary to present
8 23 evidence.
8 24 h. The familiarity of the court of each state with the
8 25 facts and issues in the proceeding.
8 26 i. If an appointment were to be made, the court's ability
8 27 to monitor the conduct of the guardian or conservator.
8 28 Sec. 14. NEW SECTION. 633.813 JURISDICTION DECLINED BY
8 29 REASON OF CONDUCT.
8 30 1. If at any time a court of this state determines that
8 31 the court acquired jurisdiction to appoint a guardian or issue
8 32 a protective order because of unjustifiable conduct, the court
8 33 may do any of the following:
8 34 a. Decline to exercise jurisdiction.
8 35 b. Exercise jurisdiction for the limited purpose of



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9 1 fashioning an appropriate remedy to ensure the health, safety,
9 2 and welfare of the respondent or the protection of the
9 3 respondent's property or prevent a repetition of the
9 4 unjustifiable conduct, including staying the proceeding until
9 5 a petition for the appointment of a guardian or issuance of a
9 6 protective order is filed in a court of another state having
9 7 jurisdiction.

9 8 c. Continue to exercise jurisdiction after considering all
9 9 of the following:

9 10 (1) The extent to which the respondent and all persons
9 11 required to be notified of the proceedings have acquiesced in
9 12 the exercise of the court's jurisdiction.

9 13 (2) Whether it is a more appropriate forum than the court
9 14 of any other state under the factors set forth in section
9 15 633.812.

9 16 (3) Whether the court of any other state would have
9 17 jurisdiction under factual circumstances in substantial
9 18 conformity with the jurisdictional standards of section
9 19 633.809.

9 20 d. If a court of this state determines that the court
9 21 acquired jurisdiction to appoint a guardian or issue a
9 22 protective order because a party seeking to invoke its
9 23 jurisdiction engaged in unjustifiable conduct, the court may
9 24 assess necessary and reasonable expenses against that party,
9 25 including attorney fees, investigative fees, court costs,
9 26 communication expenses, witness fees and expenses, and travel
9 27 expenses. The court shall not assess fees, costs, or expenses
9 28 of any kind against this state or a governmental subdivision,
9 29 agency, or instrumentality of this state unless authorized by
9 30 law other than this division.

9 31 Sec. 15. NEW SECTION. 633.814 NOTICE OF PROCEEDING.

9 32 If a petition for the appointment of a guardian or issuance
9 33 of a protective order is brought in this state and this state
9 34 was not the respondent's home state on the date the petition
9 35 was filed, in addition to complying with the notice



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10 1 requirements of this state, notice of the petition must be
10 2 given to those persons who would be entitled to notice of the
10 3 petition if a proceeding were brought in the respondent's home
10 4 state. The notice must be given in the same manner as notice
10 5 is required to be given in this state.

10 6 Sec. 16. NEW SECTION. 633.815 PROCEEDINGS IN MORE THAN
10 7 ONE STATE.

10 8 Except for a petition for the appointment of a guardian in
10 9 an emergency or issuance of a protective order limited to
10 10 property located in this state under section 633.810, if a
10 11 petition for the appointment of a guardian or issuance of a
10 12 protective order is filed in this state and in another state
10 13 and neither petition has been dismissed or withdrawn, the
10 14 following rules apply:

10 15 1. If the court in this state has jurisdiction under
10 16 section 633.809, it may proceed with the case unless a court
10 17 in another state acquires jurisdiction under provisions
10 18 similar to section 633.809 before the appointment or issuance
10 19 of the order.

10 20 2. If the court in this state does not have jurisdiction
10 21 under section 633.809, whether at the time the petition is
10 22 filed or at any time before the appointment or issuance of the
10 23 order, the court shall stay the proceeding and communicate
10 24 with the court in the other state. If the court in the other
10 25 state has jurisdiction, the court in this state shall dismiss
10 26 the petition unless the court in the other state determines
10 27 that the court in this state is a more appropriate forum.

10 28 PART 3

10 29 TRANSFER OF GUARDIANSHIP OR CONSERVATORSHIP

10 30 Sec. 17. NEW SECTION. 633.816 TRANSFER OF GUARDIANSHIP
10 31 OR CONSERVATORSHIP TO ANOTHER STATE.

10 32 1. A guardian or conservator appointed in this state may
10 33 petition the court to transfer the guardianship or
10 34 conservatorship to another state.

10 35 2. Notice of a petition under subsection 1 shall be given



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11 1 to the persons that would be entitled to notice of a petition
11 2 in this state for the appointment of a guardian or
11 3 conservator.

11 4 3. On the court's own motion or on request of the guardian
11 5 or conservator, the incapacitated or protected person, or
11 6 other person required to be notified of the petition, the
11 7 court shall hold a hearing on a petition filed pursuant to
11 8 subsection 1.

11 9 4. The court shall issue an order provisionally granting a
11 10 petition to transfer a guardianship and shall direct the
11 11 guardian to petition for guardianship in the other state if
11 12 the court is satisfied that the guardianship will be accepted
11 13 by the court in the other state and the court finds all of the
11 14 following:

11 15 a. The incapacitated person is physically present in or is
11 16 reasonably expected to move permanently to the other state.

11 17 b. An objection to the transfer has not been made or, if
11 18 an objection has been made, the objector has not established
11 19 that the transfer would be contrary to the interests of the
11 20 incapacitated person.

11 21 c. Plans for care and services for the incapacitated
11 22 person in the other state are reasonable and sufficient.

11 23 5. The court shall issue a provisional order granting a
11 24 petition to transfer a conservatorship and shall direct the
11 25 conservator to petition for conservatorship in the other state
11 26 if the court is satisfied that the conservatorship will be
11 27 accepted by the court of the other state and the court finds
11 28 all of the following:

11 29 a. The protected person is physically present in or is
11 30 reasonably expected to move permanently to the other state, or
11 31 the protected person has a significant connection to the other
11 32 state considering the factors in section 633.807.

11 33 b. An objection to the transfer has not been made or, if
11 34 an objection has been made, the objector has not established
11 35 that the transfer would be contrary to the interests of the



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12 1 protected person.

12 2 c. Adequate arrangements will be made for management of
12 3 the protected person's property.

12 4 6. The court shall issue a final order confirming the
12 5 transfer and terminating the guardianship or conservatorship
12 6 upon its receipt of all of the following:

12 7 a. A provisional order accepting the proceeding from the
12 8 court to which the proceeding is to be transferred which is
12 9 issued under provisions similar to section 633.817.

12 10 b. The documents required to terminate a guardianship or
12 11 conservatorship in this state.

12 12 Sec. 18. NEW SECTION. 633.817 ACCEPTING GUARDIANSHIP OR
12 13 CONSERVATORSHIP TRANSFERRED FROM ANOTHER STATE.

12 14 1. To confirm transfer of a guardianship or
12 15 conservatorship transferred to this state under provisions
12 16 similar to section 633.816, the guardian or conservator must
12 17 petition the court in this state to accept the guardianship or
12 18 conservatorship. The petition must include a certified copy
12 19 of the other state's provisional order of transfer.

12 20 2. Notice of a petition under subsection 1 must be given
12 21 to those persons that would be entitled to notice if the
12 22 petition were to petition for the appointment of a guardian or
12 23 issuance of a protective order in both the transferring state
12 24 and this state. The notice must be given in the same manner
12 25 as notice is required to be given in this state.

12 26 3. On the court's own motion or on request of the guardian
12 27 or conservator, the incapacitated or protected person, or
12 28 other person required to be notified of the proceeding, the
12 29 court shall hold a hearing on a petition filed pursuant to
12 30 subsection 1.

12 31 4. The court shall issue an order provisionally granting a
12 32 petition filed under subsection 1 unless any of the following
12 33 applies:

12 34 a. An objection is made and the objector establishes that
12 35 transfer of the proceeding would be contrary to the interests



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13 1 of the incapacitated or protected person.
13 2 b. The guardian or conservator is ineligible for
13 3 appointment in this state.
13 4 5. The court shall issue a final order accepting the
13 5 proceeding and appointing the guardian or conservator as
13 6 guardian or conservator in this state upon its receipt from
13 7 the court from which the proceeding is being transferred of a
13 8 final order issued under provisions similar to section 633.816
13 9 transferring the proceeding to this state.
13 10 6. Not later than ninety days after issuance of a final
13 11 order accepting transfer of a guardianship or conservatorship,
13 12 the court shall determine whether the guardianship or
13 13 conservatorship needs to be modified to conform to the laws of
13 14 this state.
13 15 7. Subject to subsections 4 and 6, in granting a petition
13 16 under this section, the court shall recognize a guardianship
13 17 or conservatorship order from the other state, including the
13 18 determination of the incapacitated or protected person's
13 19 incapacity and the appointment of the guardian or conservator.
13 20 8. The denial by a court of this state of a petition to
13 21 accept a guardianship or conservatorship transferred from
13 22 another state does not affect the ability of the guardian or
13 23 conservator to seek appointment as guardian or conservator in
13 24 this state under section 633.551 or 633.552, if the court has
13 25 jurisdiction to make an appointment other than by reason of
13 26 the provisional order of transfer.

13 27 PART 4

13 28 REGISTRATION AND RECOGNITION OF
13 29 ORDERS FROM OTHER STATES

13 30 Sec. 19. NEW SECTION. 633.818 REGISTRATION OF
13 31 GUARDIANSHIP ORDERS.

13 32 If a guardian has been appointed in another state and a
13 33 petition for the appointment of a guardian is not pending in
13 34 this state, the guardian appointed in the other state, after
13 35 giving notice to the appointing court of an intent to



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14 1 register, may register the guardianship order in this state by
14 2 filing as a foreign judgment in a court, in any appropriate
14 3 county of this state, certified copies of the order and
14 4 letters of office.

14 5 Sec. 20. NEW SECTION. 633.819 REGISTRATION OF PROTECTIVE
14 6 ORDERS.

14 7 If a conservator has been appointed in another state and a
14 8 petition for a protective order is not pending in this state,
14 9 the conservator appointed in the other state, after giving
14 10 notice to the appointing court of an intent to register, may
14 11 register the protective order in this state by filing as a
14 12 foreign judgment in a court of this state, in any county in
14 13 which property belonging to the protected person is located,
14 14 certified copies of the order and letters of office and of any
14 15 bond.

14 16 Sec. 21. NEW SECTION. 633.820 EFFECT OF REGISTRATION.

14 17 1. Upon registration of a guardianship or protective order
14 18 from another state, the guardian or conservator may exercise
14 19 in this state all powers authorized in the order of
14 20 appointment except as prohibited under the laws of this state,
14 21 including maintaining actions and proceedings in this state
14 22 and, if the guardian or conservator is not a resident of this
14 23 state, subject to any conditions imposed upon nonresident
14 24 parties.

14 25 2. A court of this state may grant any relief available
14 26 under this division and other law of this state to enforce a
14 27 registered order.

14 28

PART 5

14 29

MISCELLANEOUS PROVISIONS

14 30 Sec. 22. NEW SECTION. 633.821 UNIFORMITY OF APPLICATION
14 31 AND CONSTRUCTION.

14 32 In applying and construing this uniform Act, consideration
14 33 must be given to the need to promote uniformity of the law
14 34 with respect to its subject matter among states that enact it.

14 35 Sec. 23. NEW SECTION. 633.822 RELATION TO ELECTRONIC



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15 1 SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.
15 2 This division modifies, limits, and supersedes the federal
15 3 Electronic Signatures in Global and National Commerce Act, 15
15 4 U.S.C. } 7001, et seq., but does not modify, limit, or
15 5 supersede section 101(c) of that Act, 15 U.S.C. } 7001(c), or
15 6 authorize electronic delivery of any of the notices described
15 7 in section 103(b) of that Act, 15 U.S.C. } 7003(b).

15 8 Sec. 24. EFFECTIVE AND APPLICABILITY DATES.

15 9 1. Except as provided in subsection 2, this Act takes
15 10 effect July 1, 2010, and applies to guardianship and
15 11 protective proceedings in existence on or after that date.

15 12 2. Parts 1, 3, and 4 and sections 633.821 and 633.822
15 13 apply to proceedings begun before the effective date,
15 14 regardless of whether a guardianship or protective order has
15 15 been issued.

15 16 Sec. 25. CODE EDITOR DIRECTIVE. The Code editor is
15 17 directed to transfer division XIX of chapter 633, as enacted
15 18 in this Act, to division XV of chapter 633 and to transfer
15 19 division XV of chapter 633 to division XVI of chapter 633.

15 20 EXPLANATION

15 21 This bill creates the uniform adult guardianship and
15 22 protective proceedings Act relating to the establishment,
15 23 transfer, and recognition of guardianships and
15 24 conservatorships in multistate cases, and includes effective
15 25 date and applicability provisions.

15 26 PART 1. Part 1 of the bill contains definitions and
15 27 provisions relating to communications and cooperation between
15 28 courts in different states and the taking of testimony in
15 29 another state. The bill also provides that a court of this
15 30 state shall treat a foreign country as if it were a state of
15 31 the United States for purposes of the bill. The bill defines
15 32 "protective order" as an order appointing a conservator as
15 33 defined in Code section 633.3 of the Iowa probate Code and
15 34 defines "guardianship order" as an order appointing a guardian
15 35 as defined in Code section 633.3 of the Iowa probate Code.



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16 1 PART 2. Part 2 of the bill provides a framework of
16 2 priority for determining when a particular court has
16 3 jurisdiction over adult guardianships and conservatorships for
16 4 an incapacitated or protected adult (respondent); the home
16 5 state, followed by a significant-connection state, followed by
16 6 other jurisdictions.

16 7 Part 2 of the bill defines "home state" as either the state
16 8 in which the adult has lived for at least six consecutive
16 9 months immediately before the beginning of the adult
16 10 guardianship or protective proceeding or the state in which
16 11 the adult was physically present for at least six consecutive
16 12 months ending within the six months prior to the filing of the
16 13 petition for a protective order or the appointment of a
16 14 guardian. A period of temporary absence in either situation
16 15 is counted as part of the six-month or other period. If there
16 16 is no home state or the court in the home state declines to
16 17 exercise jurisdiction, the bill provides that jurisdiction is
16 18 appropriate in a state in which the respondent has a
16 19 significant connection. In determining whether a respondent
16 20 has a significant connection with a particular state, the
16 21 court must consider the location of the respondent's family,
16 22 the length of time the respondent was physically present in
16 23 the state and the duration of any absence, the location of the
16 24 respondent's property, and the extent to which the respondent
16 25 has ties to the state (voting, filing tax returns, driver's
16 26 license, receipt of services). Another state may have
16 27 jurisdiction if the respondent does not have a home state or a
16 28 significant-connection state or the respondent's home state
16 29 and all significant-connection states have refused to exercise
16 30 jurisdiction because another state is more appropriate.

16 31 Part 2 of the bill provides that regardless of whether a
16 32 court in the state where the respondent is currently
16 33 physically present has jurisdiction, the court has special
16 34 jurisdiction to appoint a guardian in an emergency and a court
16 35 in a state where a respondent's real or tangible personal



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17 1 property is located has jurisdiction to appoint a conservator
17 2 or issue another type of protective order with respect to that
17 3 property. A court also has special jurisdiction to consider a
17 4 petition to accept the transfer of an already existing
17 5 guardianship or conservatorship from another state under the
17 6 transfer provisions of part 3 of the bill.

17 7 Part 2 of the bill provides that once a guardian or
17 8 conservator is appointed or other protective order is issued,
17 9 the court's jurisdiction continues until the proceeding is
17 10 terminated by the court or the appointment or order expires by
17 11 its own terms.

17 12 Part 2 of the bill authorizes a court to decline to
17 13 exercise jurisdiction if it determines that the court of
17 14 another state is a more appropriate forum, and specifies the
17 15 factors to be taken into account in making this determination.

17 16 Part 2 of the bill authorizes a court that obtained
17 17 jurisdiction as a result of unjustifiable conduct by a party
17 18 to assess that party necessary and reasonable expenses,
17 19 including attorney fees, investigative fees, court costs,
17 20 communication expenses, witness fees and expenses, and travel
17 21 expenses.

17 22 Part 2 of the bill provides additional notice requirements
17 23 if a proceeding is brought in a state other than the
17 24 respondent's home state.

17 25 Part 2 of the bill provides a procedure for resolving
17 26 jurisdictional issues if petitions are pending in more than
17 27 one state.

17 28 PART 3. Part 3 of the bill provides a procedure for
17 29 transferring an existing guardianship or conservatorship from
17 30 one state to another state. The bill requires that the
17 31 guardian or conservator seeking the transfer must notify the
17 32 appropriate persons that would be entitled to notice. The
17 33 court hearing the petition for transfer must find that the
17 34 incapacitated or protected person is physically present in or
17 35 is reasonably expected to move permanently to the other state,



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18 1 an objection to the transfer either has not been made or has
18 2 not established that the transfer would be contrary to the
18 3 interests of the incapacitated or protected person, and plans
18 4 for care and services for the incapacitated person in the
18 5 other state are reasonable and sufficient or adequate
18 6 arrangements will be made for management of the protected
18 7 person's property.

18 8 PART 4. Part 4 of the bill relates to the enforcement of
18 9 guardianship and conservatorship orders in different states
18 10 and establishes a procedure for registering an existing
18 11 guardianship or conservatorship in another state allowing a
18 12 guardian or conservator to act on behalf of the incapacitated
18 13 or protected person in the second state. The bill requires
18 14 the guardian or conservator to notify the original appointing
18 15 court about the guardian or conservator's intent to register
18 16 in another state. The bill allows the court receiving such
18 17 notice to question the rationale for the transfer and
18 18 communicate and coordinate with the court in the other state.

18 19 PART 5. Part 5 of the bill provides miscellaneous
18 20 provisions relating to the uniformity of application, the
18 21 federal electronic signatures Act, and applicability and
18 22 effective date provisions.

18 23 The bill takes effect July 1, 2010, and applies to
18 24 guardianship and protective proceedings in existence on or
18 25 after that date except a guardian or conservator appointed
18 26 prior to July 1, 2010, may petition to transfer the proceeding
18 27 to another state under part 3 of the bill and register and
18 28 enforce the order in other states pursuant to part 4 of the
18 29 bill.

18 30 LSB 1811HC 83

18 31 rh/rj/8



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Senate Amendment 3055

PAG LIN

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1 1 Amend Senate File 283 as follows:
1 2 #1. Page 12, by inserting after line 28 the
1 3 following:
1 4 <Sec. ____ . NEW SECTION. 720.7 INTERFERENCE WITH
1 5 JUDICIAL ACTS == PENALTY.
1 6 1. As used in this section:
1 7 a. "Court employee" means the same as defined in
1 8 section 602.1101.
1 9 b. "Judicial officer" means the same as defined in
1 10 section 602.1101.
1 11 c. "Family member" means a spouse, son, daughter,
1 12 brother, sister, uncle, aunt, first cousin, nephew,
1 13 niece, grandfather, grandmother, father=in=law,
1 14 mother=in=law, son=in=law, daughter=in=law,
1 15 brother=in=law, sister=in=law, father, mother,
1 16 stepfather, stepmother, stepson, stepdaughter,
1 17 stepbrother, stepsister, half brother, or half sister.
1 18 2. A person who harasses a judicial officer, court
1 19 employee, or a family member of a judicial officer or
1 20 a court employee in violation of section 708.7, with
1 21 the intent to interfere with or improperly influence,
1 22 or in retaliation for, the official acts of a judicial
1 23 officer or court employee, commits an aggravated
1 24 misdemeanor.>
1 25 #2. Title page, line 2, by inserting after the
1 26 word <judges,> the following: <interference with
1 27 judicial acts, providing a penalty,>.
1 28
1 29
1 30
1 31 KEITH A. KREIMAN
1 32 SF 283.701 83
1 33 jm/rj/22018
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Senate Amendment 3056

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1 1 Amend Senate File 287 as follows:
1 2 #1. Page 1, line 33, by inserting after the word
1 3 <dependent> the following: <children>.
1 4
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1 6
1 7 STACI APPEL
1 8 SF 287.201 83
1 9 jr/sc/22203
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Senate File 313 - Introduced

SENATE FILE
BY JOHNSON and McKINLEY

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

A BILL FOR

1 An Act exempting certain individuals from the requirements
2 administered by the board of educational examiners and
3 providing for related matters.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TL5B 2052XS 83
6 kh/rj/5



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Senate File 313 - Introduced continued

PAG LIN

1 1 Section 1. Section 256.9, subsection 56, Code 2009, is
1 2 amended to read as follows:
1 3 56. Establish and maintain a process and a procedure, in
1 4 cooperation with the board of educational examiners, to
1 5 compare a practitioner's teaching assignment with the license
1 6 and endorsements held by the practitioner who is employed by a
1 7 school district. The director may report noncompliance issues
1 8 identified by this process to the board of educational
1 9 examiners pursuant to section 272.15, subsection 3.

1 10 Sec. 2. Section 256.11, subsection 5, paragraph f, Code
1 11 2009, is amended to read as follows:

1 12 f. (1) Four sequential units of one foreign language
1 13 other than American sign language. Provision of instruction
1 14 in American sign language shall be in addition to and not in
1 15 lieu of provision of instruction in other foreign languages.

1 16 (2) The Except as provided in subparagraph (3), the
1 17 department may waive the third and fourth years of the foreign
1 18 language requirement on an annual basis upon the request of
1 19 the board of directors of a school district or the authorities
1 20 in charge of a nonpublic school if the board or authorities
1 21 are able to prove that a ~~licensed~~ teacher was employed and
1 22 assigned a schedule that would have allowed students to enroll
1 23 in a foreign language class, the foreign language class was
1 24 properly scheduled, students were aware that a foreign
1 25 language class was scheduled, and no students enrolled in the
1 26 class.

1 27 (3) The department may waive the foreign language
1 28 requirement established pursuant to this paragraph "f" for a
1 29 school district in accordance with subparagraph (2) if the
1 30 teacher employed is licensed under chapter 272.

1 31 Sec. 3. Section 256.11, Code 2009, is amended by adding
1 32 the following new subsection:

1 33 NEW SUBSECTION. 16. The requirements of chapter 272
1 34 related to licensure, certification, authorization, and
1 35 mentoring and induction of practitioners, para=educators, and



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2 1 coaches shall not, for purposes of accrediting nonpublic
2 2 schools, be considered part of the accreditation standards
2 3 established by, or the accreditation process conducted
2 4 pursuant to, this section.

2 5 Sec. 4. Section 258.17, subsection 3, unnumbered paragraph
2 6 1, Code 2009, is amended to read as follows:

2 7 Each workstart program shall consist of two phases, each of
2 8 which, if the program is implemented by a school district,
2 9 shall be supervised by an appropriately licensed education
2 10 practitioner: the preparation phase and the workplace phase.

2 11 Sec. 5. Section 258.17, subsection 3, paragraph b,
2 12 unnumbered paragraph 1, Code 2009, is amended to read as
2 13 follows:

2 14 The workplace phase of a workstart program shall consist of
2 15 an intensive workplace-specific training program that may be
2 16 conducted at a worksite or both at a worksite and in the
2 17 school setting. The workplace phase of a workstart program
2 18 implemented by a school district shall be coordinated by an
2 19 education practitioner possessing the appropriate license and
2 20 endorsements for the vocational service area, ~~and~~. The
2 21 workplace phase may be directed at the worksite by persons
2 22 employed in the occupational training area which has been
2 23 selected by the student.

2 24 Sec. 6. Section 272.7, Code 2009, is amended to read as
2 25 follows:

2 26 272.7 VALIDITY OF LICENSE.

2 27 1. A license issued under board authority is valid for the
2 28 period of time for which it is issued, unless the license is
2 29 suspended or revoked. A license issued by the board is valid
2 30 until the last day of the practitioner's birth month in the
2 31 year in which the license expires. No permanent licenses
2 32 shall be issued.

2 33 2. a. A person employed as a practitioner by a school
2 34 district or area education agency shall hold a valid license
2 35 with an endorsement for the type of service for which the



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3 1 person is employed.

3 2 b. A practitioner employed by a nonpublic school is exempt
3 3 from the requirements of this chapter.

3 4 3. This section does not limit the duties or powers of a
3 5 school board to select or discharge practitioners or to
3 6 terminate practitioners' contracts.

3 7 4. A professional development program, except for a
3 8 program offered by a practitioner preparation institution or
3 9 area education agency and approved by the state board of
3 10 education, must possess a valid license for the types of
3 11 programs offered.

3 12 5. The executive director of the board may grant or deny
3 13 license applications, applications for renewal of a license,
3 14 and suspension or revocation of a license. A denial of an
3 15 application for a license, the denial of an application for
3 16 renewal, or a suspension or revocation of a license may be
3 17 appealed by the practitioner to the board.

3 18 6. The board may issue emergency renewal or temporary,
3 19 limited-purpose licenses upon petition by a current or former
3 20 practitioner. An emergency renewal or a temporary,
3 21 limited-purpose license may be issued for a period not to
3 22 exceed two years, if a petitioner demonstrates, to the
3 23 satisfaction of the board, good cause for failure to comply
3 24 with board requirements for a regular license and provides
3 25 evidence that the petitioner will comply with board
3 26 requirements within the period of the emergency or temporary
3 27 license. Under exceptional circumstances, an emergency
3 28 license may be renewed by the board for one additional year.
3 29 A previously unlicensed person is not eligible for an
3 30 emergency or temporary license, except that a student who is
3 31 enrolled in ~~a licensed~~ an approved practitioner preparation
3 32 program may be issued a temporary, limited-purpose license,
3 33 without payment of a fee, as part of a practicum or internship
3 34 program.

3 35 Sec. 7. Section 272.9A, Code 2009, is amended by adding



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4 1 the following new subsection:

4 2 NEW SUBSECTION. 4. Notwithstanding any provision to the
4 3 contrary, an administrator employed by a nonpublic school is
4 4 exempt from the requirements of this chapter.

4 5 Sec. 8. Section 272.12, Code 2009, is amended to read as
4 6 follows:

4 7 272.12 PARA=EDUCATOR CERTIFICATES.

4 8 1. The board of educational examiners shall adopt rules
4 9 pursuant to chapter 17A relating to a voluntary certification
4 10 system for para=educators. The rules shall specify rights,
4 11 responsibilities, levels, and qualifications for the
4 12 certificate. Applicants shall be disqualified for any reason
4 13 specified in section 272.2, subsection 14, or in
4 14 administrative rule. Notwithstanding section 272.2,
4 15 subsection 14, paragraph "b", subparagraph (2), the board may
4 16 issue a para=educator certificate to a person who is at least
4 17 eighteen years of age. A person holding a para=educator
4 18 certificate shall not perform the duties of a licensed
4 19 practitioner. A certificate issued pursuant to this chapter
4 20 shall not be considered a teacher or administrator license for
4 21 any purpose specified by law, including the purposes specified
4 22 under this chapter or chapter 279.

4 23 2. A person who is employed as a para=educator or who
4 24 volunteers as a para=educator for a nonpublic school is exempt
4 25 from the requirements of this chapter.

4 26 Sec. 9. Section 272.28, subsection 2, Code 2009, is
4 27 amended to read as follows:

4 28 2. A teacher from ~~an accredited nonpublic school or~~
4 29 another state or country is exempt from the requirement of
4 30 subsection 1 if the teacher can document three years of
4 31 successful teaching experience and meet or exceed the
4 32 requirements contained in rules adopted under this chapter for
4 33 endorsement and licensure.

4 34 Sec. 10. Section 272.31, Code 2009, is amended by adding
4 35 the following new subsection:



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5 1 NEW SUBSECTION. 3. A person who is employed as a coach or
5 2 who volunteers to coach for a nonpublic school is exempt from
5 3 the requirements of this chapter.

5 4 Sec. 11. Section 299A.1, unnumbered paragraph 2, Code
5 5 2009, is amended to read as follows:

5 6 For purposes of this chapter, "competent private
5 7 instruction" means private instruction provided on a daily
5 8 basis for at least one hundred forty-eight days during a
5 9 school year, to be met by attendance for at least thirty-seven
5 10 days each school quarter, by or under the supervision of a
5 11 ~~licensed~~ practitioner in the manner provided under section
5 12 299A.2, or other person under section 299A.3, which results in
5 13 the student making adequate progress.

5 14 Sec. 12. Section 299A.2, Code 2009, is amended to read as
5 15 follows:

5 16 299A.2 COMPETENT PRIVATE INSTRUCTION BY LICENSED
5 17 PRACTITIONER.

5 18 If a licensed practitioner provides competent instruction
5 19 to a child of compulsory attendance age, unless the teacher is
5 20 employed by a nonpublic school, the practitioner shall possess

5 21 a valid license or certificate which has been issued by the
5 22 state board of educational examiners under chapter 272 and
5 23 which is appropriate to the ages and grade levels of the
5 24 children to be taught. Competent private instruction may
5 25 include, but is not limited to, a home school assistance
5 26 program which provides instruction or instructional
5 27 supervision offered through an accredited nonpublic school or
5 28 public school district by a teacher, who is employed by the
5 29 accredited nonpublic school or public school district, who
5 30 assists and supervises a parent, guardian, or legal custodian
5 31 in providing instruction to a child. If competent private
5 32 instruction is provided through a public school district, the
5 33 child shall be enrolled and included in the basic enrollment
5 34 of the school district as provided in section 257.6. Sections
5 35 299A.3 through 299A.7 do not apply to competent private



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6 1 instruction provided by a licensed practitioner under this
6 2 section. However, the reporting requirement contained in
6 3 section 299A.3, subsection 1, shall apply to competent private
6 4 instruction provided by licensed practitioners that is not
6 5 part of a home school assistance program offered through an
6 6 accredited nonpublic school or public school district.

6 7 EXPLANATION

6 8 This bill exempts practitioners, para=educators, and
6 9 coaches who are employed by nonpublic schools from the
6 10 licensure and related rules and requirements adopted and
6 11 administered by the board of educational examiners under Code
6 12 chapter 272. The bill also exempts persons who volunteer as
6 13 para=educators and coaches for nonpublic schools. The bill
6 14 further provides that the licensure, certification,
6 15 authorization, and mentoring and induction requirements of
6 16 Code chapter 272 shall not, for purposes of accrediting
6 17 nonpublic schools, be considered part of the accreditation
6 18 standards adopted by the state board of education or the
6 19 accreditation process conducted by the department of
6 20 education.

6 21 LSB 2052XS 83

6 22 kh/rj/5



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Senate File 314 - Introduced

SENATE FILE
BY SCHOENJAHN

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for all existing funds for teacher compensation
- 2 to be directed into one salary system.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2517SS 83
- 5 ak/sc/24



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1 1 Section 1. Section 257.10, subsection 9, paragraph d, Code
1 2 2009, is amended to read as follows:

1 3 d. ~~The~~ For the budget year beginning July 1, 2009, the use
1 4 of the funds calculated under this subsection shall comply
1 5 with the requirements of chapters 284 and 294A and shall be
1 6 distributed to teachers pursuant to section ~~284.7~~ 284.3A. For
1 7 the budget year beginning July 1, 2010, and succeeding budget
1 8 years, the use of the funds calculated under this subsection
1 9 shall comply with the requirements of chapter 284 and shall be
1 10 distributed to teachers pursuant to section 284.3A.

1 11 Sec. 2. Section 257.37A, subsection 1, paragraph d, Code
1 12 2009, is amended to read as follows:

1 13 d. ~~The~~ For the budget year beginning July 1, 2009, the use
1 14 of the funds calculated under this subsection shall comply
1 15 with requirements of chapters 284 and 294A and shall be
1 16 distributed to teachers pursuant to section ~~284.7~~ 284.3A. For
1 17 the budget year beginning July 1, 2010, and succeeding budget
1 18 years, the use of the funds calculated under this subsection
1 19 shall comply with the requirements of chapter 284 and shall be
1 20 distributed to teachers pursuant to section 284.3A.

1 21 Sec. 3. Section 284.7, subsection 5, Code 2009, is amended
1 22 by striking the subsection.

1 23 Sec. 4. NEW SECTION. 284.3A TEACHER COMPENSATION ==
1 24 SINGLE SALARY SYSTEM.

1 25 1. a. For the school year beginning July 1, 2008, and
1 26 each succeeding school year, if the licensed employees of a
1 27 school district or area education agency receiving funds
1 28 pursuant to sections 257.10 and 257.37A are organized under
1 29 chapter 20 for collective bargaining purposes, the school
1 30 board and the certified bargaining representative for the
1 31 licensed employees shall negotiate the distribution of the
1 32 funds among the teachers employed by the school district or
1 33 area education agency according to chapter 20.

1 34 b. If the licensed employees of a school district or area
1 35 education agency are not organized for collective bargaining



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2 1 purposes, the board of directors shall determine the method of
2 2 distribution of such funds.

2 3 2. a. For the school budget year beginning July 1, 2010,
2 4 and each succeeding school year, school districts and area
2 5 education agencies shall combine payments made to teachers
2 6 under chapter 294A and sections 257.10 and 257.37A with
2 7 regular wages and create one salary system. If a school
2 8 district or area education agency uses a salary schedule, one
2 9 salary schedule shall be used for regular wages and for
2 10 distribution of payments under chapter 294A and sections
2 11 257.10 and 257.37A, incorporating the salary minimums required
2 12 in section 284.7.

2 13 b. If the licensed employees of a school district or area
2 14 education agency are organized under chapter 20 for collective
2 15 bargaining purposes, the creation of the new salary system
2 16 shall be subject to the scope of negotiations specified in
2 17 section 20.9.

2 18 c. If the licensed employees of a school district or area
2 19 education agency are not organized for collective bargaining
2 20 purposes, the board of directors shall create the new salary
2 21 system.

2 22 3. A school district or area education agency shall not be
2 23 required to maintain a separate account within its budget
2 24 based on source of funds for payments received and
2 25 expenditures made pursuant to this section. The school
2 26 district or area education agency shall annually certify to
2 27 the department of education that funding received pursuant to
2 28 sections 257.10 and 257.37A was expended on salaries for
2 29 qualified teachers.

2 30 4. Payments made to a teacher by a school district or area
2 31 education agency under sections 257.10 and 257.37A are wages
2 32 for the purposes of chapter 91A. The payments shall be
2 33 considered phase II of chapter 294A for purposes of a contract
2 34 negotiated under chapter 20.

2 35 EXPLANATION



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3 1 This bill directs the sources of teacher compensation to be
3 2 distributed under new Code section 284.3A. Beginning with the
3 3 school budget year beginning July 1, 2009, the funds intended
3 4 to compensate teachers in Code sections 257.10 and 257.37A,
3 5 the teacher salary supplement, shall be distributed as
3 6 directed in new Code section 284.3A.

3 7 New Code section 284.3A provides school boards and
3 8 certified bargaining representatives for organized employees
3 9 of a school district and area education agency to negotiate as
3 10 part of collective bargaining the funds available under this
3 11 Code section. School boards are authorized to create and
3 12 distribute the salary system funds for nonorganized workers.

3 13 Beginning with the school budget year beginning July 1,
3 14 2010, all payments authorized under the Code to compensate
3 15 teachers shall be combined with wages to create one salary
3 16 system. Each year each school district and area education
3 17 agency shall certify to the department of education that the
3 18 funding received for teacher compensation was spent on
3 19 salaries for qualified teachers. If employees of a school
3 20 district or area education agency are organized under Code
3 21 chapter 20, all payments under the new salary system are
3 22 determined according to Code chapter 20 and available for
3 23 negotiation.

3 24 LSB 2517SS 83
3 25 ak/sc/24



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Senate File 315 - Introduced

SENATE FILE
BY JOHNSON

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

A BILL FOR

- 1 An Act prohibiting hunting guides or outfitters from guiding on
- 2 public lands and waters and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2389XS 83
- 5 av/rj/24



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1 1 Section 1. NEW SECTION. 481A.125B HUNTING GUIDES AND
1 2 HUNTING OUTFITTERS.
1 3 1. As used in this section, "hunting guide" or "hunting
1 4 outfitter" means a person who engages in or represents oneself
1 5 as engaging in the business of being a hunting guide or
1 6 hunting outfitter and who, for compensation or remuneration,
1 7 directs or provides services or equipment to any other person
1 8 for the purpose of hunting any wild animal.
1 9 2. A person who is a hunting guide or hunting outfitter as
1 10 defined in subsection 1 shall not direct or guide any hunting
1 11 activity on state-owned or state-managed game management
1 12 areas, state game refuges, state parks, waters under the
1 13 jurisdiction of the commission, federal land leased or under
1 14 agreement to the state as a game or waterfowl production area,
1 15 or private land leased or under agreement to the department
1 16 for the purpose of providing access, or on highways or other
1 17 public right-of-ways.
1 18 3. A person who violates this section is guilty of a
1 19 serious misdemeanor and shall have all licenses, certificates,
1 20 and permits and the privileges associated with them to hunt,
1 21 fish, or trap in this state revoked for a period of three
1 22 years.

1 23 EXPLANATION

1 24 This bill prohibits a person engaged in the business of
1 25 being a hunting guide or hunting outfitter from directing or
1 26 guiding any hunting activity on public lands and waters under
1 27 the jurisdiction of the natural resource commission. A person
1 28 who violates the provision is guilty of a serious misdemeanor
1 29 and loses all licenses, certificates, and permits, and the
1 30 privileges associated with them to hunt, fish, or trap in this
1 31 state for three years. A serious misdemeanor is punishable by
1 32 confinement for no more than one year and a fine of at least
1 33 \$315 but not more than \$1,875.

1 34 LSB 2389XS 83

1 35 av/rj/24



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Senate File 316 - Introduced

SENATE FILE
BY FEENSTRA

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

A BILL FOR

- 1 An Act relating to observers at satellite absentee voting
- 2 stations.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2439XS 83
- 5 sc/nh/5



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1 1 Section 1. Section 53.11, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 5. The commissioner shall notify the
1 4 county chairperson of each political party of the date, time,
1 5 and place that each satellite absentee voting station will be
1 6 in operation in the county, so that the chairpersons may
1 7 appoint observers to be present at the stations during the
1 8 hours absentee ballots are available. No more than two
1 9 observers from each political party shall be present at any
1 10 one satellite absentee voting station.

1 11 EXPLANATION

1 12 This bill requires the county commissioner of elections to
1 13 notify the political parties of the time and place of
1 14 operation of satellite absentee voting stations in order to
1 15 allow the parties to appoint observers to be present at the
1 16 stations.

1 17 LSB 2439XS 83

1 18 sc/nh/5



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Senate File 317 - Introduced

SENATE FILE
BY RIELLY

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act requiring a yearly review of legislation and current state
2 laws that contain health care benefit mandates and providing
3 an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2501SS 83
6 av/rj/8



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1 1 Section 1. NEW SECTION. 2.57 HEALTH CARE BENEFIT MANDATE
1 2 REVIEW.
1 3 1. DEFINITIONS. As used in this section, unless the
1 4 context otherwise requires:
1 5 a. "Carrier" means an entity subject to the insurance laws
1 6 and regulations of this state, or subject to the jurisdiction
1 7 of the commissioner, that contracts or offers to contract to
1 8 provide, deliver, arrange for, pay for, or reimburse any of
1 9 the costs of health care services, including an insurance
1 10 company offering sickness and accident plans, a health
1 11 maintenance organization, a nonprofit health service
1 12 corporation, an organized delivery system, or any other entity
1 13 that provides a plan, policy, or contract of health insurance,
1 14 health benefits, or health services.
1 15 b. "Commissioner" means the commissioner of insurance.
1 16 c. "Mandated health care benefit" means coverage that is
1 17 required to be provided or required to be offered in an
1 18 individual or group hospital or health care service plan,
1 19 policy, or contract by a proposal in a bill or joint
1 20 resolution or in an existing state law that requires such a
1 21 plan, policy, or contract to do any of the following:
1 22 (1) Provide coverage or increase the amount of coverage
1 23 for the treatment of a particular disease, condition, or other
1 24 health care need.
1 25 (2) Provide coverage or increase the amount of coverage of
1 26 a particular type of health care treatment or service, or of
1 27 equipment, supplies, or drugs used in connection with a health
1 28 care treatment or service.
1 29 (3) Provide coverage for health care delivered by a
1 30 specific type of provider.
1 31 2. PROPOSED MANDATED HEALTH CARE BENEFITS == EVALUATION
1 32 AND REPORT.
1 33 a. When the drafting of a bill or joint resolution is
1 34 requested, the legislative services agency shall make an
1 35 initial determination of whether the bill or joint resolution



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2 1 contains a requirement for a mandated health care benefit. If
2 2 a mandated health care benefit may be required as a result of
2 3 the bill or joint resolution, that information shall be
2 4 contained in the explanation of the bill or joint resolution
2 5 and the bill or resolution shall be referred by the
2 6 legislative services agency to the commissioner for an
2 7 analysis of the proposed mandate.

2 8 b. Upon referral of such a bill or joint resolution to the
2 9 commissioner, the commissioner shall undertake a complete and
2 10 timely analysis of all ramifications of the proposed mandated
2 11 health care benefit and shall prepare a written report that
2 12 sets forth the commissioner's findings, evaluations, and
2 13 recommendations. The completed report shall be transmitted to
2 14 the general assembly and the governor and shall include a
2 15 financial impact analysis performed by an actuary who
2 16 certifies that the analysis is consistent with accepted
2 17 actuarial standards. The referral of a bill or joint
2 18 resolution to the commissioner pursuant to this section does
2 19 not prevent the general assembly from considering or enacting
2 20 the bill or joint resolution while the analysis is ongoing or
2 21 prior to transmittal of the written report.

2 22 c. The report shall include but is not limited to a review
2 23 and evaluation of all of the following, to the extent that the
2 24 information is available:

2 25 (1) Social impact, including all of the following:

2 26 (a) Extent to which the mandated health care benefit is
2 27 generally utilized by a significant portion of the population.

2 28 (b) Extent to which insurance coverage for the mandated
2 29 health care benefit is generally available, and if not, the
2 30 extent to which lack of coverage results in persons foregoing
2 31 necessary health care or results in unreasonable financial
2 32 hardship.

2 33 (c) Level of public demand for the mandated health care
2 34 benefit.

2 35 (d) Level of public demand for insurance coverage of the



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3 1 mandated health care benefit.
3 2 (2) Medical impact, including all of the following:
3 3 (a) Extent to which the mandated health care benefit is
3 4 recognized by the appropriate recognized health care specialty
3 5 society as being an effective treatment.
3 6 (b) Extent to which the mandated health care benefit is
3 7 recognized by the appropriate health care specialty society as
3 8 being an effective treatment as demonstrated by a review of
3 9 scientific and peer-reviewed literature.
3 10 (c) Extent to which the mandated health care benefit is
3 11 available and is utilized by health care providers.
3 12 (d) Extent to which the mandated health care benefit makes
3 13 a positive contribution to the health status of the
3 14 population, including the ramifications of using alternatives
3 15 to the mandated health care benefit or not providing the
3 16 mandated health care benefit.
3 17 (e) Extent to which the mandated health care benefit would
3 18 diminish or eliminate access to currently available health
3 19 care services.
3 20 (3) Financial impact, including all of the following:
3 21 (a) Extent to which coverage of the mandated health care
3 22 benefit will increase or decrease the cost of a treatment or
3 23 service.
3 24 (b) Extent to which coverage of the mandated health care
3 25 benefit will increase the appropriate use of a treatment or
3 26 service.
3 27 (c) Extent to which the mandated health care benefit will
3 28 serve as an alternative to a more expensive treatment or
3 29 service.
3 30 (d) Extent to which coverage of the mandated health care
3 31 benefit will increase or decrease the administrative expenses
3 32 of insurers and the premium and administrative expenses of
3 33 policyholders.
3 34 (e) Impact of coverage of the mandated health care benefit
3 35 on the total cost of health care.



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4 1 3. EXISTING MANDATED HEALTH CARE BENEFITS == EVALUATION
4 2 AND REPORT. The commissioner shall annually conduct an
4 3 evaluation of mandated health care benefits that are currently
4 4 required under state law that includes a financial impact
4 5 analysis performed by an actuary who certifies that the
4 6 analysis is consistent with accepted actuarial standards. The
4 7 evaluation shall include but is not limited to all of the
4 8 following:
4 9 a. An assessment of the full cost of each existing
4 10 mandated health care benefit as a percentage of the state's
4 11 average annual wage and premiums under each of the following:
4 12 (1) A typical individual and group health benefit plan,
4 13 policy, or contract in the state.
4 14 (2) A typical state employee health benefit plan.
4 15 (3) The comprehensive plan developed by the Iowa
4 16 comprehensive health insurance association under chapter 514E.
4 17 b. An assessment of the degree to which existing mandated
4 18 health care benefits are covered in self-funded insurance
4 19 plans.
4 20 c. A comparison of mandated health care benefits in Iowa
4 21 with those required in Nebraska, Minnesota, Missouri, and
4 22 Wisconsin which includes but is not limited to all of the
4 23 following:
4 24 (1) The number of mandated health care benefits in each
4 25 state.
4 26 (2) The type of mandated health care benefits required in
4 27 each state.
4 28 (3) The level and extent of coverage required for each
4 29 mandated health care benefit in each state.
4 30 (4) The financial impact of differences in levels of
4 31 required coverage for each mandated health care benefit in
4 32 each state.
4 33 4. CONTRACTUAL SERVICES. The commissioner may contract
4 34 for actuarial services and any other professional services as
4 35 necessary to carry out the requirements of this section.



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5 1 5. ANNUAL REPORT. On or before December 31, 2009, and
5 2 each December 31 thereafter, the commissioner shall submit a
5 3 report to the general assembly and the governor that includes
5 4 its findings as to any bill or joint resolution that has been
5 5 referred to the commissioner in the previous year as provided
5 6 in subsection 2, and as to existing mandated health care
5 7 benefits under state law as provided in subsection 3. The
5 8 report shall also include recommendations to the general
5 9 assembly and the governor concerning decision-making criteria
5 10 which may be employed to reduce the number of mandated health
5 11 care benefits or the extent of coverage.

5 12 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
5 13 immediate importance, takes effect upon enactment.

5 14 EXPLANATION

5 15 This bill creates new Code section 2.57 requiring a yearly
5 16 review of legislation and current state laws that contain
5 17 mandated health care benefits by the commissioner of
5 18 insurance.

5 19 The bill provides that when a bill or joint resolution is
5 20 requested, the legislative services agency shall make a
5 21 determination of whether the bill or resolution contains a
5 22 requirement for a mandated health care benefit, and if so,
5 23 shall include that information in the explanation. The
5 24 legislative services agency is then required to refer the bill
5 25 or resolution to the commissioner for analysis and issuance of
5 26 a report to the general assembly and the governor with the
5 27 commissioner's findings, evaluations, and recommendations
5 28 concerning the proposed mandated health care benefit. The
5 29 report must include a financial impact analysis performed by
5 30 an actuary who certifies that the analysis is consistent with
5 31 accepted actuarial standards.

5 32 The bill specifies that the commissioner's review of
5 33 proposed legislation shall include a number of factors
5 34 including the social, medical, and financial impacts of
5 35 enacting the proposed mandated health care benefit. The



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6 1 referral of a bill or resolution to the commissioner does not
6 2 prevent the general assembly from considering or enacting the
6 3 legislation while the analysis is ongoing or prior to
6 4 transmittal of the written report.

6 5 The bill also requires the commissioner to conduct an
6 6 annual evaluation of all mandated health care benefits that
6 7 are currently required under state law and specifies a number
6 8 of factors that should be contained in the evaluation,
6 9 including a comparison of mandated health care benefits in
6 10 neighboring states. This analysis must also include a
6 11 financial impact analysis performed by an actuary who
6 12 certifies that the analysis is consistent with accepted
6 13 actuarial standards.

6 14 The commissioner is authorized to contract for actuarial
6 15 services and any other professional services as necessary to
6 16 carry out the requirements of the bill. On or before December
6 17 31, 2009, and each December 31 thereafter, the commissioner is
6 18 required to submit a report to the general assembly and the
6 19 governor that includes its findings as to any bill or joint
6 20 resolution containing a proposed mandated health care benefit
6 21 that has been referred to the commissioner in the previous
6 22 year and as to existing mandated health care benefits required
6 23 by Iowa law. The report shall also include recommendations
6 24 concerning decision-making criteria which may be employed to
6 25 reduce the number of mandated health care benefits or the
6 26 extent of coverage.

6 27 The bill is effective upon enactment.

6 28 LSB 2501SS 83

6 29 av/rj/8



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Senate File 318 - Introduced

SENATE FILE
BY COMMITTEE ON LABOR AND
BUSINESS RELATIONS

(SUCCESSOR TO SSB 1051)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act pertaining to the duties and regulations under the purview
- 2 of the labor commissioner.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1362SV 83
- 5 ak/nh/24



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2 1 the person filing the application.
2 2 b. If the application indicates compliance with applicable
2 3 rules or after compliance failures have been remedied, the
2 4 commissioner shall issue an installation permit for relocation
2 5 or installation, as applicable.

2 6 EXPLANATION

2 7 Division I. This bill increases the insurance policy
2 8 minimums needed to obtain an operator's permit under Code
2 9 chapter 88A, relating to amusement ride safety. The policy
2 10 amount for bodily injury, death, or property damage in any one
2 11 incident is raised to \$1 million. Currently, the minimum
2 12 amount required for bodily injury to or death of any one
2 13 person is \$100,000; for bodily injury to or death of two or
2 14 more persons, \$300,000; and for property damage, \$5,000.

2 15 Division II. The bill directs the elevator safety board to
2 16 adopt rules regarding the submission of plans, drawings, and
2 17 measurements concerning new conveyance installations and
2 18 alterations. The bill also allows the labor commissioner to
2 19 determine the form of an application for an installation
2 20 permit for a new conveyance. An application is required to be
2 21 submitted to and approved by the commissioner before an
2 22 installation permit for a conveyance is issued.

2 23 LSB 1362SV 83

2 24 ak/nh/24



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Senate File 319 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 1074)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to child support enforcement including
2 withholding of an employee's compensation by an employer for
3 support of a child under a support order, protection of child
4 support information, annual collections fees, and the
5 potential charging of interest on overdue child support
6 payments, and providing an effective date.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
8 TLBS 1666SV 83
9 pf/nh/5



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1 1 DIVISION I
 1 2 WITHHOLDING OF EMPLOYEE COMPENSATION
 1 3 Section 1. Section 252D.18A, subsection 4, Code 2009, is
 1 4 amended to read as follows:
 1 5 4. The payor shall identify and report payments by the
 1 6 obligor's name, account number, amount, and date withheld
 1 7 pursuant to section 252D.17. ~~Until October 1, 1999, if~~
~~1 8 payments for multiple obligees are combined, the portion of~~
~~1 9 the payment attributable to each obligee shall be specifically~~
~~1 10 identified. Beginning October 1, 1999, if~~ If payments for
 1 11 multiple obligees are combined, the portion of the payment
 1 12 attributable to each obligee shall be specifically identified
 1 13 only if the payor is directed to do so by the child support
 1 14 recovery unit.
 1 15 Sec. 2. Section 252E.5, subsection 3, Code 2009, is
 1 16 amended to read as follows:
 1 17 3. The employer shall withhold from the employee's
 1 18 compensation, the employee's share, if any, of premiums for
 1 19 the health benefit plan in an amount that does not exceed the
 1 20 amount specified in the national medical support notice or
~~1 21 order or the amount specified in 15 U.S.C. } 1673(b) and which~~
 1 22 is consistent with federal law. The employer shall forward
 1 23 the amount withheld to the insurer.
 1 24 Sec. 3. 2007 Iowa Acts, chapter 218, sections 162 and 167,
 1 25 are repealed.
 1 26 DIVISION II
 1 27 CHILD SUPPORT ENFORCEMENT INFORMATION
 1 28 Sec. 4. Section 252B.5, subsection 9, paragraph b,
 1 29 unnumbered paragraph 1, Code 2009, is amended to read as
 1 30 follows:
 1 31 ~~Notwithstanding section 252B.9, the~~ The unit may forward
 1 32 information to the department of administrative services as
 1 33 necessary to implement this subsection, including but not
 1 34 limited to both of the following:
 1 35 Sec. 5. Section 252B.9, subsection 2, unnumbered paragraph



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

2 2 Notwithstanding other statutory provisions to the contrary,
2 3 including but not limited to chapters 22 and 217, as the
2 4 chapters relate to confidentiality of records maintained by
2 5 the department, the payment records of the collection services
2 6 center maintained under section 252B.13A ~~are public records~~
2 7 may be released, except when prohibited by federal law or
2 8 regulation, only as follows:

2 9 Sec. 6. Section 252B.9, subsection 2, paragraph a, Code
2 10 2009, is amended to read as follows:

2 11 a. Payment records of the collection services center ~~which~~
~~2 12 are maintained pursuant to chapter 598 are public records and~~
2 13 may be released upon request for the administration of a plan
2 14 or program approved under Title IV, XIX, or XXI of the federal
2 15 Social Security Act, as amended, and as otherwise permitted
2 16 under Title IV=D of the federal Social Security Act, as
2 17 amended. Payment records of the clerk of the district court,
~~2 18 to which the department has access to meet the requirements of~~
~~2 19 a state disbursement unit, are also public records and may be~~
~~2 20 released upon request. A payment record shall not include~~
2 21 address or location information.

2 22 Sec. 7. Section 252B.9, subsection 2, paragraph b,
2 23 unnumbered paragraph 1, Code 2009, is amended to read as
2 24 follows:

2 25 ~~Except as otherwise provided in subsection 1, the The~~
2 26 ~~department shall not may~~ release details related to payment
2 27 records or provide alternative formats for release of the
2 28 information, ~~with the following additional exceptions for the~~
2 29 administration of a plan or program under Title IV=D of the
2 30 federal Social Security Act, as amended, including as follows:

2 31 Sec. 8. Section 252B.9, subsection 2, paragraph b,
2 32 subparagraph (1), Code 2009, is amended to read as follows:

2 33 (1) The unit or collection services center may provide
2 34 ~~additional~~ detail or present the information in an alternative
2 35 format to an individual or to the individual's legal



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3 1 representative if the individual owes or is owed a support
3 2 obligation, to an agency assigned the obligation as the result
3 3 of receipt by a party of public assistance, to an agency
3 4 charged with enforcing child support pursuant to Title IV=D of
3 5 the federal Social Security Act, as amended, or to the court.

3 6 Sec. 9. Section 252B.9, subsection 3, paragraph e, Code
3 7 2009, is amended to read as follows:

3 8 e. Information may be released if directly connected with
3 9 any of the following:

3 10 (1) The administration of ~~the a~~ a plan or program approved
3 11 under Title ~~I, IV=A, IV=B, IV=D, IV=E, X, XIV, XVI, IV, XIX,~~
3 12 ~~or XX XXI, or the supplemental security income program~~
~~3 13 established under Title XVI,~~ of the federal Social Security
3 14 Act, as amended.

3 15 (2) Any investigations, prosecutions, or criminal or civil
3 16 proceeding conducted in connection with the administration of
3 17 any such plan or program.

~~3 18 (3) The administration of any other federal or federally
3 19 assisted program which provides assistance in cash or in kind
3 20 or provides services, directly to individuals on the basis of
3 21 need.~~

3 22 ~~(4)~~ (3) Reporting to an appropriate agency or official of
3 23 any such plan or program, information on known or suspected
3 24 instances of physical or mental injury, sexual abuse or
3 25 exploitation, or negligent treatment or maltreatment of a
3 26 child who is the subject of a child support enforcement action
3 27 under circumstances which indicate that the child's health or
3 28 welfare is threatened.

3 29 Sec. 10. Section 252B.9, subsection 3, paragraph g, Code
3 30 2009, is amended to read as follows:

3 31 g. The child support recovery unit ~~shall~~ may release
3 32 information ~~relating to an absent parent to another unit of~~
~~3 33 the department pursuant to a written request for the~~
~~3 34 information approved by the director or the director's~~
~~3 35 designee~~ for the administration of a plan or program approved



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4 1 under Title IV, XIX, or XXI of the federal Social Security
4 2 Act, as amended, specified under subsection 2 or this
4 3 subsection, to the extent the release of information does not
4 4 interfere with the unit meeting its own obligations under
4 5 Title IV-D of the federal Social Security Act, as amended, and
4 6 subject to requirements prescribed by the federal office of
4 7 child support enforcement of the United States department of
4 8 health and human services.
4 9 Sec. 11. Section 252B.9A, subsection 1, Code 2009, is
4 10 amended to read as follows:
4 11 1. A person, except a court or government agency, who is
4 12 an authorized person to receive specified confidential
4 13 information under 42 U.S.C. } 653, may submit a written
4 14 request to the unit for disclosure of specified confidential
4 15 information regarding a nonrequesting party. The written
4 16 request shall comply with federal law and regulations,
4 17 including any evidence and any payment to the federal office
4 18 of child support enforcement of the United States department
4 19 of health and human services required by federal law or
4 20 regulation, and shall include a sworn statement attesting to
4 21 the reason why the requester is an authorized person under 42
4 22 U.S.C. } 653, including that the requester would use the
4 23 confidential information only for purposes permitted in that
4 24 section.
4 25 Sec. 12. Section 252G.5, subsections 2 and 3, Code 2009,
4 26 are amended to read as follows:
4 27 2. State agencies as specified under 42 U.S.C. } 653A
4 28 which utilize income information for the determination of
4 29 eligibility or calculation of payments for benefit or
4 30 entitlement payments unless prohibited under federal law.
4 31 3. State agencies ~~which utilize income information for the~~
~~4 32 recoupment of debts to the state operating employment security~~
4 33 and workers' compensation programs for the purposes of
4 34 administering such programs unless prohibited under federal
4 35 law.



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5 1 Sec. 13. Section 598.22, subsection 3, Code 2009, is
5 2 amended to read as follows:
5 3 3. An order or judgment entered by the court for temporary
5 4 or permanent support or for income withholding shall be filed
5 5 with the clerk. The orders have the same force and effect as
5 6 judgments when entered in the judgment docket and lien index
5 7 and are records open to the public. Unless otherwise provided
5 8 by federal law, if it is possible to identify the support
5 9 order to which a payment is to be applied, and if sufficient
5 10 information identifying the obligee is provided, the clerk or
5 11 the collection services center, as appropriate, shall disburse
5 12 the payments received pursuant to the orders or judgments
5 13 within two working days of the receipt of the payments. All
5 14 moneys received or disbursed under this section shall be
5 15 entered in records kept by the clerk, or the collection
5 16 services center, as appropriate, ~~which and the records kept by~~
5 17 the clerk shall be available to the public. The clerk or the
5 18 collection services center shall not enter any moneys paid in
5 19 the record book if not paid directly to the clerk or the
5 20 center, as appropriate, except as provided for trusts and
5 21 federal social security disability payments in this section,
5 22 and for tax refunds or rebates in section 602.8102, subsection
5 23 47.

5 24 Sec. 14. Section 598.26, subsection 1, Code 2009, is
5 25 amended to read as follows:
5 26 1. Until a decree of dissolution has been entered, the
5 27 record and evidence shall be closed to all but the court, its
5 28 officers, and the child support recovery unit of the
5 29 department of human services pursuant to section 252B.9.
5 30 However, the payment records of a temporary support order,
~~5 31 whether~~ maintained by the clerk of the district court ~~or the~~
~~5 32 department of human services,~~ are public records and may be
5 33 released upon request. Payment records shall not include
5 34 address or location information. No other person shall permit
5 35 a copy of any of the testimony, or pleading, or the substance



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6 1 ~~thereof~~ of any testimony or pleading, to be made available to
6 2 any person other than a party to the action or a party's
6 3 attorney. Nothing in this subsection shall be construed to
6 4 prohibit publication of the original notice as provided by the
6 5 rules of civil procedure.

6 6 Sec. 15. EFFECTIVE DATE. This division of this Act takes
6 7 effect March 23, 2009.

6 8

DIVISION III

6 9

CHILD SUPPORT RECOVERY UNIT COLLECTIONS FEES

6 10 Sec. 16. Section 252B.5, subsection 13, paragraph a, Code
6 11 2009, is amended to read as follows:

6 12 a. Beginning October 1, 2007, implement the provision of
6 13 the federal Deficit Reduction Act of 2005, Pub. L. No. 109=171
6 14 } 7310, requiring an annual collections fee of twenty=five
6 15 dollars in child support cases in which the family has never
6 16 received assistance under Title IV=A of the federal Social
6 17 Security Act for whom the unit has ~~collected~~ disbursed at
6 18 least five hundred dollars. ~~After~~ When the first five hundred
6 19 dollars in support is ~~collected~~ disbursed in each federal
6 20 fiscal year for a family, the fee shall be collected from the

6 21 ~~obligor~~ obligee by retaining twenty=five dollars from
6 22 ~~subsequent collections~~ disbursements to the obligee. If five
6 23 hundred dollars but less than five hundred twenty=five dollars
6 24 is ~~collected~~ disbursed in any federal fiscal year, any unpaid
6 25 portion of the annual fee shall not accumulate and is not due.
6 26 ~~Any amount retained to pay the twenty=five dollar fee shall~~
6 27 ~~not reduce the amount of support due under the support order.~~

6 28 The unit shall send information regarding the requirements of
6 29 this subsection by regular mail to the last known address of
6 30 an affected ~~obligor~~ obligee, or may include the information
6 31 for an obligee in an application for services signed by the
6 32 obligee. In addition, the unit shall take steps necessary
6 33 regarding the fee to qualify for federal funds in conformity
6 34 with the provisions of Title IV=D of the federal Social
6 35 Security Act, including receiving and accounting for fee



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7 1 payments, as appropriate, through the collection services
7 2 center created in section 252B.13A.

7 3 Sec. 17. Section 252B.5, subsection 13, paragraph c, Code
7 4 2009, is amended by striking the paragraph and inserting in
7 5 lieu thereof the following:

7 6 c. Until such time as a methodology to secure payment of
7 7 the collections fee from the obligor is provided by law, an
7 8 obligee may act pursuant to this paragraph to recover the
7 9 collections fee from the obligor. If the unit retains all or
7 10 a portion of the collections fee imposed pursuant to paragraph
7 11 "a" in a federal fiscal year, there is an automatic nonsupport
7 12 judgment, in an amount equal to the amount retained, against
7 13 the obligor payable to the obligee. This paragraph shall
7 14 serve as constructive notice that the fee amount, once
7 15 retained, is an automatic nonsupport judgment against the
7 16 obligor. The obligee may use any legal means, including the
7 17 lien created by the nonsupport judgment, to collect the
7 18 nonsupport judgment.

7 19 Sec. 18. CHILD SUPPORT COLLECTIONS FEE == METHODOLOGY.
7 20 The department of human services shall seek a federally
7 21 approved, cost=effective methodology to secure payment of the
7 22 collections fee imposed pursuant to section 252B.5, subsection
7 23 13, paragraph "a", from the obligor. The department shall
7 24 report options for such a methodology to the general assembly
7 25 by December 15, 2009.

7 26 DIVISION IV

7 27 CHILD SUPPORT COLLECTIONS INTEREST

7 28 Sec. 19. INTEREST ON CHILD SUPPORT COLLECTIONS. The
7 29 department of human services shall perform a cost=benefit
7 30 analysis of calculating interest on overdue child support
7 31 payments enforced by the child support recovery unit. The
7 32 department shall report its findings to the general assembly
7 33 by December 15, 2009.

7 34 EXPLANATION

7 35 Division I of this bill relates to withholding of an



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8 1 employee's compensation by an employer for the purposes of
8 2 paying support payments and the premiums for a health benefit
8 3 plan to provide coverage for a child of the employee under a
8 4 support order. The division eliminates language currently
8 5 only published in the 2007 Iowa Acts, that would have taken
8 6 effect July 1, 2009, directing an employer to allocate funds
8 7 in a specific manner if an obligor was responsible for more
8 8 than one support obligation and the employee did not have
8 9 sufficient compensation available to meet the employee's share
8 10 for all such obligations. In place of the repealed
8 11 provisions, the division amends current law only by adding a
8 12 reference to an order as well as a notice in specifying the
8 13 amount of the employee's compensation to be withheld and by
8 14 eliminating language that is no longer necessary due to
8 15 passage of the dates referenced.

8 16 Division II of the bill amends provisions regarding the use
8 17 and disclosure of confidential information relating to child
8 18 support enforcement in accordance with new federal
8 19 regulations. The division, in accordance with these federal
8 20 regulations, restricts the use and disclosure of such
8 21 information, including payment records, to only the
8 22 administration of the child support program under Title IV=D
8 23 of the federal Social Security Act, and to provide information
8 24 to other government agencies for programs under Title IV
8 25 [temporary assistance for needy families, family investment
8 26 program, and child welfare], Title XIX (Medicaid), and Title
8 27 XXI (state children's health insurance program) of the federal
8 28 Social Security Act. The division also requires evidence that
8 29 a person is authorized under federal law in order to access
8 30 parent locator services, and limits the government agencies
8 31 that may have access to the Iowa central employee registry.

8 32 Division II takes effect March 23, 2009, the date the new
8 33 federal regulations are effective.

8 34 Division III of the bill relates to the annual collections
8 35 fee imposed in child support cases as required under the



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9 1 federal Deficit Reduction Act of 2005. The imposition of the
9 2 fee became effective October 1, 2007, and applies only to
9 3 cases in which the family has never received assistance under
9 4 Title IV=A of the federal Social Security Act and only if
9 5 child support disbursed is in the amount of \$500 or more. The
9 6 bill amends current Code to conform to current practice as
9 7 allowed under federal law and regulation. The bill provides
9 8 that the fee is only imposed on a family for whom the child
9 9 support recovery unit has disbursed at least \$500 in support
9 10 in each federal fiscal year, and is to be collected from the
9 11 obligee by retaining \$25 from disbursements to the obligee.
9 12 The bill also provides that until such time as a methodology
9 13 to secure the fee from the obligor is provided by law, an
9 14 obligee may act pursuant to the provision in the bill allowing
9 15 for an automatic nonsupport judgment against the obligor
9 16 payable to the obligee in the amount retained. The law acts
9 17 as constructive notice that the fee amount, once retained, is
9 18 an automatic nonsupport judgment against the obligor and the
9 19 obligee may use any legal means available to collect the
9 20 nonsupport judgment. The bill directs the department of human
9 21 services to seek a federally approved, cost-effective
9 22 methodology to secure payment of the collections fee from the
9 23 obligor and to report options to the general assembly by
9 24 December 15, 2009.

9 25 Division IV of the bill directs the department of human
9 26 services to perform a cost-benefit analysis of calculating
9 27 interest on overdue child support payments enforced by the
9 28 child support recovery unit, and to report its findings to the
9 29 general assembly by December 15, 2009.

9 30 LSB 1666SV 83
9 31 pf/nh/5



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Senate File 320 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1026)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to charitable trusts by providing for filing
2 documents with the attorney general and providing for the
3 attorney general's investigative authority.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1320SV 83
6 da/sc/5



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1 1 Section 1. NEW SECTION. 633A.5107 FILING REQUIREMENTS.
1 2 1. The provisions of this section apply to the following
1 3 charitable trusts administered in this state with assets in
1 4 excess of twenty-five thousand dollars:
1 5 a. A nonprofit entity as defined in section 501(c)(3) of
1 6 the Internal Revenue Code, as defined in section 422.3.
1 7 b. A charitable remainder trust as defined in section
1 8 664(d) of the Internal Revenue Code, as defined in section
1 9 422.3.
1 10 c. A charitable lead trust as defined in sections
1 11 2055(e)(2)(b) and 2522(c)(2)(b) of the Internal Revenue Code,
1 12 as defined in section 422.3.
1 13 2. a. Within sixty days from the creation of a charitable
1 14 trust, as described in subsection 1, the trustee shall
1 15 register the charitable trust with the attorney general. The
1 16 trustee shall register the charitable trust on a form provided
1 17 by the attorney general. The trustee shall also submit a copy
1 18 of the trust instrument to the attorney general as required by
1 19 the attorney general.
1 20 b. The trustee of a charitable trust, as described in
1 21 subsection 1, shall annually file a copy of the charitable
1 22 trust's annual report with the attorney general. The annual
1 23 report may be the same report submitted to the persons
1 24 specified in section 633A.4213, the charitable trust's most
1 25 recent annual federal tax filings, or an annual report
1 26 completed on a form provided by the attorney general.
1 27 c. The attorney general may require that documents be
1 28 filed electronically, including forms, trust instruments, and
1 29 reports. In addition, the attorney general may require the
1 30 use of electronic signatures as defined in section 554D.103.
1 31 3. Any document provided to the office of the attorney
1 32 general in connection with a charitable remainder trust or a
1 33 charitable lead trust, as described in subsection 1, shall not
1 34 be considered a public record pursuant to chapter 22. The
1 35 attorney general shall keep the identities and interest of the



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2 1 noncharitable beneficiaries confidential except to the extent
2 2 that disclosure is required by a court.

2 3 4. The attorney general is authorized to adopt
2 4 administrative rules in accordance with the provisions of
2 5 chapter 17A for the administration and enforcement of this
2 6 chapter.

2 7 5. For a charitable trust described in subsection 1,
2 8 created prior to the effective date of this Act and still in
2 9 existence, the trustee shall register the trust with and
2 10 submit a current copy of the trust instrument and financial
2 11 report to the attorney general not later than one hundred
2 12 thirty-five days after the close of the trust's next fiscal
2 13 year following the effective date of this Act. The trustee
2 14 shall comply with the remainder of this Act as if the
2 15 charitable trust were created on or after the effective date
2 16 of this Act.

2 17 Sec. 2. NEW SECTION. 633A.5108 ROLE OF THE ATTORNEY
2 18 GENERAL.

2 19 The attorney general may investigate a charitable trust to
2 20 determine whether the charitable trust is being administered
2 21 in accordance with law and the terms and purposes of the
2 22 trust. The attorney general may apply to a district court for
2 23 such orders that are reasonable and necessary to carry out the
2 24 terms and purposes of the trust and to ensure the trust is
2 25 being administered in accordance with applicable law.
2 26 Limitation of action provisions contained in section 633A.4504
2 27 apply.

2 28 Sec. 3. Section 633.303, Code 2009, is repealed.

2 29 EXPLANATION

2 30 This bill amends Code chapter 633A, the "Iowa Trust Code",
2 31 and specifically subchapter V which governs charitable trusts,
2 32 created for beneficial purposes (the relief of poverty, the
2 33 advancement of education or religion, or the promotion of
2 34 health).

2 35 A trust may be created by a settlor who transfers property



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3 1 to the trust which is administered by a trustee on behalf of a
3 2 beneficiary. A settlor may create a trust using a number of
3 3 methods including by executing a trust instrument during the
3 4 settlor's lifetime or a will that takes effect upon the
3 5 settlor's death (see Code section 633A.2101).

3 6 The bill provides that within a time certain after the
3 7 creation of a charitable trust, the trustee must register the
3 8 trust with and submit a copy of the trust instrument to the
3 9 attorney general. In addition, the trustee must annually file
3 10 an annual report with the attorney general. Documents filed
3 11 with the general assembly are confidential. The bill also
3 12 authorizes the attorney general to investigate a charitable
3 13 trust to determine whether it is administered in accordance
3 14 with the law and the terms and purposes of the trust and to
3 15 bring legal action if necessary.

3 16 The bill provides that within 135 days after the effective
3 17 date of the bill, the trustee of a charitable trust created
3 18 prior to the effective date of the bill must comply with the
3 19 registration requirements applicable to charitable trusts
3 20 created on and after that date.

3 21 The bill eliminates a provision in Code chapter 633, the
3 22 "Iowa Trust Code", which provides that when a will creating a
3 23 charitable trust has been admitted to probate, the clerk of
3 24 court must mail a copy of the will to the attorney general,
3 25 and authorizes the attorney general to conduct an
3 26 investigation to determine whether the trust is being properly
3 27 administered and to bring any necessary action in court to
3 28 ensure compliance.

3 29 LSB 1320SV 83

3 30 da/sc/5



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SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1137)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to automobile or motor vehicle insurance coverage
- 2 of liability arising from uninsured, underinsured, or
- 3 hit-and-run motorists.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 1752SV 83
- 6 av/nh/5



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1 1 Section 1. Section 516A.1, Code 2009, is amended to read
 1 2 as follows:
 1 3 516A.1 COVERAGE INCLUDED IN EVERY LIABILITY POLICY ==
 1 4 REJECTION BY INSURED.
 1 5 1. No An automobile liability or motor vehicle liability
 1 6 insurance policy insuring against liability for bodily injury
 1 7 or death arising out of the ownership, maintenance, or use of
 1 8 a motor vehicle shall not be delivered or issued for delivery
 1 9 in this state with respect to any motor vehicle registered or
 1 10 principally garaged in this state, unless coverage is provided
 1 11 in such policy or supplemental thereto, for the protection of
 1 12 persons insured under such policy who are legally entitled to
 1 13 recover damages from the owner or operator of an uninsured
 1 14 motor vehicle or a hit-and-run motor vehicle or an
 1 15 underinsured motor vehicle because of bodily injury, sickness,
 1 16 or disease, including death resulting therefrom, caused by
 1 17 accident and arising out of the ownership, maintenance, or use
 1 18 of such uninsured or underinsured motor vehicle, or arising
 1 19 out of physical contact of such hit-and-run motor vehicle with
 1 20 the person insured or with a motor vehicle which the person
 1 21 insured is occupying at the time of the accident. Both the
 1 22 uninsured motor vehicle or hit-and-run motor vehicle coverage,
 1 23 and the underinsured motor vehicle coverage shall include
 1 24 limits for bodily injury or death at least equal to ~~those~~
~~1 25 stated in section 321A.1, subsection 11~~ the limits of
 1 26 liability for the bodily injury portion of the insurance
 1 27 policy. The form and provisions of such coverage shall be
 1 28 examined and approved by the commissioner of insurance.
 1 29 2. However, the ~~The~~ named insured may reject all or a
 1 30 portion of such the coverage required in subsection 1, or
 1 31 reject the uninsured motor vehicle (hit-and-run motor vehicle)
 1 32 coverage, or reject the underinsured motor vehicle coverage,
 1 33 by written rejections signed by the named insured. If
 1 34 rejection is made on a form or document furnished by an
 1 35 insurance company or insurance producer, ~~it~~ the rejection



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2 1 shall be on a separate sheet of paper which contains only the
2 2 rejection and information directly related to ~~it~~ the
2 3 rejection, including an explanation of the coverage being
2 4 rejected and the amount of the premium associated with the
2 5 coverage being rejected. Such coverage need not be provided
2 6 in or supplemental to a renewal policy if the named insured
2 7 has rejected the coverage in connection with a policy
2 8 previously issued to the named insured by the same insurer.
2 9 Sec. 2. Section 516A.2, Code 2009, is amended to read as
2 10 follows:
2 11 516A.2 CONSTRUCTION == MINIMUM COVERAGE == ~~STACKING~~
2 12 ~~STEP=DOWN PROVISIONS.~~
2 13 1. ~~Except with respect to a policy containing both~~
~~2 14 underinsured motor vehicle coverage and uninsured or~~
~~2 15 hit-and-run motor vehicle coverage, nothing~~ Nothing contained
2 16 in this chapter shall be construed as requiring forms of
2 17 coverage provided pursuant hereto, whether alone or in
2 18 combination with similar coverage afforded under other
2 19 automobile liability or motor vehicle liability policies, to
2 20 afford limits in excess of those that would be afforded had
2 21 the insured thereunder been involved in an accident with a
2 22 motorist who was insured under a policy of liability insurance
2 23 with the minimum limits for bodily injury or death prescribed
2 24 in subsection 11 of section 321A.1. Such forms of coverage
2 25 may include terms, exclusions, limitations, conditions, and
2 26 offsets which are designed to avoid ~~duplication of insurance~~
~~2 27 or other benefits duplicate payment of damages.~~
2 28 ~~To the extent that Hernandez v. Farmers Insurance Company,~~
~~2 29 460 N.W.2d 842 (Iowa 1990), provided for interpolicy stacking~~
~~2 30 of uninsured or underinsured coverages in contravention of~~
~~2 31 specific contract or policy language, the general assembly~~
~~2 32 declares such decision abrogated and declares that the~~
~~2 33 enforcement of the antistacking provisions contained in a~~
~~2 34 motor vehicle insurance policy does not frustrate the~~
~~2 35 protection given to an insured under section 516A.1.~~



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3 1 ~~2. Pursuant to chapter 17A, the commissioner of insurance~~
~~3 2 shall, by January 1, 1992, adopt rules to assure the~~
~~3 3 availability, within the state, of motor vehicle insurance~~
~~3 4 policies, riders, endorsements, or other similar forms of~~
~~3 5 coverage, the terms of which shall provide for the stacking of~~
~~3 6 uninsured and underinsured coverages with any similar coverage~~
~~3 7 which may be available to an insured.~~

3 8 ~~3. It is the intent of the general assembly that when more~~
~~3 9 than one motor vehicle insurance policy is purchased by or on~~
~~3 10 behalf of an injured insured and which provides uninsured,~~
~~3 11 underinsured, or hit-and-run motor vehicle coverage to an~~
~~3 12 insured injured in an accident, the injured insured is~~
~~3 13 entitled to recover up to an amount equal to the highest~~
~~3 14 single limit for uninsured, underinsured, or hit-and-run motor~~
~~3 15 vehicle coverage under any one of the above described motor~~
~~3 16 vehicle insurance policies insuring the injured person which~~
~~3 17 amount shall be paid by the insurers according to any priority~~
~~3 18 of coverage provisions contained in the policies insuring the~~
~~3 19 injured person.~~

3 20 2. A policy to which this chapter applies shall not
3 21 include exclusions or step-down provisions that eliminate or
3 22 reduce uninsured or underinsured coverage for a person who
3 23 would otherwise be covered under the policy, for the reason
3 24 that the person is injured by, or while occupying a vehicle
3 25 being operated by, another person insured under the policy.

3 26 Sec. 3. Section 516A.4, Code 2009, is amended to read as
3 27 follows:

3 28 516A.4 INSURER MAKING PAYMENT == REIMBURSEMENT ==
3 29 SETTLEMENT == SUBSTITUTE TENDER == GOOD FAITH.

3 30 1. In the event of payment to any person under the
3 31 coverage required by this chapter and subject to the terms and
3 32 conditions of such coverage, the insurer making such payment
3 33 shall, to the extent thereof, be entitled to the proceeds of
3 34 any settlement or judgment resulting from the exercise of any
3 35 rights of recovery of such person against any person or



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4 1 organization legally responsible for the bodily injury for
4 2 which such payment is made, including the proceeds recoverable
4 3 from the assets of the insolvent insurer, to the extent that
4 4 the proceeds of the resulting settlement or judgment, when
4 5 combined with such payment made by the insurer, exceed such
4 6 person's damages. The person to whom said payment is made
4 7 under the insolvency protection required by this chapter shall
4 8 to the extent thereof, be deemed to have waived any right to
4 9 proceed to enforce such a judgment against the assets of the
4 10 judgment debtor who was insured by the insolvent insurer whose
4 11 insolvency resulted in said payment being made, other than
4 12 assets recovered or recoverable by such judgment debtor from
4 13 such insolvent insurer.

4 14 2. An insurer providing coverage under this chapter shall,
4 15 within thirty days after receipt of a written request for
4 16 permission to settle with any person or organization legally
4 17 responsible for bodily injury for which coverage is provided
4 18 under this chapter, either give consent to the settlement or
4 19 tender substitute payment of the settlement amount. Failure
4 20 of the insurer to give such consent or to tender substitute
4 21 payment shall constitute the insurer's consent to the
4 22 settlement and shall bar the insurer from claiming that the
4 23 settlement prejudiced the insurer's rights under the policy or
4 24 this section.

4 25 3. An insurer that pursues, through subrogation or
4 26 assignment, a claim against any person or organization legally
4 27 responsible for bodily injury for which the insurer has made
4 28 payments under this chapter, shall include in such claim all
4 29 damages of the subrogor or assignor of the claim, and shall
4 30 tender to the subrogor or assignor any amounts to which the
4 31 subrogor or assignor would have been entitled under subsection
4 32 1 if the subrogor or assignor had directly pursued the claim.

4 33 EXPLANATION

4 34 This bill relates to automobile or motor vehicle insurance
4 35 coverage of liability arising from uninsured, underinsured, or



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5 1 hit=and=run motorists.
5 2 Code section 516A.1 is amended to require coverage for
5 3 uninsured, underinsured, and hit=and=run motor vehicle
5 4 liability that equals the limits of liability for the bodily
5 5 injury portion of the insurance policy instead of the
5 6 statutory amounts required for proof of financial
5 7 responsibility in Code section 321A.1(11). The named insured
5 8 may reject all or a portion of the required coverage. A form
5 9 furnished by the insurance company allowing an insured to
5 10 reject all or a portion of the required coverage must include
5 11 an explanation of the coverage being rejected and the amount
5 12 of the premium associated with the coverage being rejected.
5 13 Code section 516A.2(1) is amended to provide that such
5 14 coverage may include provisions that are designed to avoid
5 15 duplicate payment of damages. The remainder of Code sections
5 16 516A.2(1) and 516A.2(2) relating to stacking of uninsured and
5 17 underinsured coverages, and Code section 516A.2(3) relating to
5 18 coverage under multiple motor vehicle insurance policies of
5 19 one insured, are stricken. Code section 516A.2 is amended to
5 20 prohibit exclusions or step=down provisions in motor vehicle
5 21 insurance policies that eliminate or reduce uninsured or
5 22 underinsured coverage for a person who would otherwise be
5 23 covered under the policy, because the person is injured by, or
5 24 while in a vehicle being operated by, another person insured
5 25 under the policy.
5 26 Code section 516A.4(1) is amended to provide that an
5 27 insurer who has made payments under a policy to an injured
5 28 party is entitled to proceeds of a resulting settlement or
5 29 judgment against the person responsible for those damages only
5 30 to the extent that the proceeds combined with payment made by
5 31 the insurer exceed the injured party's damages.
5 32 Code section 516A.4(2) provides that an insurer has 30 days
5 33 after receipt of a request to settle against the responsible
5 34 party, to either consent to the settlement or to tender
5 35 substitute payment of the settlement amount, or such failure



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6 1 will constitute consent and bar the insurer from claiming
6 2 prejudice as a result of the settlement.
6 3 Code section 516A.4(3) provides that when an insurer
6 4 pursues a claim, through subrogation or assignment, against
6 5 the party responsible for bodily injury for which the insurer
6 6 has made payments, the insurer shall include the damages of
6 7 the subrogor or assignor and tender the amount to the assignor
6 8 or subrogor that the person would have been entitled to if
6 9 that person had pursued the claim directly.
6 10 LSB 1752SV 83
6 11 av/nh/5.1



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SENATE FILE
BY COMMITTEE ON WAYS AND
MEANS

(SUCCESSOR TO SSB 1134)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the technical administration of the tax and
2 related laws by the department of revenue, including
3 administration of income taxes, sales and use taxes, fees for
4 new vehicle registrations, and property taxes and including a
5 retroactive applicability date provision.

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

7 TLSB 1421SV 83

8 tw/mg:sc/24



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1 1 Section 1. Section 257.22, Code 2009, is amended to read
1 2 as follows:
1 3 257.22 STATUTES APPLICABLE.
1 4 The director of revenue shall administer the instructional
1 5 support income surtax imposed under this chapter, and sections
1 6 422.4, 422.20, 422.22 to 422.31, 422.68, 422.70, and 422.72 to
1 7 422.75 shall apply with respect to administration of the
1 8 instructional support income surtax.

1 9 Sec. 2. Section 321.105A, subsection 4, paragraph a, Code
1 10 2009, is amended to read as follows:

1 11 a. The director of revenue in consultation with the
1 12 department of transportation shall administer and enforce the
1 13 fee for new registration as nearly as possible in conjunction
1 14 with the administration and enforcement of the state use tax
1 15 law, except that portion of the law which implements the
1 16 streamlined sales and use tax agreement. ~~The director shall~~
~~1 17 provide appropriate forms, or provide on the annual~~
~~1 18 registration forms provided by the department of~~
~~1 19 transportation, for reporting the fee for new registration~~
~~1 20 liability.~~

1 21 Sec. 3. Section 321.105A, subsection 5, paragraph a, Code
1 22 2009, is amended to read as follows:

1 23 a. A licensed vehicle dealer maintaining a place of
1 24 business in this state who sells a vehicle subject to
1 25 registration for use in this state shall collect the fee for
1 26 new registration at the time of making the sale. A dealer
1 27 required to collect the fee for new registration shall give to
1 28 the purchaser a receipt for the fee ~~in the manner and form~~
~~1 29 prescribed by the director~~ collected. Fees collected by a
1 30 dealer under this section shall be forwarded to the county
1 31 treasurer in the same manner as annual registration fees.

1 32 Sec. 4. Section 422.9, subsection 4, Code 2009, is amended
1 33 to read as follows:

1 34 4. Where married persons file separately, both must use
1 35 the optional standard deduction if either elects to use it,



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Senate File 322 - Introduced continued

2 1 and both must claim itemized deductions if either elects to
2 2 claim itemized deductions.

2 3 Sec. 5. Section 422.12K, subsection 2, Code 2009, is
2 4 amended to read as follows:

2 5 2. The director of revenue shall draft the income tax form
2 6 to allow the designation of contributions to the child abuse
2 7 prevention program fund on the tax return. The department of
2 8 revenue, on or before January 31, shall transfer the total
2 9 amount designated on the tax return forms due in the preceding
2 10 calendar year to the child abuse prevention program fund.

2 11 However, before a checkoff pursuant to this section shall be
2 12 permitted, all liabilities on the books of the department of
2 13 ~~revenue~~ administrative services and accounts identified as
2 14 owing under section ~~421.17~~ 8A.504 and the political
2 15 contribution allowed under section 68A.601 shall be satisfied.

2 16 Sec. 6. Section 422.32, subsection 3, Code 2009, is
2 17 amended to read as follows:

2 18 3. "Commercial domicile" means the principal place from
2 19 which the trade ~~of~~ or business of the taxpayer is directed or
2 20 managed.

2 21 Sec. 7. Section 423.4, subsection 5, paragraphs b and f,
2 22 Code 2009, are amended to read as follows:

2 23 b. The owner or operator of an automobile racetrack
2 24 facility may apply to the department for a rebate of sales tax
2 25 imposed and collected by retailers upon sales of ~~any goods,~~
2 26 ~~wares, merchandise, tangible personal property~~ or services
2 27 furnished to purchasers at the automobile racetrack facility.

2 28 f. ~~Only the state sales tax is subject to rebate.~~

2 29 Notwithstanding the state sales tax imposed in section 423.2,
2 30 a rebate issued pursuant to this section shall not exceed an
2 31 amount equal to five percent of the sales price of the
2 32 tangible personal property or services furnished to purchasers
2 33 at the automobile racetrack facility. Any local option taxes
2 34 paid and collected shall not be subject to rebate under this
2 35 subsection.



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Senate File 322 - Introduced continued

3 1 Sec. 8. Section 428.29, Code 2009, is amended to read as
3 2 follows:

3 3 428.29 ASSESSMENT AND CERTIFICATION.

3 4 The director of revenue shall on ~~the second Monday of July~~
~~3 5 of or before October 31~~ each year proceed to determine, upon
3 6 the basis of the data required in such report and any other
3 7 information the director may obtain, the actual value of all
3 8 property, subject to the director's jurisdiction, of said
3 9 individual, partnership, corporation, or association, and
3 10 shall make assessments upon the taxable value ~~thereof~~ of the
3 11 property, as provided by section 441.21. The director of
3 12 revenue shall, on or before ~~the third Monday in August~~ October
3 13 31, certify to the county auditor of every county in the state
3 14 the valuations fixed for assessment upon all such property in
3 15 each and every taxing district in each county by the
3 16 department of revenue. This valuation shall then be spread
3 17 upon the books in the same manner as other valuations fixed by
3 18 the department of revenue upon property assessed under the
3 19 department's jurisdiction.

3 20 Sec. 9. Section 433.4, Code 2009, is amended to read as
3 21 follows:

3 22 433.4 ASSESSMENT.

3 23 The director of revenue shall on ~~the second Monday in July~~
~~3 24 of or before October 31~~ each year, proceed to find the actual
3 25 value of the property of these companies in this state, taking
3 26 into consideration the information obtained from the
3 27 statements required, and any further information the director
3 28 can obtain, using the same as a means for determining the
3 29 actual cash value of the property of these companies within
3 30 this state. The director shall also take into consideration
3 31 the valuation of all property of these companies, including
3 32 franchises and the use of the property in connection with
3 33 lines outside the state, and making these deductions as may be
3 34 necessary on account of extra value of property outside the
3 35 state as compared with the value of property in the state, in



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4 1 order that the actual cash value of the property of the
4 2 company within this state may be ascertained. The assessment
4 3 shall include all property of every kind and character
4 4 whatsoever, real, personal, or mixed, used by the companies in
4 5 the transaction of telegraph and telephone business; and the
4 6 property so included in the assessment shall not be taxed in
4 7 any other manner than as provided in this chapter.

4 8 Sec. 10. Section 433.7, Code 2009, is amended to read as
4 9 follows:

4 10 433.7 HEARING.

4 11 ~~At such meeting in July~~ At the time of determination of
4 12 value of the director of revenue, any company interested shall
4 13 have the right to appear, by its officers or agents, before
4 14 the director of revenue and be heard on the question of the
4 15 valuation of its property for taxation.

4 16 Sec. 11. Section 434.2, unnumbered paragraph 1, Code 2009,
4 17 is amended to read as follows:

4 18 ~~On the second Monday in July of or before October 31~~ each
4 19 year, the director of revenue shall assess all the property of
4 20 each railway corporation in the state, excepting the lands,
4 21 lots, and other real estate belonging thereto not used in the
4 22 operation of any railway, and excepting railway bridges across
4 23 the Mississippi and Missouri rivers, and excepting grain
4 24 elevators; and for the purpose of making such assessment its
4 25 president, vice president, general manager, general
4 26 superintendent, receiver, or such other officer as the
4 27 director of revenue may designate, shall, on or before the
4 28 first day of April in each year, furnish the department of
4 29 revenue a verified statement showing in detail for the year
4 30 ended December 31 next preceding:

4 31 Sec. 12. Section 434.17, Code 2009, is amended to read as
4 32 follows:

4 33 434.17 CERTIFICATION TO COUNTY AUDITORS.

4 34 On or before ~~the third Monday in August of~~ October 31 each
4 35 year, the director of revenue shall transmit to the county



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5 1 auditor of each county, through and into which any railway may
5 2 extend, a statement showing the length of the main track
5 3 within the county, and the assessed value per mile of the
5 4 same, as fixed by a ratable distribution per mile of the
5 5 assessed valuation of the whole property.

5 6 Sec. 13. Section 437.6, Code 2009, is amended to read as
5 7 follows:

5 8 437.6 ACTUAL VALUE.

5 9 ~~On the second Monday in July of or before October 31~~ each
5 10 year, the director of revenue shall proceed to find the actual
5 11 value of that part of such transmission line or lines referred
5 12 to in section 437.2, owned or operated by any company, that is
5 13 located within this state but outside cities, including the
5 14 whole of such line or lines when all of such line or lines
5 15 owned or operated by said company is located wholly outside of
5 16 cities, taking into consideration the information obtained
5 17 from the statements required by this chapter, and any further
5 18 information obtainable, using the same as a means of
5 19 determining the actual cash value of such transmission line or
5 20 lines or part thereof, within this state, located outside of
5 21 cities. The director shall then ascertain the value per mile
5 22 of such transmission line or lines owned or operated by each
5 23 company specified in section 437.2, by dividing the total
5 24 value as above ascertained by the number of miles of line of
5 25 such company within the state located outside of cities, and
5 26 the result shall be deemed and held to be the actual value per
5 27 mile of said transmission line or lines of each of said
5 28 companies within the state located outside of cities.

5 29 Sec. 14. Section 437A.19, subsection 2, paragraph f,
5 30 unnumbered paragraph 3, Code 2009, is amended to read as
5 31 follows:

5 32 The director, on or before ~~August~~ October 31 of each
5 33 assessment year, shall report to the department of management
5 34 and to the auditor of each county the adjusted assessed value
5 35 of taxpayer property as of January 1 of such assessment year



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6 1 for each local taxing district. For purposes of this
6 2 subsection, the assessed value of taxpayer property in each
6 3 local taxing district subject to adjustment under this section
6 4 by the director means the assessed value of such property as
6 5 of the preceding January 1 as determined and allocated among
6 6 the local taxing districts by the director.

6 7 Sec. 15. Section 438.14, Code 2009, is amended to read as
6 8 follows:

6 9 438.14 VALUATION AND CERTIFICATION ~~THEREOF~~.

6 10 The director of revenue shall on or before ~~the third Monday~~
~~6 11 in August of October 31~~ each year determine the value of
6 12 pipeline property located in each taxing district of the
6 13 state, and in fixing ~~said~~ the value shall take into
6 14 consideration the structures, equipment, pumping stations,
6 15 etc., located in ~~said~~ the taxing district, and shall transmit
6 16 to the county auditor of each such county through and into
6 17 which any pipeline may extend, a statement showing the
6 18 assessed value of ~~said~~ the property in each of the taxing
6 19 districts of ~~said~~ the county. The ~~said~~ property shall then be
6 20 taxed in ~~said~~ the county and lesser taxing districts, based
6 21 upon the valuation so certified, in the same manner as in
6 22 other property.

6 23 Sec. 16. CODE CHAPTER 423 TITLE RENAMED == CODE EDITOR
6 24 DIRECTIVE. The Code editor is directed to rename the title of
6 25 chapter 423 as the "Streamlined Sales and Use Tax Act".

6 26 Sec. 17. RETROACTIVE APPLICABILITY. The section of this
6 27 Act amending section 422.9 applies retroactively to January 1,
6 28 2009, for tax years beginning on or after that date.

6 29 EXPLANATION

6 30 This bill relates to the department of revenue's
6 31 administration of the income taxes, the sales and use taxes,
6 32 the property tax, and certain fees for new vehicle
6 33 registrations.

6 34 The bill makes existing Code sections 422.4 and 422.70
6 35 applicable to the administration of the instructional support



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7 1 income surtax. Code section 422.4 defines certain tax-related
7 2 terms, and Code section 422.70 relates to certain general
7 3 powers of the director of the department of revenue and to
7 4 hearings conducted by the department.

7 5 Current law requires the director of revenue to develop
7 6 forms to be used in the administration of the one-time motor
7 7 vehicle registration fee imposed by 2008 Iowa Acts, chapter
7 8 1113. The bill eliminates this requirement and makes
7 9 conforming changes.

7 10 Current law provides that married persons filing separate
7 11 returns must both use the standard deduction if either of them
7 12 uses the standard deduction. The bill provides that married
7 13 persons filing separately must also both claim itemized
7 14 deductions if either claims itemized deductions. This
7 15 provision of the bill is made retroactive to January 1, 2009,
7 16 for tax years beginning on or after that date.

7 17 Currently, Code section 422.12K contains a reference to the
7 18 liabilities on the books of the department of revenue, but
7 19 this reference should be to the department of administrative
7 20 services. The bill corrects this reference.

7 21 The bill corrects a grammatical error in the definition of
7 22 "commercial domicile" used for purposes of the business tax on
7 23 corporations.

7 24 Current law provides for a rebate of the sales tax
7 25 collected by retailers at certain automobile racetrack
7 26 facilities to the owner or operator of the automobile
7 27 racetrack facility. The amount of the rebate is determined by
7 28 counting only the state sales tax rate. In 2008, the state
7 29 sales tax rate was increased from 5 percent to 6 percent. The
7 30 bill provides that, despite the 2008 increase in the sales tax
7 31 rate, the rebate for sales taxes collected at racetrack
7 32 facilities cannot exceed 5 percent of the sales price.

7 33 The bill makes October 31 the required yearly completion
7 34 date for each of the following property tax-related
7 35 assessments made by the department of revenue: the general



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Senate File 322 - Introduced continued

8 1 property listing required by Code section 428.29, the
8 2 telephone and telegraph companies tax assessment, the railway
8 3 companies tax assessment and the related transmission to
8 4 county auditors, the electric transmission lines tax, the
8 5 adjusted assessed value determined for purposes of the tax on
8 6 electricity and natural gas providers, and the pipeline
8 7 companies tax assessment.
8 8 The bill directs the Code editor to retitle the name of
8 9 Code chapter 423 to the "Streamlined Sales and Use Tax Act".
8 10 LSB 1421SV 83
8 11 tw/mg:sc/24



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Senate File 323 - Introduced

SENATE FILE
BY SODDERS

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the provision of health records of a child in
- 2 foster care to the foster care provider.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2455SS 83
- 5 jp/nh/8



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1 1 Section 1. Section 237.3, subsection 2, paragraph f, Code
1 2 2009, is amended to read as follows:

1 3 f. Housing, health, safety, and medical care policies for
1 4 children receiving child foster care. The medical care
1 5 policies shall include but are not limited to all of the
1 6 following:

1 7 (1) Provision by the department to the foster care
1 8 provider at or before the time of a child's placement of the
1 9 child's health records and any other information possessed or
1 10 known about the health of the child or about a member of the
1 11 child's family that pertains to the child's health.

1 12 (2) If the health records supplied in accordance with the
1 13 child's case permanency plan to the foster care provider are
1 14 incomplete or the provider requests specific health
1 15 information, provision for obtaining additional health
1 16 information from the child's parent or other source and
1 17 supplying the additional information to the foster care
1 18 provider in a timely manner.

1 19 (3) Provision for emergency health coverage of the child
1 20 while the child is engaged in temporary out-of-state travel
1 21 with the child's foster family.

1 22 EXPLANATION

1 23 This bill relates to the provision of health records of a
1 24 child in foster care to the foster care provider. Under
1 25 current law in Code section 237.3, the rules adopted by the
1 26 department of human services for foster care licensees require
1 27 the department to provide the available health care records of
1 28 the child to the provider at or before the time of placement.
1 29 The bill amends the existing requirement for supplying
1 30 additional information when the records are incomplete to also
1 31 allow the provider to request specific information and require
1 32 any additional information to be provided in a timely manner.

1 33 LSB 2455SS 83

1 34 jp/nh/8



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Senate File 324 - Introduced

SENATE FILE
BY HAMERLINCK

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

A BILL FOR

- 1 An Act relating to driver education by a teaching parent.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2482XS 83
- 4 dea/nh/14



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1 1 Section 1. NEW SECTION. 321.179 DRIVER EDUCATION ==
1 2 TEACHING PARENT.
1 3 1. TEACHING PARENT. As an alternative to the driver
1 4 education requirements under section 321.178, a teaching
1 5 parent may instruct a student in a driver education course
1 6 that meets the requirements of this section and provide
1 7 evidence that the requirements under this section have been
1 8 met.
1 9 2. DEFINITIONS. For purposes of this section:
1 10 a. "Approved course" means driver education curriculum
1 11 approved by the department pursuant to rules adopted under
1 12 chapter 17A. An approved course shall, at a minimum, meet the
1 13 requirements of subsection 3 and be appropriate for teaching=
1 14 parent-directed driver education and related street or highway
1 15 instruction. Driver education materials that meet or exceed
1 16 standards established by the department for an approved course
1 17 in driver education for a public or private school shall be
1 18 approved unless otherwise determined by the department. The
1 19 list of approved courses shall be posted on the department's
1 20 internet website.
1 21 b. "Student" means a person between the ages of fourteen
1 22 and twenty-one years who is within the custody and control of
1 23 the teaching parent and who satisfies preliminary licensing
1 24 requirements of the department.
1 25 c. "Teaching parent" means a parent, guardian, or legal
1 26 custodian of a student who is currently providing competent
1 27 private instruction to the student pursuant to section 299A.2
1 28 or 299A.3 and who provided such instruction to the student
1 29 during the previous year; who has a valid driver's license,
1 30 other than a motorized bicycle license or a temporary
1 31 restricted license, that permits unaccompanied driving; and
1 32 who has maintained a clear driving record for the previous two
1 33 years. For purposes of this paragraph, "clear driving record"
1 34 means the individual has not been identified as a candidate
1 35 for suspension of a driver's license under the habitual



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2 1 offender provisions of the department's regulations; is not
2 2 subject to a driver's license suspension, revocation, denial,
2 3 cancellation, disqualification, or bar; and has no record of a
2 4 conviction for a moving traffic violation determined to be the
2 5 cause of a motor vehicle accident.

2 6 3. COURSE OF INSTRUCTION.

2 7 a. An approved course administered by a teaching parent
2 8 shall consist of, but not be limited to, the following:

2 9 (1) Thirty clock hours of classroom instruction.

2 10 (2) Forty hours of street or highway driving including
2 11 four hours of driving after sunset and before sunrise while
2 12 accompanied by the teaching parent.

2 13 (3) Four hours of classroom instruction concerning
2 14 substance abuse.

2 15 (4) A minimum of twenty minutes of instruction concerning
2 16 railroad crossing safety.

2 17 (5) Instruction relating to becoming an organ donor under
2 18 the revised uniform anatomical gift Act as provided in chapter
2 19 142C.

2 20 (6) Instruction providing an awareness about sharing the
2 21 road with bicycles and motorcycles.

2 22 b. The content of the course of instruction required under
2 23 this subsection shall be equivalent to that required under
2 24 section 321.178. However, reference and study materials,
2 25 physical classroom requirements, and extra vehicle safety
2 26 equipment required for instruction under section 321.178 shall
2 27 not be required for the course of instruction provided under
2 28 this section.

2 29 4. COURSE COMPLETION AND CERTIFICATION. Upon application
2 30 by a student for an intermediate license, the teaching parent
2 31 shall provide evidence showing the student's completion of an
2 32 approved course and substantial compliance with the
2 33 requirements of subsection 3 by affidavit signed by the
2 34 teaching parent on a form to be provided by the department.
2 35 The evidence shall include all of the following:



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- 3 1 a. Documentation that the instructor is a teaching parent
3 2 as defined in subsection 2.
3 3 b. Documentation that the student is receiving competent
3 4 private instruction under section 299A.2 or the name of the
3 5 school district within which the student is receiving
3 6 instruction under section 299A.3.
3 7 c. The name of the approved course completed by the
3 8 student.
3 9 d. An affidavit attesting to satisfactory completion of
3 10 course work and street or highway driving instruction.
3 11 e. Copies of written tests completed by the student.
3 12 f. A statement of the number of classroom hours of
3 13 instruction.
3 14 g. A log of completed street or highway driving
3 15 instruction including the dates when the lessons were
3 16 conducted, the student's and the teaching parent's name and
3 17 initials noted next to each entry, notes on driving activities
3 18 including a list of driving deficiencies and improvements, and
3 19 the duration of the driving time for each session.
3 20 5. INTERMEDIATE LICENSE. Any student who successfully
3 21 completes an approved course as provided in this section,
3 22 passes a driving test to be administered by the department,
3 23 and is otherwise qualified under section 321.180B, subsection
3 24 2, shall be eligible for an intermediate license pursuant to
3 25 section 321.180B. Twenty of the forty hours of street or
3 26 highway driving instruction required under subsection 3,
3 27 paragraph "a", subparagraph (2), may be utilized to satisfy
3 28 the requirement of section 321.180B, subsection 2.
3 29 6. FULL LICENSE. A student must comply with section
3 30 321.180B, subsection 4, to be eligible for a full driver's
3 31 license pursuant to section 321.180B.
3 32 Sec. 2. Section 321.180B, subsection 2, Code 2009, is
3 33 amended to read as follows:
3 34 2. INTERMEDIATE LICENSE.
3 35 a. The department may issue an intermediate driver's



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4 1 license to a person sixteen or seventeen years of age who
4 2 possesses an instruction permit issued under subsection 1 or a
4 3 comparable instruction permit issued by another state for a
4 4 minimum of six months immediately preceding application, and
4 5 who presents an affidavit signed by a parent or guardian on a
4 6 form to be provided by the department that the permittee has
4 7 accumulated a total of twenty hours of street or highway
4 8 driving of which two hours were conducted after sunset and
4 9 before sunrise and the street or highway driving was with the
4 10 permittee's parent, guardian, instructor, a person certified
4 11 by the department, or a person at least twenty-five years of
4 12 age who had written permission from a parent or guardian to
4 13 accompany the permittee, and whose driving privileges have not
4 14 been suspended, revoked, or barred under this chapter or
4 15 chapter 321J during, and who has been accident and violation
4 16 free continuously for, the six-month period immediately
4 17 preceding the application for an intermediate license. An
4 18 applicant for an intermediate license must meet the
4 19 requirements of section 321.186, including satisfactory
4 20 completion of driver education as required in section 321.178
4 21 or 321.179, and payment of the required license fee before an
4 22 intermediate license will be issued.

4 23 b. A person issued an intermediate license must limit the
4 24 number of passengers in the motor vehicle when the
4 25 intermediate licensee is operating the motor vehicle to the
4 26 number of passenger safety belts.

4 27 c. Except as otherwise provided, a person issued an
4 28 intermediate license under this subsection who is operating a
4 29 motor vehicle between the hours of twelve-thirty a.m. and five
4 30 a.m. must be accompanied by a person issued a driver's license
4 31 valid for the vehicle operated who is the parent or guardian
4 32 of the permittee, a member of the permittee's immediate family
4 33 if the family member is at least twenty-one years of age, an
4 34 approved driver education instructor, a prospective driver
4 35 education instructor who is enrolled in a practitioner



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5 1 preparation program with a safety education program approved
5 2 by the state board of education, or a person at least
5 3 twenty=five years of age if written permission is granted by
5 4 the parent or guardian, and who is actually occupying a seat
5 5 beside the driver. However, a licensee may operate a vehicle
5 6 to and from school=related extracurricular activities and work
5 7 without an accompanying driver between the hours of
5 8 twelve=thirty a.m. and five a.m. if such licensee possesses a
5 9 waiver on a form to be provided by the department. An
5 10 accompanying driver is not required between the hours of five
5 11 a.m. and twelve=thirty a.m.

5 12 EXPLANATION

5 13 This bill creates an alternative means for a child between
5 14 14 and 17 years of age to receive driver education instruction
5 15 currently offered by public schools to qualify for an
5 16 intermediate driver's license. The bill allows a parent,
5 17 guardian, or legal custodian who is providing competent
5 18 private instruction to a student to teach the student driver
5 19 education, provided the person has a valid driver's license
5 20 that permits unaccompanied driving and has a clear driving
5 21 record for the previous two years. The classroom instruction
5 22 requirements for the alternative course of instruction are
5 23 substantially the same as for an approved course of
5 24 instruction offered by a public school district or private or
5 25 commercial driver education school, with additional
5 26 requirements for 40, rather than 20, hours of street or
5 27 highway driving including night driving. The course of
5 28 instruction must be a course approved by the department of
5 29 transportation by rule and utilize driver education materials
5 30 that meet or exceed standards established for driver education
5 31 courses approved for public or private schools. A list of
5 32 approved courses is to be posted on the transportation
5 33 department's website.

5 34 The teaching parent is required to document substantial
5 35 compliance with the driver education course requirements and



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6 1 furnish an affidavit attesting to the student's satisfactory
6 2 completion of the course work and street or highway driving to
6 3 the department of education.
6 4 LSB 2482XS 83
6 5 dea/nh/14.1



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SENATE FILE
BY HAMERLINCK

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

A BILL FOR

1 An Act increasing the amount of pension income that is exempted
2 from the individual income tax and including a retroactive
3 applicability date provision.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2465XS 83
6 tw/mg:sc/8



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1 1 Section 1. Section 422.7, subsection 31, Code 2009, is
1 2 amended to read as follows:
1 3 31. For a person who is disabled, or is fifty=five years
1 4 of age or older, or is the surviving spouse of an individual
1 5 or a survivor having an insurable interest in an individual
1 6 who would have qualified for the exemption under this
1 7 subsection for the tax year, subtract, to the extent included,
1 8 the total amount of a governmental or other pension or
1 9 retirement pay, including, but not limited to, defined benefit
1 10 or defined contribution plans, annuities, individual
1 11 retirement accounts, plans maintained or contributed to by an
1 12 employer, or maintained or contributed to by a self=employed
1 13 person as an employer, and deferred compensation plans or any
1 14 earnings attributable to the deferred compensation plans, up
1 15 to a maximum of ~~six~~ twelve thousand dollars for a person,
1 16 other than a husband or wife, who files a separate state
1 17 income tax return and up to a maximum of ~~twelve~~ twenty=four
1 18 thousand dollars for a husband and wife who file a joint state
1 19 income tax return. However, a surviving spouse who is not
1 20 disabled or fifty=five years of age or older can only exclude
1 21 the amount of pension or retirement pay received as a result
1 22 of the death of the other spouse. A husband and wife filing
1 23 separate state income tax returns or separately on a combined
1 24 state return are allowed a combined maximum exclusion under
1 25 this subsection of up to ~~twelve~~ twenty=four thousand dollars.
1 26 The ~~twelve~~ twenty=four thousand dollar exclusion shall be
1 27 allocated to the husband or wife in the proportion that each
1 28 spouse's respective pension and retirement pay received bears
1 29 to total combined pension and retirement pay received.
1 30 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
1 31 retroactively to January 1, 2009, for tax years beginning on
1 32 or after that date.

1 33 EXPLANATION
1 34 Current law provides an exclusion from the individual
1 35 income tax for certain pension income. The exclusion is



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2 1 available on the first \$6,000 of an individual's pension
2 2 income and \$12,000 for joint filers.
2 3 This bill doubles the amount of the exclusion to \$12,000
2 4 for an individual filer and \$24,000 for joint filers.
2 5 The bill applies retroactively to January 1, 2009, for tax
2 6 years beginning on or after that date.
2 7 LSB 2465XS 83
2 8 tw/mg:sc/8



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SENATE FILE
BY SCHMITZ

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act providing for the removal of the requirement that two or
2 more public school districts be contiguous in order to utilize
3 financial, administrative, merger and dissolution, open
4 enrollment, and sharing incentives and policies.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 2525SS 83
7 ak/sc/5



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1 1 Section 1. Section 256.11, subsection 12, Code 2009, is
1 2 amended to read as follows:
1 3 12. a. During the period of time specified in the plan
1 4 for its implementation by a school district or nonpublic
1 5 school, the school district or school remains accredited.
1 6 b. The accreditation committee shall revisit the school
1 7 district or nonpublic school and shall determine whether the
1 8 deficiencies in the standards have been corrected and shall
1 9 make a report and recommendation to the director and the state
1 10 board. The committee recommendation shall specify whether the
1 11 school district or school shall remain accredited or under
1 12 what conditions the district may remain accredited. The
1 13 conditions may include, but are not limited to, providing
1 14 temporary oversight authority, operational authority, or both
1 15 oversight and operational authority to the director and the
1 16 state board for some or all aspects of the school district
1 17 operation, in order to bring the school district into
1 18 compliance with minimum standards.
1 19 c. The state board shall review the report and
1 20 recommendation, may request additional information, and shall
1 21 determine whether the deficiencies have been corrected. If
1 22 the deficiencies have not been corrected, and the conditional
1 23 accreditation alternatives contained in the report are not
1 24 mutually acceptable to the local board and the state board,
1 25 the state board shall merge the territory of the school
1 26 district with one or more ~~contiguous~~ school districts at the
1 27 end of the school year.
1 28 d. Division of assets and liabilities of the school
1 29 district shall be as provided in sections 275.29 through
1 30 275.31. Until the merger is completed, and subject to a
1 31 decision by the state board of education, the school district
1 32 shall pay tuition for its resident students to an accredited
1 33 school district under section 282.24.
1 34 e. ~~However, in~~ In lieu of merger and payment of tuition by
1 35 a nonaccredited school district, the state board may place a



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2 1 district under receivership for the remainder of the school
2 2 year. The receivership shall be under the direct supervision
2 3 and authority of the director.
2 4 f. The decision of whether to merge the school district
2 5 and require payment of tuition for the district's students or
2 6 to place the district under receivership shall be based upon a
2 7 determination by the state board of the best interests of the
2 8 students, parents, residents of the community, teachers,
2 9 administrators, and board members of the district and the
2 10 recommendations of the accreditation committee and the
2 11 director. If the state board declares a nonpublic school to
2 12 be nonaccredited, the removal of accreditation shall take
2 13 effect on the date established by the resolution of the state
2 14 board, which shall be no later than the end of the school year
2 15 in which the nonpublic school is declared to be nonaccredited.

2 16 Sec. 2. Section 275.1, Code 2009, is amended to read as
2 17 follows:

2 18 275.1 DECLARATION OF POLICY == SURVEYS == DEFINITIONS.

2 19 1. It is the policy of the state to encourage economical
2 20 and efficient school districts which will ensure an equal
2 21 educational opportunity to all children of the state. All
2 22 areas of the state shall be in school districts maintaining
2 23 kindergarten and twelve grades. If a school district ceases
2 24 to maintain kindergarten and twelve grades except as otherwise
2 25 provided in section 28E.9, 256.13, 280.15, 282.7, subsection 1
2 26 or subsections 1 and 3, or section 282.8, it shall reorganize
2 27 within six months or the state board shall attach the school
2 28 district not maintaining kindergarten and twelve grades to one
2 29 or more adjacent districts. ~~Voluntary reorganizations under~~
~~2 30 this chapter shall be commenced only if the affected school~~
~~2 31 districts are contiguous or marginally adjacent to one~~
~~2 32 another.~~ A reorganized district shall meet the requirements
2 33 of section 275.3.

2 34 2. If a district is attached, division of assets and
2 35 liabilities shall be made as provided in sections 275.29 to



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3 1 275.31. The area education agency boards shall develop
3 2 detailed studies and surveys of the school districts within
3 3 the area education agency and all adjacent territory for the
3 4 purpose of providing for reorganization of school districts in
3 5 order to effect more economical operation and the attainment
3 6 of higher standards of education in the schools. The plans
3 7 shall be revised periodically to reflect reorganizations which
3 8 may have taken place in the area education agency and adjacent
3 9 territory.

3 10 3. As used in this chapter unless the context otherwise
3 11 requires:

3 12 ~~1.~~ a. "Eligible elector" means eligible elector as
3 13 defined in section 39.3, subsection 6.

3 14 ~~2.~~ b. "Initial board" means the board of a newly
3 15 reorganized district that is selected pursuant to section
3 16 275.25 or 275.41 and functions until the organizational
3 17 meeting following the third regular school election held after
3 18 the effective date of the reorganization.

3 19 ~~3.~~ c. "Marginally adjacent district" or "marginally
3 20 adjacent territory" means a district or territory which is
3 21 separated from a second district or territory by property
3 22 which is part of a third school district which completely
3 23 surrounds one of the two districts.

3 24 ~~4.~~ d. "Registered voter" means registered voter as
3 25 defined in section 39.3, subsection 11.

3 26 ~~5.~~ e. "Regular board" means the board of a reorganized
3 27 district that begins to function at the organizational meeting
3 28 following the third regular school election held after the
3 29 effective date of the school reorganization, and is comprised
3 30 of members who were elected to the current terms or were
3 31 appointed to replace members who were elected.

3 32 ~~6.~~ "~~School districts affected~~" means the school districts
~~3 33 named in the reorganization petition whether a school district~~
~~3 34 is affected in whole or in part.~~

3 35 Sec. 3. Section 275.11, Code 2009, is amended to read as



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4 1 follows:

4 2 275.11 PROPOSALS INVOLVING TWO OR MORE DISTRICTS.

4 3 Subject to the approval of the area education agency board,
4 4 ~~contiguous or marginally adjacent territory located in two or~~
4 5 more school districts may be united into a single district in
4 6 the manner provided in sections 275.12 to 275.22.

4 7 Sec. 4. Section 275.23A, subsection 1, paragraph c, Code
4 8 2009, is amended to read as follows:

4 9 c. All director districts shall be composed of contiguous
4 10 territory as compact as practicable unless the school district
4 11 is composed of marginally adjacent territory. A school
4 12 district which is composed of marginally adjacent territory
4 13 shall have director districts composed of contiguous territory
4 14 to the extent practicable.

4 15 Sec. 5. Section 275.51, unnumbered paragraph 1, Code 2009,
4 16 is amended to read as follows:

4 17 As an alternative to school district reorganization
4 18 prescribed in this chapter, the board of directors of a school
4 19 district may establish a school district dissolution
4 20 commission to prepare a proposal of dissolution of the school
4 21 district and attachment of all of the school district to one
4 22 or more ~~contiguous~~ school districts and to include in the
4 23 proposal a division of the assets and liabilities of the
4 24 dissolving school district. A school district dissolution
4 25 commission shall be established by the board of directors of a
4 26 school district if a dissolution proposal has been prepared by
4 27 eligible electors who reside within the district. The
4 28 proposal must contain the names of the proposed members of the
4 29 commission and be accompanied by a petition which has been
4 30 signed by eligible electors residing in the school district
4 31 equal in number to at least twenty percent of the registered
4 32 voters in the school district.

4 33 Sec. 6. Section 275.52, Code 2009, is amended to read as
4 34 follows:

4 35 275.52 MEETINGS.



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5 1 1. The commission shall hold an organizational meeting not
5 2 more than fifteen days after its appointment and shall elect a
5 3 chairperson and vice chairperson from its membership.
5 4 Thereafter the commission may meet as often as deemed
5 5 necessary upon the call of the chairperson or a majority of
5 6 the commission members.

5 7 2. The commission shall request statements from ~~contiguous~~
5 8 school districts outlining each district's willingness to
5 9 accept attachments of the affected school district to the
5 10 ~~contiguous~~ districts and what conditions, if any, the
5 11 ~~contiguous~~ school district recommends. The commission shall
5 12 meet with boards of ~~contiguous~~ the school districts and with
5 13 residents of the affected school district to the extent
5 14 possible in drawing up the dissolution proposal. The
5 15 commission may seek assistance from the area education agency
5 16 and the department of education.

5 17 Sec. 7. Section 275.54, unnumbered paragraph 1, Code 2009,
5 18 is amended to read as follows:

5 19 Within ten days following the filing of the dissolution
5 20 proposal with the board, the board shall fix a date for a
5 21 hearing on the proposal which shall not be more than sixty
5 22 days after the dissolution petition was filed with the board.
5 23 The board shall publish notice of the date, time, and location
5 24 of the hearing at least ten days prior to the date of the
5 25 hearing by one publication in a newspaper in general
5 26 circulation in the district. The notice shall include the
5 27 content of the dissolution proposal. A person residing or
5 28 owning land in the school district may present evidence and
5 29 arguments at the hearing. The president of the board shall
5 30 preside at the hearing. The board shall review testimony from
5 31 the hearing and shall adopt or amend and adopt the dissolution
5 32 proposal. The board shall notify by registered mail the
5 33 boards of directors of all school districts to which area of
5 34 the affected school district will be attached and the director
5 35 of the department of education of the contents of the



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6 1 dissolution proposal adopted by the board. If the board of a
6 2 district to which area of the affected school district will be
6 3 attached objects to the attachment, that portion of the
6 4 dissolution proposal will not be included in the proposal
6 5 voted upon under section 275.55 and the director of the
6 6 department of education shall attach the area to a ~~contiguous~~
6 7 different school district. If the board of a district to
6 8 which area of the affected school district will be attached
6 9 objects to the division of assets and liabilities contained in
6 10 the dissolution proposal, section 275.30 applies for the
6 11 division of assets and liabilities to that district.

6 12 Sec. 8. Section 275.55, subsection 1, Code 2009, is
6 13 amended to read as follows:

6 14 1. After the final hearing on the dissolution proposal,
6 15 the board of the school district shall submit the proposition
6 16 to the voters at an election held on a date specified in
6 17 section 39.2, subsection 4, paragraph "c". The proposition
6 18 submitted to the voters residing in the school district shall
6 19 describe each separate area to be attached to a ~~contiguous~~
6 20 another school district and shall name the school district to
6 21 which it will be attached. In addition to the description, a
6 22 map may be included in the summary of the question on the
6 23 ballot.

6 24 Sec. 9. Section 275.56, Code 2009, is amended to read as
6 25 follows:

6 26 275.56 INCREASING ENROLLMENT.

6 27 If the enrollment of a school district increases or is
6 28 expected to increase because ~~an adjacent~~ another district has
6 29 dissolved or is expected to dissolve, the board of directors
6 30 of the school district shall determine whether there is a need
6 31 to hire additional licensed or unlicensed employees. If the
6 32 board of directors determines that there is a need to hire
6 33 additional employees, the board shall determine the nature and
6 34 number of the necessary new positions. Individuals who were
6 35 employees of the dissolved district may apply for the new



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7 1 positions. The board shall hire those applicants who were
7 2 employees of the dissolved district whenever the applicant is
7 3 licensed for the new position or, in the case of unlicensed
7 4 personnel, is otherwise qualified. If two employees of the
7 5 dissolved district apply for a single licensed position, the
7 6 applicant who is best qualified in the opinion of the board
7 7 shall be hired. The board is not required to hire applicants
7 8 who were employees of the dissolved district if the district
7 9 has been dissolved for one or more school years. Applicants
7 10 who are re-employed under this section shall maintain in the
7 11 re=employing district vacation, salary or alternatively
7 12 placement on a salary schedule based on the employee's years
7 13 of experience, sick leave, and completion of probationary
7 14 status as defined by section 279.19.

7 15 Sec. 10. Section 280.19A, unnumbered paragraph 1, Code
7 16 2009, is amended to read as follows:

7 17 By January 15, 1995, each school district shall adopt a
7 18 plan to provide alternative options education programs to
7 19 students who are either at risk of dropping out or have
7 20 dropped out. An alternative options education program may be
7 21 provided in a district, through a sharing agreement with a
7 22 school in a ~~contiguous~~ another district, or through an
7 23 areawide program available at the community college serving
7 24 the merged area in which the school district is located. Each
7 25 area education agency shall provide assistance in establishing
7 26 a plan to provide alternative education options to students
7 27 attending a public school in a district served by the agency.

7 28 Sec. 11. Section 282.7, subsection 1, Code 2009, is
7 29 amended to read as follows:

7 30 1. The board of directors of a school district by record
7 31 action may discontinue any or all of grades seven through
7 32 twelve and negotiate an agreement for attendance of the pupils
7 33 enrolled in those grades in the schools of one or more
7 34 ~~contiguous~~ school districts having accredited school systems.
7 35 If the board designates more than one ~~contiguous~~ district for



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8 1 attendance of its pupils, the board shall draw boundary lines
8 2 within the school district for determining the school
8 3 districts of attendance of the pupils. ~~The portion of a~~
~~8 4 district so designated shall be contiguous to the accredited~~
~~8 5 school district designated for attendance.~~ Only entire grades
8 6 may be discontinued under this subsection and if a grade is
8 7 discontinued, all higher grades in that district shall also be
8 8 discontinued. A school district that has discontinued one or
8 9 more grades under this subsection has complied with the
8 10 requirements of section 275.1 relating to the maintenance of
8 11 kindergarten and twelve grades. A pupil who graduates from
8 12 another school district under this subsection shall receive a
8 13 diploma from the receiving district. The boards of directors
8 14 entering into an agreement under this section shall provide
8 15 for sharing the costs and expenses as provided in sections
8 16 282.10 through 282.12. The agreement shall provide for
8 17 transportation and authority and liability of the affected
8 18 boards.

8 19 Sec. 12. Section 282.11, Code 2009, is amended to read as
8 20 follows:

8 21 282.11 PROCEDURE.

8 22 1. Not less than ninety days prior to signing a whole
8 23 grade sharing agreement whereby all or a substantial portion
8 24 of the pupils in a grade in the district will attend school in
8 25 another district, the board of directors of each school
8 26 district that is negotiating, extending, or renewing a sharing
8 27 agreement, shall publicly announce its intent to negotiate a
8 28 sharing agreement under section 21.4, subsection 1. Within
8 29 thirty days of the board's public notice, a petition may be
8 30 filed with the department of education requesting that a
8 31 feasibility study be completed. The petition shall be signed
8 32 by twenty percent of the eligible electors in the district.
8 33 The director of the department of education may determine that
8 34 a feasibility study conducted by the board satisfies the
8 35 request, provided that the study conforms with the criteria



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9 1 contained in section 256.9.
9 2 2. Not less than thirty days prior to signing a whole
9 3 grade sharing agreement whereby all or a substantial portion
9 4 of the pupils in a grade in the district will attend school in
9 5 another district, the board of directors of each school
9 6 district that is a party to a proposed sharing agreement shall
9 7 hold a public hearing at which the proposed agreement is
9 8 described, and at which the parent or guardian of an affected
9 9 pupil and certificated employees of the school district shall
9 10 have an opportunity to comment on the proposed agreement.
9 11 Within the thirty-day period prior to the signing of the
9 12 agreement, the parent or guardian of an affected pupil may
9 13 request the board of directors to send the pupil to another
9 14 ~~contiguous~~ school district. For the purposes of this section,
9 15 "affected pupils" are those who under the whole grade sharing
9 16 agreement are attending or scheduled to attend the school
9 17 district specified in the agreement, other than the district
9 18 of residence, during the term of the agreement. The request
9 19 shall be based upon one of the following:
9 20 ~~1.~~ a. That the agreement will not meet the educational
9 21 program needs of the pupil.
9 22 ~~2.~~ b. That adequate consideration was not given to
9 23 geographical factors.
9 24 3. The board shall allow or disallow the request prior to
9 25 the signing of the agreement, or the request shall be deemed
9 26 granted. If the board disallows the request, the board shall
9 27 indicate the reasons why the request is disallowed and shall
9 28 notify the parent or guardian that the decision of the board
9 29 may be appealed as provided in this section.
9 30 4. If the board disallows the request of a parent or
9 31 guardian of an affected pupil, the parent or guardian, not
9 32 later than March 1, may appeal the sending of that pupil to
9 33 the school district specified in the agreement, to the state
9 34 board of education. The basis for the appeal shall be the
9 35 same as the basis for the request to the board. An appeal



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10 1 shall specify a ~~contiguous~~ school district to which the parent
10 2 or guardian wishes to send the affected pupil. If the parent
10 3 or guardian appeals, the standard of review of the appeal is a
10 4 preponderance of evidence that the parent's or guardian's
10 5 hardship outweighs the benefits and integrity of the sharing
10 6 agreement. The state board may require the district of
10 7 residence to pay tuition to the ~~contiguous~~ school district
10 8 specified by the parent or guardian, or may deny the appeal by
10 9 the parent or guardian. If the state board requires the
10 10 district of residence to pay tuition to the ~~contiguous~~ school
10 11 district specified by the parent or guardian, the tuition
10 12 shall be equal to the tuition established in the sharing
10 13 agreement. The decision of the state board is binding on the
10 14 boards of directors of the school districts affected, except
10 15 that the decision of the state board may be appealed by either
10 16 party to the district court.

10 17 Sec. 13. Section 282.18, subsection 13, Code 2009, is
10 18 amended to read as follows:

10 19 13. A pupil who participates in open enrollment for
10 20 purposes of attending a grade in grades nine through twelve in
10 21 a school district other than the district of residence is
10 22 ineligible to participate in varsity interscholastic athletic
10 23 contests and athletic competitions during the pupil's first
10 24 ninety school days of enrollment in the district except that
10 25 the pupil may participate immediately in a varsity
10 26 interscholastic sport if the pupil is entering grade nine for
10 27 the first time and did not participate in an interscholastic
10 28 athletic competition for another school or school district
10 29 during the summer immediately following eighth grade, if the
10 30 district of residence and the other school district jointly
10 31 participate in the sport, if the sport in which the pupil
10 32 wishes to participate is not offered in the district of
10 33 residence, if the pupil chooses to use open enrollment to
10 34 attend school in another school district because the district
10 35 in which the student previously attended school was dissolved



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11 1 and merged with one or more ~~contiguous~~ school districts under
11 2 section 256.11, subsection 12, if the pupil participates in
11 3 open enrollment because the pupil's district of residence has
11 4 entered into a whole grade sharing agreement with another
11 5 district for the pupil's grade, or if the parent or guardian
11 6 of the pupil participating in open enrollment is an active
11 7 member of the armed forces and resides in permanent housing on
11 8 government property provided by a branch of the armed
11 9 services. A pupil who has paid tuition and attended school,
11 10 or has attended school pursuant to a mutual agreement between
11 11 the two districts, in a district other than the pupil's
11 12 district of residence for at least one school year is also
11 13 eligible to participate immediately in interscholastic
11 14 athletic contests and athletic competitions under this
11 15 section, but only as a member of a team from the district that
11 16 pupil had attended. For purposes of this subsection, "school
11 17 days of enrollment" does not include enrollment in summer
11 18 school. For purposes of this subsection, "varsity" means the
11 19 same as defined in section 256.46.

11 20 Sec. 14. Section 321.194, subsection 1, paragraph b,
11 21 subparagraph (2), Code 2009, is amended to read as follows:

11 22 (2) A district which is ~~contiguous to~~ not the district of
11 23 residence of the parent or guardian of the student, if the
11 24 student is enrolled in the public school which is not the
11 25 school district of residence because of open enrollment under
11 26 section 282.18 or as a result of an election by the student's
11 27 district of residence to enter into one or more sharing
11 28 agreements pursuant to the procedures in chapter 282.

11 29 EXPLANATION

11 30 This bill provides for the removal of the requirement that
11 31 two or more public school districts be contiguous in order to
11 32 utilize financial, administrative, sharing, open enrollment,
11 33 and mergers and dissolutions incentives and policies, and
11 34 amends Code sections affected by such changes.

11 35 In current Code section 256.11(12), if the state board of



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12 1 education determines a school district has not met corrected
12 2 deficiencies in order to receive accreditation, the state
12 3 board may merge the school district with one or more school
12 4 districts. The bill amends the subsection so that the school
12 5 districts merged do not have to be contiguous.
12 6 Code section 275.1(1) is amended so that voluntary
12 7 reorganizations by school districts may be allowed even if the
12 8 school districts are not contiguous or marginally adjacent to
12 9 one another, as the Code currently requires.
12 10 In Code section 275.11, the approval of an area education
12 11 agency board to approve the merger of two or more school
12 12 districts is amended to strike the requirement that the school
12 13 districts be contiguous or marginally adjacent.
12 14 Code chapter 275 is further amended to strike the
12 15 requirement that the area of a dissolved district only be
12 16 attached to a contiguous district.
12 17 Current Code section 280.19A allows school districts to
12 18 share alternative options education programs to assist
12 19 students who are at risk of dropping out or who have dropped
12 20 out. The Code section is amended so that noncontiguous school
12 21 districts may work together with a sharing agreement on such
12 22 programs.
12 23 Code section 282.7(1), which deals with whole=grade
12 24 sharing, is amended to strike the provision that requires the
12 25 sharing school districts to be contiguous.
12 26 Under current Code section 282.11, a parent may protest a
12 27 sharing agreement between the child's school district and
12 28 another school district and request to send the child to a
12 29 different school district. The Code section is amended so
12 30 that the parent does not have to choose a contiguous school
12 31 district for the request.
12 32 Code section 282.18(13), setting out the open enrollment
12 33 and sports eligibility rules for students, is amended to
12 34 strike the word "contiguous" so that if school districts that
12 35 are noncontiguous are merged, this Code section would still be



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13 1 applicable.
13 2 Code section 321.194(1)(b)(2), authorizing issuance of
13 3 special minors' driver's licenses, is amended so that a
13 4 student with this particular license may drive to and from the
13 5 student's school district of attendance even if it is not
13 6 contiguous to the student's school district of residence.
13 7 LSB 2525SS 83
13 8 ak/sc/5



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Senate File 327 - Introduced

SENATE FILE
BY BARTZ

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to sanitary districts by amending a district's
2 authority to regulate certain private sewage disposal
3 facilities, excluding agricultural property from a property
4 tax levy imposed by a district, and amending provisions
5 related to annexation by a district.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TL5B 2126SS 83
8 md/nh/8



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1 1 Section 1. Section 358.16, subsection 2, unnumbered
1 2 paragraph 1, Code 2009, is amended to read as follows:
1 3 The board of trustees may require connection to the
1 4 sanitary sewer system established, maintained, or operated by
1 5 the district from any adjacent property within the district,
1 6 and require the installation of sanitary toilets or other
1 7 sanitary sewage facilities and removal of other toilet and
1 8 other sewage facilities on the property. However, the board
1 9 of trustees shall not regulate, restrict the use, or require
1 10 the connection of a private sewage disposal facility approved
1 11 by a county board of health under section 455B.172.

1 12 Sec. 2. Section 358.18, unnumbered paragraph 1, Code 2009,
1 13 is amended to read as follows:

1 14 The board of trustees of any sanitary district organized
1 15 under this chapter shall have the power by ordinance to levy
1 16 annually for the purpose of paying the administrative costs of
1 17 such district, or for the payment of deficiencies in special
1 18 assessments, or for both, a tax upon property within the
1 19 territorial limits of such sanitary district, except property
1 20 assessed as agricultural property, not exceeding fifty-four
1 21 cents per thousand dollars of the adjusted taxable valuation
1 22 of the property within such district for the preceding fiscal
1 23 year.

1 24 Sec. 3. Section 358.26, subsection 1, Code 2009, is
1 25 amended to read as follows:

1 26 1. ~~In a county which has more than seven thousand five~~
1 27 ~~hundred acres of natural lakes, the~~ The board of trustees may,
1 28 or upon request of property owners representing twenty-five
1 29 percent of the valuation of the property to be annexed,
1 30 excluding property owned by the sanitary district, shall, file
1 31 a petition in the office of county auditor of the county in
1 32 which the property to be annexed or the major part of the
1 33 property is located, requesting that there be submitted to the
1 34 voters of the existing district and the area to be annexed the
1 35 question whether the territory proposed to be annexed should



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2 1 be annexed to the sanitary district. The property to be
2 2 annexed must be located within the watershed of a natural lake
2 3 or navigable water as defined in section 462A.2 in the
2 4 existing district. The board of supervisors of the county in
2 5 which the property to be annexed or the major part of the
2 6 property is located shall have jurisdiction of the proceedings
2 7 on the petition.

2 8 EXPLANATION

2 9 This bill amends provisions relating to sanitary districts
2 10 under Code chapter 358. The bill provides that a sanitary
2 11 district may not regulate, restrict the use, or require the
2 12 connection of a private sewage disposal facility approved by a
2 13 county board of health under Code section 455B.172.

2 14 The bill excludes agricultural property within the sanitary
2 15 district from property taxes levied by the district.

2 16 Current law provides that, in a county which has more than
2 17 7,500 acres of natural lakes, the board of trustees may, or
2 18 upon receiving a request from property owners representing 25
2 19 percent of the valuation of the property to be annexed shall,
2 20 file a petition for annexation in the office of the county
2 21 auditor. The bill removes the 7,500 acres of natural lakes
2 22 restriction and excludes property owned by the sanitary
2 23 district from the determination of the value of property to be
2 24 annexed.

2 25 LSB 2126SS 83

2 26 md/nh/8.1



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SENATE FILE
BY COMMITTEE ON ENVIRONMENT
AND ENERGY INDEPENDENCE

(SUCCESSOR TO SF 99)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to reimbursement of hazardous substance cleanup
- 2 costs.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1203SV 83
- 5 tm/sc/14



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1 1 Section 1. Section 455B.381, subsection 2, Code 2009, is
1 2 amended to read as follows:

1 3 2. "Cleanup costs" means costs incurred by the state or
1 4 its political subdivisions or ~~their agents, or by any other~~
~~1 5 person participating with the approval of the director the~~
1 6 agents of the state or a political subdivision in the
1 7 prevention or mitigation of damages from a hazardous condition
1 8 or the cleanup of a hazardous substance involved in a
1 9 hazardous condition.

1 10 Sec. 2. Section 455B.381, Code 2009, is amended by adding
1 11 the following new subsection:

1 12 NEW SUBSECTION. 7A. "Political subdivision" means any
1 13 municipality, township, or county, or district, or authority,
1 14 or any portion, or combination of two or more thereof,
1 15 including but not limited to any emergency services and
1 16 emergency management agency established pursuant to chapter
1 17 28E or 29C, and any municipal fire departments and ambulance
1 18 services and agents thereof.

1 19 Sec. 3. Section 455B.392, subsections 1, 5, 6, and 7, Code
1 20 2009, are amended to read as follows:

1 21 1. A person having control over a hazardous substance is
1 22 strictly liable to the state or a political subdivision for
1 23 all of the following:

1 24 a. The reasonable cleanup costs incurred by the state or
1 25 its political subdivisions, ~~by governmental subdivisions, or~~
~~1 26 by any other persons participating in the prevention or~~
~~1 27 mitigation of damages with the approval of the director, or~~
1 28 the agents of the state or a political subdivision as a result
1 29 of the failure of the person to clean up a hazardous substance
1 30 involved in a hazardous condition caused by that person.

1 31 b. The reasonable costs incurred by the state or its
1 32 political subdivisions or the agents of the state or a
1 33 political subdivision to evacuate people from the area
1 34 threatened by a hazardous condition caused by the person.

1 35 c. The reasonable damages to the state for the injury to,



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2 1 destruction of, or loss of natural resources resulting from a
2 2 hazardous condition caused by that person including the costs
2 3 of assessing the injury, destruction, or loss.
2 4 d. The excessive and extraordinary cost, ~~excluding~~
~~2 5 salaries,~~ incurred by the ~~department~~ state or its political
2 6 subdivisions or the agents of the state or a political
2 7 subdivision in responding at and to the scene of a hazardous
2 8 condition caused by that person.
2 9 If the failure is willful, the person is liable for
2 10 punitive damages not to exceed triple the cleanup costs
2 11 incurred by the state or its political subdivisions or the
2 12 agents of the state or a political subdivision. Prompt and
2 13 good faith notification to the ~~director~~ state or a political
2 14 subdivision by the person having control over a hazardous
2 15 substance that the person does not have the resources or
2 16 managerial capability to begin or continue cleanup, or a good
2 17 faith effort to clean up, relieves the person of liability for
2 18 punitive damages, but not for actual cleanup costs. ~~The~~
~~2 19 director shall keep a record of all expenses incurred in~~
~~2 20 carrying out a project or activity authorized by this part.~~
2 21 ~~Claims by the state under this subsection may be appealed~~
~~2 22 to the commission by the person filing a written notice of~~
~~2 23 appeal within thirty days after receipt of the bill shall be~~
2 24 made by the state agency or the political subdivision that
2 25 incurred costs or damages under this subsection, and such
2 26 costs or damages will be subject to administrative and
2 27 judicial review, including the terms of chapter 17A when
2 28 appropriate. If administrative or judicial review is sought,
2 29 a political subdivision making a claim shall submit an
2 30 advisory request to the department to determine whether the
2 31 cleanup actions serving as the basis for the cleanup costs
2 32 were consistent with this chapter. The department shall
2 33 respond in writing to a request within thirty days of
2 34 receiving the request.
2 35 5. Money collected by the department pursuant to this



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3 1 section shall be deposited in the hazardous waste remedial
3 2 fund created in section 455B.423. Moneys shall be used ~~to~~
~~3 3 reimburse governmental subdivisions requested to assist in the~~
~~3 4 cleanup for which the moneys were collected. The remainder of~~
~~3 5 the moneys shall be used in the manner permitted for the fund.~~
3 6 Moneys collected by a state agency other than the department
3 7 of natural resources pursuant to this section are appropriated
3 8 to that agency for purposes of reimbursing costs of the agency
3 9 for emergency response activities described in subsection 1.
3 10 Moneys collected by a political subdivision pursuant to this
3 11 section shall be retained by the political subdivision and
3 12 shall be used for purposes of reimbursing costs of the
3 13 political subdivision for emergency response activities
3 14 described in subsection 1.

3 15 6. This section does not deny any person any legal or
3 16 equitable rights, remedies or defenses or affect any legal
3 17 relationship other than the legal relationship between the
3 18 state or a political subdivision and a person having control
3 19 over a hazardous substance pursuant to subsection 1.

3 20 7. a. There is no liability under this section for a
3 21 person who has satisfied the requirements of section 455B.381,
3 22 subsection 7, unnumbered paragraph 2, regardless of when that
3 23 person acquired title or right to title to the hazardous
3 24 condition site, except that a person otherwise exempt from
3 25 liability under this subsection shall be liable to the state
3 26 or a political subdivision for the lesser of:

3 27 (1) The total reasonable cleanup costs incurred by the
3 28 state to clean up a hazardous substance at the hazardous
3 29 condition site; or

3 30 (2) The amount representing the postcleanup fair market
3 31 value of the property comprising the hazardous condition site.

3 32 b. Liability under this subsection shall only be imposed
3 33 when the person holds title to the hazardous condition site at
3 34 the time the state or a political subdivision incurs
3 35 reasonable cleanup costs.



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4 1 c. For purposes of this subsection, "postcleanup fair
4 2 market value" means the actual amount of consideration
4 3 received by such person upon sale or transfer of the hazardous
4 4 condition site which has been cleaned up by the state or a
4 5 political subdivision to a bona fide purchaser for value.

4 6 d. Cleanup expenses incurred by the state or a political
4 7 subdivision shall be a lien upon the real estate constituting
4 8 the hazardous condition site, recordable and collectable in
4 9 the same manner as provided for in section 424.11, subject to
4 10 the terms of this subsection. The lien shall attach at the
4 11 time the state or a political subdivision incurs expenses to
4 12 clean up the hazardous condition site. The lien shall be
4 13 valid as against subsequent mortgagees, purchasers, or
4 14 judgment creditors, for value and without notice of the lien,
4 15 only when a notice of the lien is filed with the recorder of
4 16 the county in which the property is located. Upon payment by
4 17 the person to the state or a political subdivision, of the
4 18 amount specified in this subsection, the state or a political
4 19 subdivision shall release the lien. If no lien has been
4 20 recorded at the time the person sells or transfers the
4 21 property, then the person shall not be liable for any cleanup
4 22 costs incurred by the state or a political subdivision.

4 23 Sec. 4. Section 455B.396, Code 2009, is amended to read as
4 24 follows:

4 25 455B.396 CLAIM OF STATE.

4 26 Liability to the state under this part or part 5 of this
4 27 division is a debt to the state. Liability to a political
4 28 subdivision under this part of this division is a debt to the
4 29 political subdivision. The debt, together with interest on
4 30 the debt at the maximum lawful rate of interest permitted
4 31 pursuant to section 535.2, subsection 3, paragraph "a" from
4 32 the date costs and expenses are incurred by the ~~department~~
4 33 state or a political subdivision is a lien on real property,
4 34 except single and multifamily residential property, on which
4 35 the department incurs costs and expenses creating a liability



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5 1 and owned by the persons liable under this part or part 5. To
5 2 perfect the lien a statement of claim describing the property
5 3 subject to the lien, ~~signed by the director and approved by~~
~~5 4 the commission~~ must be filed within one hundred twenty days
5 5 after the incurrence of costs and expenses by the ~~department~~
5 6 state or a political subdivision. The statement shall be
5 7 filed with, accepted by, and recorded by the county recorder
5 8 in the county in which the property subject to the lien is
5 9 located. The statement of claim may be amended to include
5 10 subsequent liabilities. To be effective the statement of
5 11 claim shall be amended and filed within one hundred twenty
5 12 days after the occurrence of the event resulting in the
5 13 amendment.

5 14 The lien may be dissolved by filing with the appropriate
5 15 recording officials a certificate, ~~signed by the director,~~
5 16 that the debt for which the lien is attached, together with
5 17 interest and costs on the debt, has been paid or legally
5 18 abated.

5 19 EXPLANATION

5 20 This bill relates to the reimbursement of hazardous
5 21 substance cleanup costs.

5 22 The bill requires a person having control over a hazardous
5 23 substance to be strictly liable to the state or a political
5 24 subdivision of the state for various costs incurred by and
5 25 damages to the state or a political subdivision associated
5 26 with a hazardous condition. The bill provides that claims
5 27 shall be made by a state agency or political subdivision for
5 28 costs or damages incurred and that the claims are subject to
5 29 administrative and judicial review. The bill provides that if
5 30 administrative or judicial review is sought, a political
5 31 subdivision making a claim shall submit an advisory request to
5 32 the department of natural resources to determine whether the
5 33 cleanup actions serving as the basis for the cleanup costs
5 34 were consistent with Code chapter 455B.

5 35 The bill provides that money collected by the department of



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6 1 natural resources shall be deposited in the hazardous waste
6 2 remedial fund. The bill provides that moneys collected by a
6 3 state agency other than the department of natural resources
6 4 are appropriated to that agency for purposes of reimbursing
6 5 costs of the agency for emergency response activities related
6 6 to the hazardous condition. The bill provides that moneys
6 7 collected by a political subdivision shall be retained by the
6 8 political subdivision and shall be used for purposes of
6 9 reimbursing costs of the political subdivision for emergency
6 10 response activities related to the hazardous condition.
6 11 LSB 1203SV 83
6 12 tm/sc/14



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Senate File 329 - Introduced

SENATE FILE
BY BOETTGER

(COMPANION TO LSB 2006HH
BY ZIRKELBACH)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for the establishment of a financial literacy
- 2 council within the office of the governor, providing for its
- 3 future repeal, and providing an effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2006SS 83
- 6 kh/sc/14



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Senate File 329 - Introduced continued

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1 1 Section 1. NEW SECTION. 256.29 FINANCIAL LITERACY
1 2 COUNCIL.
1 3 1. COUNCIL ESTABLISHED. A financial literacy council is
1 4 established within the office of the governor. The office of
1 5 the governor shall provide staff support to the council.
1 6 2. PURPOSE.
1 7 a. The purpose of the council shall be to improve the
1 8 financial literacy of Iowa citizens. The council shall
1 9 develop and implement, if sufficient funds are appropriated by
1 10 the general assembly, financial education efforts for youth
1 11 and adults in collaboration with other state agencies, private
1 12 entities, educational institutions, and other not-for-profit
1 13 institutions.
1 14 b. For purposes of this section, "financial literacy"
1 15 includes but is not limited to financial responsibility and
1 16 planning skills; money management skills, including setting
1 17 financial goals, creating spending plans, and using financial
1 18 instruments; applying decision-making skills to analyze debt
1 19 incurrence and debt management; understanding risk management,
1 20 including the features and functions of insurance; and
1 21 understanding saving and investing as applied to long-term
1 22 financial security and asset building.
1 23 3. POWERS AND DUTIES.
1 24 a. The council shall do all of the following:
1 25 (1) Strengthen and coordinate public and private sector
1 26 financial education programs.
1 27 (2) Create a strategic plan to develop, communicate, and
1 28 integrate financial literacy knowledge and information in the
1 29 lives of Iowa's citizens through the distribution of
1 30 educational materials and programs designed for youth and
1 31 adults.
1 32 (3) Act as a clearinghouse for information on financial
1 33 literacy programs and curriculum in Iowa and the availability
1 34 of resources for financial literacy programming.
1 35 (4) Establish and make available to the public a single



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2 1 state resource for consumers to contact for financial
2 2 assistance and consumer protection.
2 3 (5) Study and recommend methods to provide youth and
2 4 adults with the tools and resources needed to make informed
2 5 financial decisions.
2 6 (6) Study and make recommendations for the establishment
2 7 of an outreach program to educate youth and adults through
2 8 public meetings or seminars or the distribution of materials.
2 9 (7) Develop a unified interagency strategy for state and
2 10 local governments to coordinate the development and
2 11 distribution of their financial literacy resources efficiently
2 12 and effectively and to eliminate duplication.
2 13 b. To the extent possible, the council may procure
2 14 information from and coordinate with any state agency, public
2 15 entity, political subdivision, municipal corporation,
2 16 educational institution, not-for-profit institution, private
2 17 entity, or public officer to carry out its responsibilities
2 18 under this section.
2 19 4. MEMBERSHIP.
2 20 a. The council shall be comprised of fifteen members
2 21 appointed by the governor to three-year staggered terms as
2 22 designated by the governor.
2 23 b. In selecting the members of the board, consideration
2 24 shall be given to their knowledge, ability, and experience in
2 25 financial education and financial services, including persons
2 26 with backgrounds as providers, consumers, educators, and
2 27 advocates of financial education and financial services. At
2 28 least two members shall be members of the general public.
2 29 Members shall be from urban, suburban, and rural areas of the
2 30 state.
2 31 c. The council shall annually elect its own chairperson
2 32 and vice-chairperson from among the members of the council.
2 33 The council shall meet at least quarterly and at the call of
2 34 the chairperson or upon the written request to the chairperson
2 35 of eight or more members. A majority of the members of the



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3 1 council constitutes a quorum. Vacancies shall be filled by
3 2 appointment of the governor for the unexpired term of the
3 3 original appointee. Members are entitled to receive
3 4 reimbursement for actual and necessary expenses incurred in
3 5 performance of their official duties. Members are also
3 6 entitled to receive compensation as provided in section 7E.6.
3 7 All expense moneys paid to the members shall be paid from
3 8 funds appropriated to the office of the governor.

3 9 5. REPORTS. By January 15 annually, the council shall
3 10 submit a detailed list of its activities, expenditures,
3 11 anticipated and available financial resources, and
3 12 recommendations in a report to the governor and the general
3 13 assembly.

3 14 6. FINANCIAL RESOURCES. The council may accept grants and
3 15 donations, and shall apply for any federal, state, or private
3 16 grants available, to fund the activities and materials
3 17 developed, implemented, or distributed in accordance with this
3 18 section. Any grants or donations received shall be deposited
3 19 in a separate fund in the state treasury and used exclusively
3 20 in accordance with this section or, if received from the
3 21 federal government, as federal law directs.

3 22 7. REPEAL. This section is repealed June 30, 2014.

3 23 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
3 24 immediate importance, takes effect upon enactment.

3 25 EXPLANATION

3 26 This bill establishes a financial literacy council within
3 27 the office of the governor. The council is directed to
3 28 develop and implement, if sufficient funds are appropriated by
3 29 the general assembly, financial education efforts for youth
3 30 and adults in collaboration with other state agencies, private
3 31 entities, educational institutions, and other not-for-profit
3 32 institutions.

3 33 "Financial literacy" includes but is not limited to
3 34 financial responsibility and planning skills; money management
3 35 skills, including setting financial goals, creating spending



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4 1 plans, and using financial instruments; applying
4 2 decision-making skills to analyze debt incurrence and debt
4 3 management; understanding risk management, including the
4 4 features and functions of insurance; and understanding saving
4 5 and investing as applied to long-term financial security and
4 6 asset building.
4 7 The bill enumerates the powers and duties of the 15-member
4 8 council. The council is authorized, to the extent possible,
4 9 to procure information from and coordinate with any state
4 10 agency, political subdivision, municipal corporation, school
4 11 district, public or private entity, or public officer to carry
4 12 out its responsibilities. Members will be reimbursed for
4 13 actual and necessary expenses incurred in performance of their
4 14 official duties and are entitled to receive compensation.
4 15 Expense moneys are to be paid from funds appropriated to the
4 16 governor's office.
4 17 The council must submit a detailed list of its activities,
4 18 expenditures, and anticipated and available financial
4 19 resources, and its recommendations in a report to the governor
4 20 and the general assembly by January 15 annually.
4 21 The council may accept grants and donations and shall apply
4 22 for any federal, state, or private grants available to fund
4 23 the activities and materials developed, implemented, or
4 24 distributed by the council.
4 25 The provision establishing the council is repealed June 30,
4 26 2014.
4 27 The bill takes effect upon enactment.
4 28 LSB 2006SS 83
4 29 kh/sc/14



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Senate File 330 - Introduced

SENATE FILE
BY BOETTGER

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

A BILL FOR

1 An Act relating to the installation of certain fire suppression
2 systems in the restoration or remodeling of a building
3 constructed before 1910.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2491SS 83
6 jr/nh/14



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Senate File 330 - Introduced continued

PAG LIN

1 1 Section 1. Section 100.35, Code 2009, is amended to read
1 2 as follows:
1 3 100.35 RULES OF MARSHAL.
1 4 1. The fire marshal shall adopt, and may amend rules under
1 5 chapter 17A, which include standards relating to exits and
1 6 exit lights, fire escapes, fire protection, fire safety and
1 7 the elimination of fire hazards, in and for churches, schools,
1 8 hotels, theaters, amphitheaters, hospitals, health care
1 9 facilities as defined in section 135C.1, boarding homes or
1 10 housing, rest homes, dormitories, college buildings, lodge
1 11 halls, club rooms, public meeting places, places of amusement,
1 12 apartment buildings, food establishments as defined in section
1 13 137F.1, and all other buildings or structures in which persons
1 14 congregate from time to time, whether publicly or privately
1 15 owned. Violation of a rule adopted by the fire marshal is a
1 16 simple misdemeanor. However, upon proof that the fire marshal
1 17 gave written notice to the defendant of the violation, and
1 18 proof that the violation constituted a clear and present
1 19 danger to life, and proof that the defendant failed to
1 20 eliminate the condition giving rise to the violation within
1 21 thirty days after receipt of notice from the fire marshal, the
1 22 penalty is that provided by law for a serious misdemeanor.
1 23 Each day of the continuing violation of a rule after
1 24 conviction of a violation of the rule is a separate offense.
1 25 A conviction is subject to appeal as in other criminal cases.
1 26 2. Rules by the fire marshal affecting the construction of
1 27 new buildings, additions to buildings or rehabilitation of
1 28 existing buildings and related to fire protection, shall be
1 29 substantially in accord with the provisions of the nationally
1 30 recognized building and related codes adopted as the state
1 31 building code pursuant to section 103A.7 or with codes adopted
1 32 by a local subdivision which are in substantial accord with
1 33 the codes comprising the state building code. The rules
1 34 adopted by the fire marshal shall not require the installation
1 35 of fire sprinklers or a related fire suppression system in the



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Senate File 330 - Introduced continued

2 1 restoration or remodeling of a building constructed before
2 2 1910.

2 3 3. The rules adopted by the state fire marshal under this
2 4 section shall provide standards for fire resistance of
2 5 cellulose insulation sold or used in this state, whether for
2 6 public or private use. The rules shall provide for approval
2 7 of the cellulose insulation by at least one nationally
2 8 recognized independent testing laboratory.

2 9 Sec. 2. Section 103A.7, subsection 2, paragraph d, Code
2 10 2009, is amended to read as follows:

2 11 d. Protection of the health, safety, and welfare of
2 12 occupants and users. The rules adopted by the state building
2 13 code commissioner shall not require the installation of fire
2 14 sprinklers or a related fire suppression system in the
2 15 restoration or remodeling of a building constructed before
2 16 1910.

2 17 Sec. 3. Section 331.304, subsection 3, Code 2009, is
2 18 amended by adding the following new paragraph:

2 19 NEW PARAGRAPH. c. A county building code shall not
2 20 require the installation of fire sprinklers or a related fire
2 21 suppression system in the restoration or remodeling of a
2 22 building constructed before 1910.

2 23 Sec. 4. Section 364.17, Code 2009, is amended by adding
2 24 the following new subsection:

2 25 NEW SUBSECTION. 8. A building or housing code adopted by
2 26 a city shall not require the installation of fire sprinklers
2 27 or a related fire suppression system in the restoration or
2 28 remodeling of a building constructed before 1910.

2 29 EXPLANATION

2 30 This bill provides that the rules of the fire marshal, the
2 31 state building code, or a building code adopted by a city or
2 32 county shall not require the installation of fire sprinklers
2 33 or a related fire suppression system in the restoration or
2 34 remodeling of a building constructed before 1910.

2 35 LSB 2491SS 83



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Senate File 330 - Introduced continued

3 1 jr/nh/14



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Senate File 331 - Introduced

SENATE FILE
BY COMMITTEE ON ECONOMIC GROWTH

(SUCCESSOR TO SSB 1088)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning fine arts projects in state buildings.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1282SV 83
- 4 ec/sc/8



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Senate File 331 - Introduced continued

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1 1 Section 1. Section 304A.10, Code 2009, is amended to read
1 2 as follows:
1 3 304A.10 COST OF FINE ARTS == PERCENTAGE.
1 4 The total estimated cost of the fine arts elements included
1 5 in a plan and specifications for a state building or group of
1 6 state buildings in accordance with the purposes of this
1 7 division shall in no case be less than ~~one-half~~ of one percent
1 8 of the total estimated cost of such building or group of
1 9 buildings. This percentage allocation shall not be diminished
1 10 by professional fees. By September 1 annually, the
1 11 contracting officer or principal user shall submit to the
1 12 department of cultural affairs the total amount of state
1 13 financial assistance expended in accordance with this section
1 14 during the previous fiscal year. If deemed in the best
1 15 interests of the citizens, funds allocated for the acquisition
1 16 of fine arts may be accumulated over more than one
1 17 appropriation or fiscal period or combined to complete
1 18 significant projects, ~~however, this sentence does not~~
~~1 19 authorize interproject transfers with prior approval of the~~
~~1 20 Iowa arts council. The total estimated cost of the fine arts~~
~~1 21 elements included in a plan and specifications for a state~~
~~1 22 building or group of state buildings in accordance with this~~
~~1 23 section shall be included by the department of cultural~~
~~1 24 affairs in calculating the amount of state financial~~
~~1 25 assistance for the arts for purposes of national ranking~~
~~1 26 surveys. By January 1 annually, the department of cultural~~
~~1 27 affairs shall submit a summary of the total amount of state~~
~~1 28 financial assistance expended in accordance with this section~~
~~1 29 and for which state buildings the assistance was expended.~~
1 30 Sec. 2. Section 304A.12, Code 2009, is amended to read as
1 31 follows:
1 32 304A.12 SEPARATE CONTRACT == MAINTENANCE ACCOUNT.
1 33 1. Contracts for the fine arts elements shall be executed
1 34 within the limits of the actual costs as determined by section
1 35 304A.10. Funds in the amount of one percent of the total



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2 1 estimated cost of the fine arts elements, as determined by
2 2 section 304A.10, shall be transferred to the arts division for
2 3 administration of the program. All expenses related to the
2 4 acquisition of the fine arts elements shall be contracted for
2 5 separately by the arts division with the funds allocated for
2 6 these purposes. In addition, an amount equal to ten percent
2 7 of the total estimated cost of the fine arts elements, as
2 8 determined by section 304A.10, for a project shall be
2 9 deposited in the maintenance and conservation fund created in
2 10 this section.

2 11 2. A maintenance and conservation fund is created in the
2 12 state treasury under the control of the arts division of the
2 13 department of cultural affairs. Moneys credited to the fund
2 14 as provided in this section, and interest and earnings on that
2 15 money, shall be accounted for and appropriated to the arts
2 16 division to be used for the maintenance and conservation of
2 17 fine arts elements acquired. Notwithstanding section 8.33,
2 18 moneys credited to the fund that remain unencumbered or
2 19 unobligated at the close of the fiscal year shall not revert
2 20 but shall remain available for expenditure for the purpose
2 21 designated.

2 22

EXPLANATION

2 23 This bill concerns fine arts projects in state buildings.

2 24 The bill provides that 1 percent of the total estimated
2 25 cost of projects for a state building or group of state
2 26 buildings shall be used for fine arts elements. Fine arts
2 27 elements is defined in current law to include sculptures,
2 28 fountains, etc. Current law provides that .5 percent shall be
2 29 used for fine arts elements.

2 30 The bill also allows funds allocated for fine arts to be
2 31 accumulated and used over more than one fiscal period and to
2 32 be combined to complete significant projects with the approval
2 33 of the Iowa arts council.

2 34 The bill also provides that 10 percent of the moneys for
2 35 fine arts elements in a particular state building project



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3 1 shall be transferred to a new maintenance and conservation
3 2 fund under the control of the arts division of the department
3 3 of cultural affairs. The bill provides that moneys credited
3 4 to the fund shall be used for the maintenance and conservation
3 5 of fine arts elements acquired.
3 6 LSB 1282SV 83
3 7 ec/sc/8



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Senate File 332 - Introduced

SENATE FILE
BY WARNSTADT, BOLKCOM, RAGAN,
WILHELM, HECKROTH, and
OLIVE

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

A BILL FOR

1 An Act establishing a local food and farm task force, providing
2 for a local food and farm plan, and providing for an effective
3 date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLBS 2461XS 83
6 da/nh/8



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Senate File 332 - Introduced continued

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1 1 Section 1. LOCAL FOOD AND FARM TASK FORCE == CREATION AND
1 2 APPOINTMENT.
1 3 1. A local food and farm task force is created.
1 4 2. The members of the local food and farm task force shall
1 5 include all of the following:
1 6 a. Members representing state government including all of
1 7 the following:
1 8 (1) The secretary of agriculture or the secretary's
1 9 designee, and one person designated by the secretary of
1 10 agriculture who is authorized by the department of agriculture
1 11 and land stewardship to certify food as organic pursuant to
1 12 section 190C.2B.
1 13 (2) The director of the department of economic development
1 14 or the department's designee.
1 15 (3) The director of the department of human services or
1 16 the director's designee.
1 17 b. The following members appointed by the governor:
1 18 (1) Four individuals actively engaged in farming,
1 19 including individuals actively engaged in dairy, meat,
1 20 vegetable, and grain production.
1 21 (2) Four individuals who are actively involved in
1 22 specialty commodity production including flower, fruit,
1 23 viticulture, aquaculture, fiber, vegetable, and ornamental
1 24 production.
1 25 (3) Two individuals actively engaged in the distribution
1 26 of locally produced food, including one distributor of organic
1 27 food as certified pursuant to chapter 190C, and one
1 28 distributor of nonorganic food.
1 29 (4) One individual representing the interests of
1 30 consumers.
1 31 (5) Two individuals representing farm organizations.
1 32 (6) One individual actively engaged in the retail sale of
1 33 food.
1 34 (7) Two individuals representing two different cities.
1 35 (8) Four individuals representing community-based



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2 1 organizations interested in food access.
2 2 Sec. 2. LOCAL FOOD AND FARM TASK FORCE == ADMINISTRATION.
2 3 1. The local food and farm task force shall elect a
2 4 chairperson. The task force shall meet on a regular basis and
2 5 at the call of the chairperson or upon the written request to
2 6 the chairperson of ten or more members. Thirteen members
2 7 constitute a quorum and the affirmative vote of a majority of
2 8 the members present is necessary for any substantive action to
2 9 be taken by the task force. The majority shall not include
2 10 any member who has a conflict of interest and a statement by a
2 11 member that the member has a conflict of interest is
2 12 conclusive for this purpose. A vacancy in the membership does
2 13 not impair the duties of the task force.
2 14 2. Notwithstanding section 7E.6, the members shall only
2 15 receive reimbursement for actual expenses for performance of
2 16 their official duties, as provided by the department of
2 17 agriculture and land stewardship.
2 18 3. The task force shall be staffed by the department of
2 19 agriculture and land stewardship.
2 20 Sec. 3. LOCAL FOOD AND FARM TASK FORCE == LOCAL FOOD AND
2 21 FARM PLAN.
2 22 1. The local food and farm task force shall prepare a
2 23 local food and farm plan containing policy and funding
2 24 recommendations for expanding and supporting local food
2 25 systems and for assessing and overcoming obstacles necessary
2 26 to increase locally grown food production. The plan shall at
2 27 least do all of the following:
2 28 a. Identify financial incentives, technical support, and
2 29 training necessary to assist farmers to transition to local,
2 30 organic, and specialty crop production by minimizing financial
2 31 losses incurred during the transition period, including for
2 32 the production of organic food as provided in chapter 190C,
2 33 and to assist with associated record keeping requirements.
2 34 b. Identify strategies and funding needs to make fresh and
2 35 affordable locally grown foods more accessible, both in rural



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Senate File 332 - Introduced continued

3 1 and urban communities, with an emphasis on creating new food
3 2 outlets in communities that need them.
3 3 c. Identify the financial and technical support necessary
3 4 to develop or expand all of the following:
3 5 (1) Connections between landowners, farmers, buyers, and
3 6 consumers.
3 7 (2) Local food infrastructures for processing, storing,
3 8 and distributing food.
3 9 (3) New food and agriculture-related businesses for local
3 10 food and organic food production and distribution, such as
3 11 on-farm processing, micro-markets, incubator kitchens, and
3 12 marketing and communications businesses.
3 13 (4) Farmers markets, roadside markets, and local grocery
3 14 stores in unserved and underserved areas, as well as the
3 15 creation of year-round public markets in larger communities.
3 16 d. Research, identify, and coordinate best practices and
3 17 opportunities for the development or expansion of local food
3 18 and organic food production.
3 19 e. Identify opportunities to educate the public and
3 20 farmers regarding the benefits of local foods systems.
3 21 f. Identify legal impediments to local food and organic
3 22 food production, and develop recommendations for a remedy.
3 23 2. The local food and farm task force shall submit a local
3 24 food and farm plan to the general assembly by January 10,
3 25 2010.
3 26 Sec. 4. This Act is repealed on January 10, 2010.
3 27 Sec. 5. EFFECTIVE DATE. This Act, being deemed of
3 28 immediate importance, takes effect upon enactment.
3 29 EXPLANATION
3 30 This bill provides for the establishment of a local food
3 31 and farm task force which includes state officials of the
3 32 department of agriculture and land stewardship, the department
3 33 of economic development, and the department of human services
3 34 as well as other persons appointed by the governor who are
3 35 actively involved in or interested in food that is locally



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4 1 produced, stored, distributed, sold, and consumed in this
4 2 state.
4 3 The bill provides procedures for the administration of the
4 4 task force and for reimbursement of expenses.
4 5 The bill requires the task force to prepare a local food
4 6 and farm plan containing policy and funding recommendations
4 7 for expanding and supporting local food systems and for
4 8 assessing and overcoming obstacles necessary to increase
4 9 locally grown food production. The plan must be submitted to
4 10 the general assembly by January 10, 2010, and the task force
4 11 is eliminated on that same day.
4 12 LSB 2461XS 83
4 13 da/nh/8



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Senate Resolution 14 - Introduced

PAG LIN

S.R. _____ H.R. _____

1 1 SENATE RESOLUTION NO.
1 2 BY KIBBIE and JOHNSON
1 3 A Resolution urging the United States Environmental
1 4 Protection Agency to authorize the use of higher blends
1 5 of ethanol in nonflex fuel vehicles.
1 6 WHEREAS, the state of Iowa is the leading state in
1 7 the production of ethanol and using ethanol in its
1 8 vehicles; and
1 9 WHEREAS, the state of Iowa, like other ethanol
1 10 producing states, will be forced to curtail ethanol
1 11 production due to artificial regulatory barriers; and
1 12 WHEREAS, the United States Environmental Protection
1 13 Agency has not yet approved the use of ethanol blends
1 14 in excess of 10 percent in nonflex fuel vehicles,
1 15 although the agency has the authority to approve the
1 16 use of higher ethanol blends in such vehicles; and
1 17 WHEREAS, nonflex fuel vehicles run safely using
1 18 ethanol blends of E=20, E=30, and E=40; and
1 19 WHEREAS, the federal Energy Independence and
1 20 Security Act of 2007, Pub. L. No. 110=140, requires
1 21 the increased use of ethanol, a requirement that could
1 22 be addressed through the use of higher ethanol blends
1 23 in nonflex fuel vehicles; and
1 24 WHEREAS, numerous studies have shown favorable
1 25 emissions data through the use of E=20 and E=30 in
1 26 comparison with unleaded gasoline; and
1 27 WHEREAS, authorizing the use of higher blends of
1 28 ethanol in nonflex fuel vehicles will double or triple
1 29 the use of American=grown ethanol; and
1 30 WHEREAS, the increased production of ethanol and



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Senate Resolution 14 - Introduced continued

2 1 related job creation will benefit Iowa significantly,
2 2 as well as benefit Iowa drivers and fuel consumers
2 3 through the use of additional ethanol blends at lower
2 4 cost, and through greater fuel efficiency in some
2 5 vehicles using ethanol blends; and
2 6 WHEREAS, this state and nation continue to strive
2 7 for energy independence, and increasing the use of
2 8 ethanol and other biofuels is one more approach toward
2 9 reaching self-sufficiency; NOW THEREFORE,
2 10 BE IT RESOLVED BY THE SENATE, That the Iowa Senate
2 11 strongly supports and urges the prompt authorization
2 12 and implementation by the United States Environmental
2 13 Protection Agency and other appropriate federal
2 14 agencies of the use of higher levels of ethanol blends
2 15 in nonflex fuel vehicles; and
2 16 BE IT FURTHER RESOLVED, That copies of this
2 17 resolution be sent to the President of the United
2 18 States, the President of the United States Senate, the
2 19 Speaker of the United States House of Representatives,
2 20 members of the Iowa congressional delegation, and the
2 21 Administrator of the United States Environmental
2 22 Protection Agency.
2 23 LSB 1984SS 83
2 24 da/rj/14



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Senate Study Bill 1282

SENATE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON KREIMAN)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act to eliminate an obsolete Code section reference in a
2 utility replacement tax allocation of revenue requirement
3 involving new major additions to taxpayer property.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2401SC 83
6 lh/mg:sc/14



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Senate Study Bill 1282 continued

PAG LIN

1 1 Section 1. Section 437A.15, subsection 3, paragraph e,
1 2 Code 2009, is amended to read as follows:
1 3 e. Notwithstanding the provisions of this section, if
1 4 during the tax year a person who was not a taxpayer during the
1 5 prior tax year acquires a new major addition, as defined in
1 6 section 437A.3, subsection 18, paragraph "a", subparagraph
1 7 (4), the replacement tax associated with that major addition
1 8 shall be allocated, for that tax year, under this section in
1 9 accordance with the general allocating formula on the basis of
1 10 the general property tax equivalents established under
1 11 paragraph "a" of this subsection, except that the levy rates
1 12 established and reported to the department of management on or
1 13 before June 30 following the tax year in which the major
1 14 addition was acquired shall be applied to the prorated
1 15 assessed value of the major addition ~~and provided that section~~
~~1 16 437A.19, subsection 2, paragraph "b", subparagraph (2), is in~~
~~1 17 any event applicable.~~ For purposes of this paragraph,
1 18 "prorated assessed value of the major addition" means the
1 19 assessed value of the major addition as of January 1 of the
1 20 year following the tax year in which the major addition was
1 21 acquired multiplied by the percentage derived by dividing the
1 22 number of months that the major addition existed during the
1 23 tax year by twelve, counting any portion of a month as a full
1 24 month.

1 25 EXPLANATION

1 26 This bill strikes a reference to Code section 437A.19,
1 27 subsection 2, paragraph "b", subparagraph (2), in a provision
1 28 relating to allocation of utility replacement tax revenue.
1 29 Subparagraph (2) of Code section 437A.19, subsection 2,
1 30 paragraph "b", was stricken as a result of a rewrite of that
1 31 provision in 2007 Iowa Acts, chapter 150, which made a variety
1 32 of adjustments in the utility replacement tax law.
1 33 LSB 2401SC 83
1 34 lh/mg:sc/14



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Senate Study Bill 1283

SENATE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON KREIMAN)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to admissibility into evidence of medical records
- 2 and bills in civil cases.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2633SC 83
- 5 rh/rj/14



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Senate Study Bill 1283 continued

PAG LIN

1 1 Section 1. NEW SECTION. 622.4 ADMISSIBILITY OF MEDICAL
1 2 RECORDS AND BILLS.
1 3 1. In a civil action in which a plaintiff claims that
1 4 health care treatment was necessitated or will be necessitated
1 5 by the events giving rise to the claim or in which the
1 6 plaintiff is seeking medical, hospital, or disability
1 7 benefits, any party may offer the records and billing
1 8 statements of a care provider who provided such treatment, or
1 9 portions thereof, into evidence. Such records may include
1 10 letters or reports by the care provider, including those made
1 11 in connection with the action, that include opinions by the
1 12 care provider regarding the plaintiff's diagnosis, prognosis,
1 13 impairment, causation, or future treatment needs and costs.
1 14 2. A party intending to offer records or billing
1 15 statements of a care provider into evidence pursuant to this
1 16 section shall notify all parties of the party's intent to do
1 17 so on or before the party's deadline to designate expert
1 18 witnesses pursuant to court order or rule. The notice shall
1 19 identify the records and billing statements, or portions
1 20 thereof, that the party intends to offer. Not less than
1 21 thirty days before trial, a party shall provide all other
1 22 parties with copies of the records and billing statements, or
1 23 portions thereof, that the party intends to offer in the
1 24 exhibit form in which they will be offered. A party may
1 25 include a cover page identifying the care provider, setting
1 26 forth the dates of service, and summarizing the charges and
1 27 payments therefor.
1 28 3. a. A record or billing statement offered pursuant to
1 29 this section is admissible without supporting evidence or
1 30 testimony to identify or authenticate the record or billing
1 31 statement and to establish that the record or billing
1 32 statement is a record of a regularly conducted business
1 33 activity.
1 34 b. A record offered pursuant to this section is competent
1 35 evidence to identify or authenticate a record of all of the



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2 1 following:

2 2 (1) The existence and treatment of the plaintiff's
2 3 medical, dental, or other health condition and that the
2 4 treatment described in the record was reasonable and necessary
2 5 to treat the conditions stated.

2 6 (2) The opinions of the care provider as they relate to
2 7 the diagnosis, prognosis, causation, and future treatment
2 8 needs and costs of the plaintiff without additional supporting
2 9 testimony.

2 10 c. A billing statement offered pursuant to this section is
2 11 competent evidence of the amount and reasonableness of the
2 12 charges for the treatment or materials provided.

2 13 4. This section shall not prohibit a party, including a
2 14 party offering records or billing statements under this
2 15 section, from objecting to the admissibility of records or
2 16 billing statements or portions thereof, or from redacting
2 17 information in such records or billing statements, on any
2 18 other grounds. If the party offering records or billing
2 19 statements under this section has made any redactions thereto,
2 20 the party shall notify all parties about the redactions at the
2 21 time that the records or billing statements are provided in
2 22 exhibit form. A party who objects to the form of a record or
2 23 billing statement or to some or all of its content, or to
2 24 redactions made thereto by the offering party, shall raise the
2 25 objection with the court within ten days of service upon that
2 26 party of the record or billing statement in exhibit form. If
2 27 a party contests the authenticity or identification of a
2 28 record or billing statement offered pursuant to this section,
2 29 or claims that the offered record or billing statement was not
2 30 made in the regular course of the business of the care
2 31 provider, the burden shall be on the objecting party to prove
2 32 such to the court.

2 33 5. This section shall not be construed to do any of the
2 34 following:

2 35 a. Prohibit any party, including an offering party, from



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Senate Study Bill 1283 continued

3 1 examining a care provider by deposition or at trial at that
3 2 party's expense or from presenting supporting or contrary
3 3 expert testimony.

3 4 b. Impose a duty upon a care provider to provide the care
3 5 provider's opinions in letter or report form, except as
3 6 otherwise required by law.

3 7 c. Alter the rights and limitations of a party or that
3 8 party's legal counsel to communicate with a care provider
3 9 pursuant to section 622.10.

3 10 d. Prohibit or alter the admissibility of records or
3 11 billing statements that are otherwise admissible under the
3 12 rules of evidence.

3 13 e. Change the timing of disclosure of expert opinions
3 14 pursuant to court order or rule.

3 15 6. As used in this section, "care provider" means any
3 16 physician or surgeon, physician assistant, advanced registered
3 17 nurse practitioner, mental health professional, dentist,
3 18 chiropractor, or other person who furnishes health care in the
3 19 regular course of business.

3 20 7. This section does not apply to records or billing
3 21 statements of a care provider retained by the plaintiff in
3 22 anticipation of litigation or for trial unless those care
3 23 providers have personally examined the plaintiff.

3 24 EXPLANATION

3 25 This bill relates to the admissibility of medical records
3 26 and billing statements in civil cases.

3 27 The bill provides that in a civil action in which a
3 28 plaintiff claims that health care treatment was necessitated
3 29 or will be necessitated by the events giving rise to the claim
3 30 or in which the plaintiff is seeking medical, hospital, or
3 31 disability benefits, any party may offer the records and
3 32 billing statements of a care provider who provided such
3 33 treatment, or portions thereof, into evidence. Such records
3 34 may include letters or reports by the care provider that
3 35 include opinions by the care provider regarding the



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4 1 plaintiff's diagnosis, prognosis, impairment, causation, or
4 2 future treatment needs and costs. The bill defines "care
4 3 provider" as any physician or surgeon, physician assistant,
4 4 advanced registered nurse practitioner, mental health
4 5 professional, dentist, chiropractor, or other person who
4 6 furnishes health care in the regular course of business.
4 7 The bill provides that a party intending to offer records
4 8 or billing statements of a care provider into evidence shall
4 9 notify all parties of the party's intent to do so on or before
4 10 the party's deadline to designate expert witnesses pursuant to
4 11 court order or rule. The notice shall identify the records
4 12 and billing statements, or portions thereof, that the party
4 13 intends to offer. Not less than 30 days before trial, the
4 14 party shall provide all parties with copies of the records and
4 15 billing statements, or portions thereof, that the party
4 16 intends to offer in the exhibit form in which they will be
4 17 offered. A party may include a cover page identifying the
4 18 care provider, setting forth the dates of service, and
4 19 summarizing the charges and payments.
4 20 The bill provides that a record or billing statement is
4 21 admissible without supporting evidence or testimony to
4 22 identify or authenticate the record or billing statement and
4 23 to establish that the record or billing statement is a record
4 24 of a regularly conducted business activity. A record that is
4 25 offered is competent evidence to identify or authenticate a
4 26 record of all of the existence and treatment of the
4 27 plaintiff's medical, dental, or other health condition and
4 28 that the treatment was reasonable and necessary to treat the
4 29 conditions stated and the opinions of the care provider as
4 30 they relate to the diagnosis, prognosis, causation, and future
4 31 treatment needs and costs of the plaintiff without additional
4 32 supporting testimony. A billing statement that is offered is
4 33 competent evidence of the amount and reasonableness of the
4 34 charges for the treatment or materials provided.
4 35 The bill does not prohibit a party from objecting to the



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5 1 admissibility of records or statements or portions thereof, or
5 2 from redacting information in such records or statements, on
5 3 any other grounds. If the party offering records or billing
5 4 statements has made any redactions, the party shall notify all
5 5 parties about the redactions at the time that the records or
5 6 billing statements are provided in exhibit form. A party who
5 7 objects to the form of a record or billing statement or to
5 8 some or all of its content, or to redactions made by the
5 9 offering party, shall raise the objection with the court
5 10 within 10 days of service upon that party of the record or
5 11 billing statement in exhibit form. If a party contests the
5 12 authenticity or identification of a record or billing
5 13 statement offered pursuant to this section, or claims that the
5 14 offered record or billing statement was not made in the
5 15 regular course of the business of the care provider, the
5 16 burden shall be on the objecting party to prove such to the
5 17 court.

5 18 The bill does not prohibit any party from examining a care
5 19 provider by deposition or at trial at that party's expense or
5 20 from presenting supporting or contrary expert testimony, does
5 21 not impose a duty upon a care provider to provide the care
5 22 provider's opinions in letter or report form, does not alter
5 23 the rights and limitations of a party or that party's legal
5 24 counsel to communicate with a care provider pursuant to Code
5 25 section 622.10, does not prohibit or alter the admissibility
5 26 of records or billing statements otherwise admissible, and
5 27 does not change the timing of disclosure of expert opinions
5 28 pursuant to court order or rule.

5 29 The bill does not apply to records or billing statements of
5 30 a care provider retained by the plaintiff in anticipation of
5 31 litigation or for trial unless those care providers have
5 32 personally examined the plaintiff.

5 33 LSB 2633SC 83

5 34 rh/rj/14



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Senate Study Bill 1284

SENATE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON KREIMAN)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the uniform adult guardianship and protective
2 proceedings Act relating to the establishment, transfer, and
3 recognition of guardianships and conservatorships in
4 multistate cases, and including effective date and
5 applicability provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 1811SC 83
8 rh/rj/8



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1 1 DIVISION XIX
1 2 PART 1
1 3 GENERAL PROVISIONS
1 4 Section 1. NEW SECTION. 633.800 SHORT TITLE.
1 5 This division shall be known and may be cited as the "Iowa
1 6 Uniform Adult Guardianship and Protective Proceedings
1 7 Jurisdiction Act".
1 8 Sec. 2. NEW SECTION. 633.801 DEFINITIONS.
1 9 As used in this division, unless the context otherwise
1 10 requires:
1 11 1. "Adult" means an individual who is eighteen years of
1 12 age or older.
1 13 2. "Conservator" means a person appointed by the court to
1 14 have the custody and control of the property of an adult under
1 15 the provisions of this chapter.
1 16 3. "Court" means, when referring to a court of this state,
1 17 the district court sitting in probate with jurisdiction of
1 18 conservatorships and guardianships.
1 19 4. "Foreign judgment" means a judgment, decree, or order
1 20 of a court of the United States or of any other court that
1 21 meets any of the following requirements:
1 22 a. Is entitled to full faith and credit in this state.
1 23 b. Appoints a guardian or conservator in the issuing
1 24 jurisdiction.
1 25 5. "Guardian" means a person appointed by the court to
1 26 make decisions regarding the adult under the provisions of
1 27 this chapter.
1 28 6. "Guardianship order" means an order appointing a
1 29 guardian as defined in section 633.3.
1 30 7. "Guardianship proceeding" means a judicial proceeding
1 31 in which an order for the appointment of a guardian is sought
1 32 or has been issued.
1 33 8. "Incapacitated person" means an adult who has been
1 34 adjudged incompetent by a court who meets one or both of the
1 35 following conditions:



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- 2 1 a. Has a decision making capacity which is so impaired
2 2 that the person is unable to care for the person's personal
2 3 safety or to attend to or provide for necessities for the
2 4 person such as food, shelter, clothing, or medical care,
2 5 without which physical injury or illness may occur.
- 2 6 b. Has a decision making capacity which is so impaired
2 7 that the person is unable to make, communicate, or carry out
2 8 important decisions concerning the person's financial affairs.
- 2 9 9. "Party" means the respondent, petitioner, guardian,
2 10 conservator, or any other person allowed by the court to
2 11 participate in a guardianship or protective proceeding.
- 2 12 10. "Person" means an individual, corporation, business
2 13 trust, estate, trust, partnership, limited liability company,
2 14 association, joint venture, public corporation, or government;
2 15 governmental subdivision, agency, or instrumentality; or any
2 16 other legal or commercial entity.
- 2 17 11. "Protected person" means an adult for whom a
2 18 conservatorship has been issued.
- 2 19 12. "Protective order" means an order appointing a
2 20 conservator as defined in section 633.3. "Protective order"
2 21 does not include protective orders issued pursuant to chapter
2 22 664A or protective orders issued pursuant to sections 235B.18
2 23 and 235B.19.
- 2 24 13. "Protective proceeding" means a judicial proceeding in
2 25 which a conservatorship is sought or has been granted.
- 2 26 14. "Record" means information that is inscribed on a
2 27 tangible medium or that is stored in an electronic or other
2 28 medium and is retrievable in perceivable form.
- 2 29 15. "Respondent" means an adult for whom a conservatorship
2 30 or guardianship is sought.
- 2 31 16. "State" means a state of the United States, the
2 32 District of Columbia, Puerto Rico, the United States Virgin
2 33 Islands, a federally recognized Indian tribe, or any territory
2 34 or insular possession subject to the jurisdiction of the
2 35 United States.



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3 1 Sec. 3. NEW SECTION. 633.802 INTERNATIONAL APPLICATION.

3 2 A court of this state shall treat a foreign country as if
3 3 it were a state of the United States for the purpose of
3 4 applying this part and parts 2, 3, and 5.

3 5 Sec. 4. NEW SECTION. 633.803 COMMUNICATION BETWEEN
3 6 COURTS.

3 7 1. A court of this state may communicate with a court in
3 8 another state concerning a proceeding arising under this
3 9 division. The court may allow the parties to participate in
3 10 the communication. Except as otherwise provided in subsection
3 11 2, the court shall make a record of the communication. The
3 12 record may be limited to the fact that the communication
3 13 occurred.

3 14 2. Communication between courts concerning schedules,
3 15 calendars, court records, and other administrative matters may
3 16 occur without making a record.

3 17 Sec. 5. NEW SECTION. 633.804 COOPERATION BETWEEN COURTS.

3 18 1. In a guardianship or protective proceeding in this
3 19 state, a court of this state may request the appropriate court
3 20 of another state to do any of the following:

3 21 a. Hold an evidentiary hearing.

3 22 b. Order a person in the other state to produce evidence
3 23 or give testimony pursuant to procedures of that state.

3 24 c. Order that an evaluation or assessment be made of the
3 25 respondent.

3 26 d. Order any appropriate investigation of a person
3 27 involved in a proceeding.

3 28 e. Forward to the court of this state a certified copy of
3 29 the transcript or other record of the hearing pursuant to
3 30 paragraph "a" or any other proceeding, the evidence otherwise
3 31 produced pursuant to paragraph "b", and any evaluation or
3 32 assessment prepared in compliance with an order pursuant to
3 33 paragraph "c" or "d".

3 34 f. Issue any order necessary to assure the appearance in
3 35 the proceeding of a person whose presence is necessary for the



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4 1 court to make a determination, including the respondent.
4 2 g. Issue an order authorizing the release of medical,
4 3 financial, criminal, or other relevant information in that
4 4 state, including protected health information as defined in 45
4 5 C.F.R. } 164.504, as amended.

4 6 2. If a court of another state in which a guardianship or
4 7 protective proceeding is pending requests assistance pursuant
4 8 to subsection 1, a court of this state has jurisdiction for
4 9 the limited purpose of granting the request or making
4 10 reasonable efforts to comply with the request.

4 11 Sec. 6. NEW SECTION. 633.805 TAKING TESTIMONY IN ANOTHER
4 12 STATE.

4 13 1. In addition to other procedures that may be available
4 14 in a guardianship or protective proceeding, the testimony of a
4 15 witness who is located in another state may be offered by
4 16 deposition or other means allowable in this state for
4 17 testimony taken in another state. The court on its own motion
4 18 may order that the testimony of a witness be taken in another
4 19 state and may prescribe the manner in which and the terms upon
4 20 which the testimony is to be taken.

4 21 2. In a guardianship or protective proceeding, a court in
4 22 this state may permit a witness located in another state to be
4 23 deposed or to testify by telephone, audiovisual means, or
4 24 other electronic means. A court of this state shall cooperate
4 25 with courts of other states in designating an appropriate
4 26 location for the deposition or testimony.

4 27 3. Documentary evidence transmitted from another state to
4 28 a court of this state by technological means that do not
4 29 produce an original writing shall not be excluded from
4 30 evidence on an objection based on the best evidence rule.

4 31 PART 2

4 32 JURISDICTION

4 33 Sec. 7. NEW SECTION. 633.806 DEFINITIONS.

4 34 As used in this part, unless the context otherwise requires
4 35 otherwise:



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5 1 1. "Emergency" means a circumstance that likely will
5 2 result in substantial harm to a respondent's health, safety,
5 3 or welfare, and for which the appointment of a guardian is
5 4 necessary because no other person has authority and is willing
5 5 to act on the respondent's behalf.

5 6 2. "Home state" means either of the following:

5 7 a. The state in which the respondent was physically
5 8 present, including any period of temporary absence, for at
5 9 least six consecutive months immediately before the filing of
5 10 a petition for a protective order or the appointment of a
5 11 guardian.

5 12 b. The state in which the respondent was physically
5 13 present, including any period of temporary absence, for at
5 14 least six consecutive months ending within the six months
5 15 prior to the filing of a petition for a protective order or
5 16 the appointment of a guardian.

5 17 3. "Significant=connection state" means a state, other
5 18 than the home state, with which a respondent has a significant
5 19 connection other than mere physical presence and in which
5 20 substantial evidence concerning the respondent is available.

5 21 Sec. 8. NEW SECTION. 633.807 SIGNIFICANT CONNECTION
5 22 FACTORS.

5 23 1. In determining whether a respondent has a significant
5 24 connection with a particular state, the court shall consider
5 25 all of the following:

5 26 a. The location of the respondent's family and other
5 27 persons required to be notified of the guardianship or
5 28 protective proceeding.

5 29 b. The length of time the respondent at any time was
5 30 physically present in the state and the duration of any
5 31 absence.

5 32 c. The location of the respondent's property.

5 33 d. The extent to which the respondent has ties to the
5 34 state such as voting registration, state or local tax return
5 35 filing, vehicle registration, driver's license, social



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6 1 relationship, and receipt of services.
6 2 Sec. 9. NEW SECTION. 633.808 EXCLUSIVE BASIS.
6 3 This part provides the exclusive jurisdictional basis for a
6 4 court of this state to appoint a guardian or issue a
6 5 protective order for an adult.
6 6 Sec. 10. NEW SECTION. 633.809 JURISDICTION.
6 7 A court of this state has jurisdiction to appoint a
6 8 guardian or issue a protective order for a respondent if any
6 9 of the following apply:
6 10 1. This state is the respondent's home state.
6 11 2. This state is a significant=connection state and on the
6 12 date the petition is filed, any of the following apply:
6 13 a. The respondent does not have a home state or a court of
6 14 the respondent's home state has declined to exercise
6 15 jurisdiction because this state is a more appropriate forum.
6 16 b. The respondent has a home state, a petition for an
6 17 appointment or order is not pending in a court of that state
6 18 or another significant=connection state, and, before the court
6 19 makes the appointment or issues the order all of the following
6 20 apply:
6 21 (1) A petition for an appointment or order is not filed in
6 22 the respondent's home state.
6 23 (2) An objection to the court's jurisdiction is not filed
6 24 by a person required to be notified of the proceeding.
6 25 (3) The court in this state concludes that it is an
6 26 appropriate forum under the factors set forth in section
6 27 633.812.
6 28 3. Either of the following apply:
6 29 a. This state does not have jurisdiction under either
6 30 subsection 1 or 2, the respondent's home state and all
6 31 significant=connection states have declined to exercise
6 32 jurisdiction because this state is the more appropriate forum,
6 33 and jurisdiction in this state is consistent with the
6 34 Constitution of the State of Iowa and the Constitution of the
6 35 United States.



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7 1 b. The requirements for special jurisdiction under section
7 2 633.810 are met.

7 3 Sec. 11. NEW SECTION. 633.810 SPECIAL JURISDICTION.

7 4 1. A court of this state lacking jurisdiction under
7 5 section 633.809 has special jurisdiction to do any of the
7 6 following:

7 7 a. Appoint a guardian in an emergency for a period not to
7 8 exceed ninety days for a respondent who is physically present
7 9 in this state.

7 10 b. Issue a protective order with respect to real or
7 11 tangible personal property located in this state.

7 12 c. Appoint a guardian or conservator for an incapacitated
7 13 or protected person for whom a provisional order to transfer
7 14 the proceeding from another state has been issued under
7 15 procedures similar to section 633.816.

7 16 2. If a petition for the appointment of a guardian in an
7 17 emergency is brought in this state and this state was not the
7 18 respondent's home state on the date the petition was filed,
7 19 the court shall dismiss the proceeding at the request of the
7 20 court of the home state, if any, whether dismissal is
7 21 requested before or after the emergency appointment.

7 22 Sec. 12. NEW SECTION. 633.811 EXCLUSIVE AND CONTINUING
7 23 JURISDICTION.

7 24 Except as otherwise provided in section 633.810, a court
7 25 that has appointed a guardian or issued a protective order
7 26 consistent with this chapter has exclusive and continuing
7 27 jurisdiction over the proceeding until terminated by the court
7 28 or the appointment or order expires by its own terms.

7 29 Sec. 13. NEW SECTION. 633.812 APPROPRIATE FORUM.

7 30 1. A court of this state with jurisdiction under section
7 31 633.809 to appoint a guardian or issue a protective order may
7 32 decline to exercise its jurisdiction if it determines at any
7 33 time that a court of another state is a more appropriate
7 34 forum.

7 35 2. If a court of this state declines to exercise its



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8 1 jurisdiction under subsection 1, the court shall either
8 2 dismiss or stay the proceeding. The court may impose any
8 3 condition the court considers just and proper, including the
8 4 condition that a petition for the appointment of a guardian or
8 5 issuance of a protective order be filed promptly in another
8 6 state.
8 7 3. In determining whether it is an appropriate forum, the
8 8 court shall consider all of the following:
8 9 a. Any expressed preference of the respondent.
8 10 b. Whether abuse, neglect, or exploitation of the
8 11 respondent has occurred or is likely to occur and which state
8 12 could best protect the respondent from the abuse, neglect, or
8 13 exploitation.
8 14 c. The length of time the respondent was physically
8 15 present in or was a legal resident of this state or another
8 16 state.
8 17 d. The distance of the respondent from the court in each
8 18 state.
8 19 e. The financial circumstances of the respondent's estate.
8 20 f. The nature and location of the evidence.
8 21 g. The ability of the court in each state to decide the
8 22 issue expeditiously and the procedures necessary to present
8 23 evidence.
8 24 h. The familiarity of the court of each state with the
8 25 facts and issues in the proceeding.
8 26 i. If an appointment were to be made, the court's ability
8 27 to monitor the conduct of the guardian or conservator.
8 28 Sec. 14. NEW SECTION. 633.813 JURISDICTION DECLINED BY
8 29 REASON OF CONDUCT.
8 30 1. If at any time a court of this state determines that
8 31 the court acquired jurisdiction to appoint a guardian or issue
8 32 a protective order because of unjustifiable conduct, the court
8 33 may do any of the following:
8 34 a. Decline to exercise jurisdiction.
8 35 b. Exercise jurisdiction for the limited purpose of



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9 1 fashioning an appropriate remedy to ensure the health, safety,
9 2 and welfare of the respondent or the protection of the
9 3 respondent's property or prevent a repetition of the
9 4 unjustifiable conduct, including staying the proceeding until
9 5 a petition for the appointment of a guardian or issuance of a
9 6 protective order is filed in a court of another state having
9 7 jurisdiction.

9 8 c. Continue to exercise jurisdiction after considering all
9 9 of the following:

9 10 (1) The extent to which the respondent and all persons
9 11 required to be notified of the proceedings have acquiesced in
9 12 the exercise of the court's jurisdiction.

9 13 (2) Whether it is a more appropriate forum than the court
9 14 of any other state under the factors set forth in section
9 15 633.812.

9 16 (3) Whether the court of any other state would have
9 17 jurisdiction under factual circumstances in substantial
9 18 conformity with the jurisdictional standards of section
9 19 633.809.

9 20 d. If a court of this state determines that the court
9 21 acquired jurisdiction to appoint a guardian or issue a
9 22 protective order because a party seeking to invoke its
9 23 jurisdiction engaged in unjustifiable conduct, the court may
9 24 assess necessary and reasonable expenses against that party,
9 25 including attorney fees, investigative fees, court costs,
9 26 communication expenses, witness fees and expenses, and travel
9 27 expenses. The court shall not assess fees, costs, or expenses
9 28 of any kind against this state or a governmental subdivision,
9 29 agency, or instrumentality of this state unless authorized by
9 30 law other than this division.

9 31 Sec. 15. NEW SECTION. 633.814 NOTICE OF PROCEEDING.

9 32 If a petition for the appointment of a guardian or issuance
9 33 of a protective order is brought in this state and this state
9 34 was not the respondent's home state on the date the petition
9 35 was filed, in addition to complying with the notice



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10 1 requirements of this state, notice of the petition must be
10 2 given to those persons who would be entitled to notice of the
10 3 petition if a proceeding were brought in the respondent's home
10 4 state. The notice must be given in the same manner as notice
10 5 is required to be given in this state.

10 6 Sec. 16. NEW SECTION. 633.815 PROCEEDINGS IN MORE THAN
10 7 ONE STATE.

10 8 Except for a petition for the appointment of a guardian in
10 9 an emergency or issuance of a protective order limited to
10 10 property located in this state under section 633.810, if a
10 11 petition for the appointment of a guardian or issuance of a
10 12 protective order is filed in this state and in another state
10 13 and neither petition has been dismissed or withdrawn, the
10 14 following rules apply:

10 15 1. If the court in this state has jurisdiction under
10 16 section 633.809, it may proceed with the case unless a court
10 17 in another state acquires jurisdiction under provisions
10 18 similar to section 633.809 before the appointment or issuance
10 19 of the order.

10 20 2. If the court in this state does not have jurisdiction
10 21 under section 633.809, whether at the time the petition is
10 22 filed or at any time before the appointment or issuance of the
10 23 order, the court shall stay the proceeding and communicate
10 24 with the court in the other state. If the court in the other
10 25 state has jurisdiction, the court in this state shall dismiss
10 26 the petition unless the court in the other state determines
10 27 that the court in this state is a more appropriate forum.

10 28 PART 3

10 29 TRANSFER OF GUARDIANSHIP OR CONSERVATORSHIP

10 30 Sec. 17. NEW SECTION. 633.816 TRANSFER OF GUARDIANSHIP
10 31 OR CONSERVATORSHIP TO ANOTHER STATE.

10 32 1. A guardian or conservator appointed in this state may
10 33 petition the court to transfer the guardianship or
10 34 conservatorship to another state.

10 35 2. Notice of a petition under subsection 1 shall be given



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11 1 to the persons that would be entitled to notice of a petition
11 2 in this state for the appointment of a guardian or
11 3 conservator.

11 4 3. On the court's own motion or on request of the guardian
11 5 or conservator, the incapacitated or protected person, or
11 6 other person required to be notified of the petition, the
11 7 court shall hold a hearing on a petition filed pursuant to
11 8 subsection 1.

11 9 4. The court shall issue an order provisionally granting a
11 10 petition to transfer a guardianship and shall direct the
11 11 guardian to petition for guardianship in the other state if
11 12 the court is satisfied that the guardianship will be accepted
11 13 by the court in the other state and the court finds all of the
11 14 following:

11 15 a. The incapacitated person is physically present in or is
11 16 reasonably expected to move permanently to the other state.

11 17 b. An objection to the transfer has not been made or, if
11 18 an objection has been made, the objector has not established
11 19 that the transfer would be contrary to the interests of the
11 20 incapacitated person.

11 21 c. Plans for care and services for the incapacitated
11 22 person in the other state are reasonable and sufficient.

11 23 5. The court shall issue a provisional order granting a
11 24 petition to transfer a conservatorship and shall direct the
11 25 conservator to petition for conservatorship in the other state
11 26 if the court is satisfied that the conservatorship will be
11 27 accepted by the court of the other state and the court finds
11 28 all of the following:

11 29 a. The protected person is physically present in or is
11 30 reasonably expected to move permanently to the other state, or
11 31 the protected person has a significant connection to the other
11 32 state considering the factors in section 633.807.

11 33 b. An objection to the transfer has not been made or, if
11 34 an objection has been made, the objector has not established
11 35 that the transfer would be contrary to the interests of the



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12 1 protected person.

12 2 c. Adequate arrangements will be made for management of
12 3 the protected person's property.

12 4 6. The court shall issue a final order confirming the
12 5 transfer and terminating the guardianship or conservatorship
12 6 upon its receipt of all of the following:

12 7 a. A provisional order accepting the proceeding from the
12 8 court to which the proceeding is to be transferred which is
12 9 issued under provisions similar to section 633.817.

12 10 b. The documents required to terminate a guardianship or
12 11 conservatorship in this state.

12 12 Sec. 18. NEW SECTION. 633.817 ACCEPTING GUARDIANSHIP OR
12 13 CONSERVATORSHIP TRANSFERRED FROM ANOTHER STATE.

12 14 1. To confirm transfer of a guardianship or
12 15 conservatorship transferred to this state under provisions
12 16 similar to section 633.816, the guardian or conservator must
12 17 petition the court in this state to accept the guardianship or
12 18 conservatorship. The petition must include a certified copy
12 19 of the other state's provisional order of transfer.

12 20 2. Notice of a petition under subsection 1 must be given
12 21 to those persons that would be entitled to notice if the
12 22 petition were to petition for the appointment of a guardian or
12 23 issuance of a protective order in both the transferring state
12 24 and this state. The notice must be given in the same manner
12 25 as notice is required to be given in this state.

12 26 3. On the court's own motion or on request of the guardian
12 27 or conservator, the incapacitated or protected person, or
12 28 other person required to be notified of the proceeding, the
12 29 court shall hold a hearing on a petition filed pursuant to
12 30 subsection 1.

12 31 4. The court shall issue an order provisionally granting a
12 32 petition filed under subsection 1 unless any of the following
12 33 applies:

12 34 a. An objection is made and the objector establishes that
12 35 transfer of the proceeding would be contrary to the interests



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13 1 of the incapacitated or protected person.

13 2 b. The guardian or conservator is ineligible for
13 3 appointment in this state.

13 4 5. The court shall issue a final order accepting the
13 5 proceeding and appointing the guardian or conservator as
13 6 guardian or conservator in this state upon its receipt from
13 7 the court from which the proceeding is being transferred of a
13 8 final order issued under provisions similar to section 633.816
13 9 transferring the proceeding to this state.

13 10 6. Not later than ninety days after issuance of a final
13 11 order accepting transfer of a guardianship or conservatorship,
13 12 the court shall determine whether the guardianship or
13 13 conservatorship needs to be modified to conform to the laws of
13 14 this state.

13 15 7. Subject to subsections 4 and 6, in granting a petition
13 16 under this section, the court shall recognize a guardianship
13 17 or conservatorship order from the other state, including the
13 18 determination of the incapacitated or protected person's
13 19 incapacity and the appointment of the guardian or conservator.

13 20 8. The denial by a court of this state of a petition to
13 21 accept a guardianship or conservatorship transferred from
13 22 another state does not affect the ability of the guardian or
13 23 conservator to seek appointment as guardian or conservator in
13 24 this state under section 633.551 or 633.552, if the court has
13 25 jurisdiction to make an appointment other than by reason of
13 26 the provisional order of transfer.

13 27

PART 4

13 28

REGISTRATION AND RECOGNITION OF

13 29

ORDERS FROM OTHER STATES

13 30

Sec. 19. NEW SECTION. 633.818 REGISTRATION OF

13 31

GUARDIANSHIP ORDERS.

13 32

13 33

If a guardian has been appointed in another state and a

13 34

petition for the appointment of a guardian is not pending in

13 35

this state, the guardian appointed in the other state, after
giving notice to the appointing court of an intent to



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14 1 register, may register the guardianship order in this state by
14 2 filing as a foreign judgment in a court, in any appropriate
14 3 county of this state, certified copies of the order and
14 4 letters of office.

14 5 Sec. 20. NEW SECTION. 633.819 REGISTRATION OF PROTECTIVE
14 6 ORDERS.

14 7 If a conservator has been appointed in another state and a
14 8 petition for a protective order is not pending in this state,
14 9 the conservator appointed in the other state, after giving
14 10 notice to the appointing court of an intent to register, may
14 11 register the protective order in this state by filing as a
14 12 foreign judgment in a court of this state, in any county in
14 13 which property belonging to the protected person is located,
14 14 certified copies of the order and letters of office and of any
14 15 bond.

14 16 Sec. 21. NEW SECTION. 633.820 EFFECT OF REGISTRATION.

14 17 1. Upon registration of a guardianship or protective order
14 18 from another state, the guardian or conservator may exercise
14 19 in this state all powers authorized in the order of
14 20 appointment except as prohibited under the laws of this state,
14 21 including maintaining actions and proceedings in this state
14 22 and, if the guardian or conservator is not a resident of this
14 23 state, subject to any conditions imposed upon nonresident
14 24 parties.

14 25 2. A court of this state may grant any relief available
14 26 under this division and other law of this state to enforce a
14 27 registered order.

14 28

PART 5

14 29

MISCELLANEOUS PROVISIONS

14 30 Sec. 22. NEW SECTION. 633.821 UNIFORMITY OF APPLICATION
14 31 AND CONSTRUCTION.

14 32 In applying and construing this uniform Act, consideration
14 33 must be given to the need to promote uniformity of the law
14 34 with respect to its subject matter among states that enact it.

14 35 Sec. 23. NEW SECTION. 633.822 RELATION TO ELECTRONIC



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15 1 SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.

15 2 This division modifies, limits, and supersedes the federal
15 3 Electronic Signatures in Global and National Commerce Act, 15
15 4 U.S.C. } 7001, et seq., but does not modify, limit, or
15 5 supersede section 101(c) of that Act, 15 U.S.C. } 7001(c), or
15 6 authorize electronic delivery of any of the notices described
15 7 in section 103(b) of that Act, 15 U.S.C. } 7003(b).

15 8 Sec. 24. EFFECTIVE AND APPLICABILITY DATES.

15 9 1. Except as provided in subsection 2, this Act takes
15 10 effect July 1, 2010, and applies to guardianship and
15 11 protective proceedings in existence on or after that date.

15 12 2. Parts 1, 3, and 4 and sections 633.821 and 633.822
15 13 apply to proceedings begun before the effective date,
15 14 regardless of whether a guardianship or protective order has
15 15 been issued.

15 16 Sec. 25. CODE EDITOR DIRECTIVE. The Code editor is
15 17 directed to transfer division XIX of chapter 633, as enacted
15 18 in this Act, to division XV of chapter 633 and to transfer
15 19 division XV of chapter 633 to division XVI of chapter 633.

15 20 EXPLANATION

15 21 This bill creates the uniform adult guardianship and
15 22 protective proceedings Act relating to the establishment,
15 23 transfer, and recognition of guardianships and
15 24 conservatorships in multistate cases, and includes effective
15 25 date and applicability provisions.

15 26 PART 1. Part 1 of the bill contains definitions and
15 27 provisions relating to communications and cooperation between
15 28 courts in different states and the taking of testimony in
15 29 another state. The bill also provides that a court of this
15 30 state shall treat a foreign country as if it were a state of
15 31 the United States for purposes of the bill. The bill defines
15 32 "protective order" as an order appointing a conservator as
15 33 defined in Code section 633.3 of the Iowa probate Code and
15 34 defines "guardianship order" as an order appointing a guardian
15 35 as defined in Code section 633.3 of the Iowa probate Code.



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16 1 PART 2. Part 2 of the bill provides a framework of
16 2 priority for determining when a particular court has
16 3 jurisdiction over adult guardianships and conservatorships for
16 4 an incapacitated or protected adult (respondent); the home
16 5 state, followed by a significant-connection state, followed by
16 6 other jurisdictions.

16 7 Part 2 of the bill defines "home state" as either the state
16 8 in which the adult has lived for at least six consecutive
16 9 months immediately before the beginning of the adult
16 10 guardianship or protective proceeding or the state in which
16 11 the adult was physically present for at least six consecutive
16 12 months ending within the six months prior to the filing of the
16 13 petition for a protective order or the appointment of a
16 14 guardian. A period of temporary absence in either situation
16 15 is counted as part of the six-month or other period. If there
16 16 is no home state or the court in the home state declines to
16 17 exercise jurisdiction, the bill provides that jurisdiction is
16 18 appropriate in a state in which the respondent has a
16 19 significant connection. In determining whether a respondent
16 20 has a significant connection with a particular state, the
16 21 court must consider the location of the respondent's family,
16 22 the length of time the respondent was physically present in
16 23 the state and the duration of any absence, the location of the
16 24 respondent's property, and the extent to which the respondent
16 25 has ties to the state (voting, filing tax returns, driver's
16 26 license, receipt of services). Another state may have
16 27 jurisdiction if the respondent does not have a home state or a
16 28 significant-connection state or the respondent's home state
16 29 and all significant-connection states have refused to exercise
16 30 jurisdiction because another state is more appropriate.

16 31 Part 2 of the bill provides that regardless of whether a
16 32 court in the state where the respondent is currently
16 33 physically present has jurisdiction, the court has special
16 34 jurisdiction to appoint a guardian in an emergency and a court
16 35 in a state where a respondent's real or tangible personal



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17 1 property is located has jurisdiction to appoint a conservator
17 2 or issue another type of protective order with respect to that
17 3 property. A court also has special jurisdiction to consider a
17 4 petition to accept the transfer of an already existing
17 5 guardianship or conservatorship from another state under the
17 6 transfer provisions of part 3 of the bill.

17 7 Part 2 of the bill provides that once a guardian or
17 8 conservator is appointed or other protective order is issued,
17 9 the court's jurisdiction continues until the proceeding is
17 10 terminated by the court or the appointment or order expires by
17 11 its own terms.

17 12 Part 2 of the bill authorizes a court to decline to
17 13 exercise jurisdiction if it determines that the court of
17 14 another state is a more appropriate forum, and specifies the
17 15 factors to be taken into account in making this determination.

17 16 Part 2 of the bill authorizes a court that obtained
17 17 jurisdiction as a result of unjustifiable conduct by a party
17 18 to assess that party necessary and reasonable expenses,
17 19 including attorney fees, investigative fees, court costs,
17 20 communication expenses, witness fees and expenses, and travel
17 21 expenses.

17 22 Part 2 of the bill provides additional notice requirements
17 23 if a proceeding is brought in a state other than the
17 24 respondent's home state.

17 25 Part 2 of the bill provides a procedure for resolving
17 26 jurisdictional issues if petitions are pending in more than
17 27 one state.

17 28 PART 3. Part 3 of the bill provides a procedure for
17 29 transferring an existing guardianship or conservatorship from
17 30 one state to another state. The bill requires that the
17 31 guardian or conservator seeking the transfer must notify the
17 32 appropriate persons that would be entitled to notice. The
17 33 court hearing the petition for transfer must find that the
17 34 incapacitated or protected person is physically present in or
17 35 is reasonably expected to move permanently to the other state,



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18 1 an objection to the transfer either has not been made or has
18 2 not established that the transfer would be contrary to the
18 3 interests of the incapacitated or protected person, and plans
18 4 for care and services for the incapacitated person in the
18 5 other state are reasonable and sufficient or adequate
18 6 arrangements will be made for management of the protected
18 7 person's property.

18 8 PART 4. Part 4 of the bill relates to the enforcement of
18 9 guardianship and conservatorship orders in different states
18 10 and establishes a procedure for registering an existing
18 11 guardianship or conservatorship in another state allowing a
18 12 guardian or conservator to act on behalf of the incapacitated
18 13 or protected person in the second state. The bill requires
18 14 the guardian or conservator to notify the original appointing
18 15 court about the guardian or conservator's intent to register
18 16 in another state. The bill allows the court receiving such
18 17 notice to question the rationale for the transfer and
18 18 communicate and coordinate with the court in the other state.

18 19 PART 5. Part 5 of the bill provides miscellaneous
18 20 provisions relating to the uniformity of application, the
18 21 federal electronic signatures Act, and applicability and
18 22 effective date provisions.

18 23 The bill takes effect July 1, 2010, and applies to
18 24 guardianship and protective proceedings in existence on or
18 25 after that date except a guardian or conservator appointed
18 26 prior to July 1, 2010, may petition to transfer the proceeding
18 27 to another state under part 3 of the bill and register and
18 28 enforce the order in other states pursuant to part 4 of the
18 29 bill.

18 30 LSB 1811SC 83

18 31 rh/rj/8



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Senate Study Bill 1285

SENATE FILE
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON SCHMITZ)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to textbooks and applicable instructional
- 2 technology adopted for use by school districts and provided to
- 3 public and accredited nonpublic school students.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2663XC 83
- 6 kh/rj/8



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1 1 Section 1. Section 301.1, subsection 3, Code 2009, is
1 2 amended to read as follows:
1 3 3. As used in subsection 2, "textbooks" means ~~books~~ any of
1 4 the following:

1 5 a. Books and loose-leaf or bound manuals, systems of
1 6 reusable instructional materials or combinations of books and
1 7 supplementary instructional materials which convey information
1 8 to the student or otherwise contribute to the learning
1 9 process, ~~or electronic.~~

1 10 b. Electronic textbooks, including but not limited to
1 11 computer software, applications using computer-assisted
1 12 instruction, interactive videodisc, and other computer
1 13 courseware and magnetic media.

1 14 c. Instructional technology applicable within a classroom
1 15 setting.

1 16 EXPLANATION

1 17 This bill relates to the use of state funds allocated to
1 18 school districts for purposes of making textbooks available to
1 19 accredited nonpublic school pupils by expanding the definition
1 20 of textbooks to include instructional technology applicable
1 21 within a classroom setting. Currently, the definition is
1 22 limited to books, supplementary instructional materials, and
1 23 electronic textbooks, including but not limited to computer
1 24 software.

1 25 LSB 2663XC 83

1 26 kh/rj/8



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Senate Study Bill 1286

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

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

A BILL FOR

- 1 An Act relating to and making appropriations to the justice
- 2 system.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1014XG 83
- 5 jm/tm:jp/24



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Senate Study Bill 1286 continued

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1 1 Section 1. DEPARTMENT OF JUSTICE.

1 2 1. There is appropriated from the general fund of the

1 3 state to the department of justice for the fiscal year

1 4 beginning July 1, 2009, and ending June 30, 2010, the

1 5 following amounts, or so much thereof as is necessary, to be

1 6 used for the purposes designated:

1 7 a. For the general office of attorney general for

1 8 salaries, support, maintenance, and miscellaneous purposes,

1 9 including the prosecuting attorneys training program, victim

1 10 assistance grants, office of drug control policy (ODCP)

1 11 prosecuting attorney program, and odometer fraud enforcement:

1 12 \$ 8,751,311

1 13 It is the intent of the general assembly that as a

1 14 condition of receiving the appropriation provided in this

1 15 lettered paragraph, the department of justice shall maintain a

1 16 record of the estimated time incurred representing each agency

1 17 or department.

1 18 b. For victim assistance grants:

1 19 \$ 4,188,146

1 20 The funds appropriated in this lettered paragraph shall be

1 21 used to provide grants to care providers providing services to

1 22 crime victims of domestic abuse or to crime victims of rape

1 23 and sexual assault.

1 24 The balance of the victim compensation fund established in

1 25 section 915.94 may be used to provide salary and support of

1 26 not more than 22 FTEs and to provide maintenance for the

1 27 victim compensation functions of the department of justice.

1 28 c. For legal services for persons in poverty grants as

1 29 provided in section 13.34:

1 30 \$ 1,841,950

1 31 d. For the purpose of funding farm mediation services and

1 32 other farm assistance program provisions in accordance with

1 33 sections 13.13 through 13.24:

1 34 \$ 270,642

1 35 2. a. The department of justice, in submitting budget



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2 1 estimates for the fiscal year commencing July 1, 2010,
 2 2 pursuant to section 8.23, shall include a report of funding
 2 3 from sources other than amounts appropriated directly from the
 2 4 general fund of the state to the department of justice or to
 2 5 the office of consumer advocate. These funding sources shall
 2 6 include but are not limited to reimbursements from other state
 2 7 agencies, commissions, boards, or similar entities, and
 2 8 reimbursements from special funds or internal accounts within
 2 9 the department of justice. The department of justice shall
 2 10 also report actual reimbursements for the fiscal year
 2 11 commencing July 1, 2008, and actual and expected
 2 12 reimbursements for the fiscal year commencing July 1, 2009.

2 13 b. The department of justice shall include the report
 2 14 required under paragraph "a", as well as information regarding
 2 15 any revisions occurring as a result of reimbursements actually
 2 16 received or expected at a later date, in a report to the co=
 2 17 chairpersons and ranking members of the joint appropriations
 2 18 subcommittee on the justice system and the legislative
 2 19 services agency. The department of justice shall submit the
 2 20 report on or before January 15, 2010.

2 21 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is
 2 22 appropriated from the general fund of the state to the office
 2 23 of consumer advocate of the department of justice for the
 2 24 fiscal year beginning July 1, 2009, and ending June 30, 2010,
 2 25 the following amount, or so much thereof as is necessary, to
 2 26 be used for the purposes designated:

2 27 For salaries, support, maintenance, and miscellaneous
 2 28 purposes:
 2 29 \$ 2,831,693

2 30 Sec. 3. DEPARTMENT OF CORRECTIONS == FACILITIES.

2 31 1. There is appropriated from the general fund of the
 2 32 state to the department of corrections for the fiscal year
 2 33 beginning July 1, 2009, and ending June 30, 2010, the
 2 34 following amounts, or so much thereof as is necessary, to be
 2 35 used for the purposes designated:



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3 1 For the operation of adult correctional institutions,
 3 2 reimbursement of counties for certain confinement costs, and
 3 3 federal prison reimbursement, to be allocated as follows:
 3 4 a. For the operation of the Fort Madison correctional
 3 5 facility, including salaries, support, maintenance, and
 3 6 miscellaneous purposes:
 3 7 \$ 46,563,717
 3 8 b. For the operation of the Anamosa correctional facility,
 3 9 including salaries, support, maintenance, and miscellaneous
 3 10 purposes:
 3 11 \$ 31,980,461
 3 12 c. For the operation of the Oakdale correctional facility,
 3 13 including salaries, support, maintenance, and miscellaneous
 3 14 purposes:
 3 15 \$ 59,992,169
 3 16 d. For the operation of the Newton correctional facility,
 3 17 including salaries, support, maintenance, and miscellaneous
 3 18 purposes:
 3 19 \$ 28,563,758
 3 20 e. For the operation of the Mt. Pleasant correctional
 3 21 facility, including salaries, support, maintenance, and
 3 22 miscellaneous purposes:
 3 23 \$ 28,103,428
 3 24 f. For the operation of the Rockwell City correctional
 3 25 facility, including salaries, support, maintenance, and
 3 26 miscellaneous purposes:
 3 27 \$ 9,536,069
 3 28 g. For the operation of the Clarinda correctional
 3 29 facility, including salaries, support, maintenance, and
 3 30 miscellaneous purposes:
 3 31 \$ 25,798,889
 3 32 Moneys received by the department of corrections as
 3 33 reimbursement for services provided to the Clarinda youth
 3 34 corporation are appropriated to the department and shall be
 3 35 used for the purpose of operating the Clarinda correctional



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4 1 facility.

4 2 h. For the operation of the Mitchellville correctional

4 3 facility, including salaries, support, maintenance, and

4 4 miscellaneous purposes:

4 5 \$ 16,215,105

4 6 i. For the operation of the Fort Dodge correctional

4 7 facility, including salaries, support, maintenance, and

4 8 miscellaneous purposes:

4 9 \$ 30,547,421

4 10 j. For reimbursement of counties for temporary confinement

4 11 of work release and parole violators, as provided in sections

4 12 901.7, 904.908, and 906.17, and for offenders confined

4 13 pursuant to section 904.513:

4 14 \$ 967,983

4 15 k. For federal prison reimbursement, reimbursements for

4 16 out-of-state placements, and miscellaneous contracts:

4 17 \$ 241,293

4 18 2. The department of corrections shall use funds

4 19 appropriated in subsection 1 to continue to contract for the

4 20 services of a Muslim imam.

4 21 Sec. 4. DEPARTMENT OF CORRECTIONS == ADMINISTRATION.

4 22 1. There is appropriated from the general fund of the

4 23 state to the department of corrections for the fiscal year

4 24 beginning July 1, 2009, and ending June 30, 2010, the

4 25 following amounts, or so much thereof as is necessary, to be

4 26 used for the purposes designated:

4 27 a. For general administration, including salaries,

4 28 support, maintenance, employment of an education director to

4 29 administer a centralized education program for the

4 30 correctional system, and miscellaneous purposes:

4 31 \$ 5,047,861

4 32 (1) It is the intent of the general assembly that as a

4 33 condition of receiving the appropriation provided in this

4 34 lettered paragraph the department of corrections shall not,

4 35 except as otherwise provided in subparagraph (3), enter into a



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5 1 new contract, unless the contract is a renewal of an existing
5 2 contract, for the expenditure of moneys in excess of \$100,000
5 3 during the fiscal year beginning July 1, 2009, for the
5 4 privatization of services performed by the department using
5 5 state employees as of July 1, 2009, or for the privatization
5 6 of new services by the department without prior consultation
5 7 with any applicable state employee organization affected by
5 8 the proposed new contract and prior notification of the co=
5 9 chairpersons and ranking members of the joint appropriations
5 10 subcommittee on the justice system.

5 11 (2) It is the intent of the general assembly that each
5 12 lease negotiated by the department of corrections with a
5 13 private corporation for the purpose of providing private
5 14 industry employment of inmates in a correctional institution
5 15 shall prohibit the private corporation from utilizing inmate
5 16 labor for partisan political purposes for any person seeking
5 17 election to public office in this state and that a violation
5 18 of this requirement shall result in a termination of the lease
5 19 agreement.

5 20 (3) It is the intent of the general assembly that as a
5 21 condition of receiving the appropriation provided in this
5 22 lettered paragraph the department of corrections shall not
5 23 enter into a lease or contractual agreement pursuant to
5 24 section 904.809 with a private corporation for the use of
5 25 building space for the purpose of providing inmate employment
5 26 without providing that the terms of the lease or contract
5 27 establish safeguards to restrict, to the greatest extent
5 28 feasible, access by inmates working for the private
5 29 corporation to personal identifying information of citizens.

5 30 b. For educational programs for inmates at state penal
5 31 institutions:
5 32 \$ 1,570,358

5 33 As a condition of receiving the appropriation in this
5 34 lettered paragraph, the department of corrections shall
5 35 transfer at least \$300,000 from the canteen operating funds



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6 1 established pursuant to section 904.310 to be used for
6 2 correctional educational programs funded in this lettered
6 3 paragraph.

6 4 It is the intent of the general assembly that moneys
6 5 appropriated in this lettered paragraph shall be used solely
6 6 for the purpose indicated and that the moneys shall not be
6 7 transferred for any other purpose. In addition, it is the
6 8 intent of the general assembly that the department shall
6 9 consult with the community colleges in the areas in which the
6 10 institutions are located to utilize moneys appropriated in
6 11 this lettered paragraph to fund the high school completion,
6 12 high school equivalency diploma, adult literacy, and adult
6 13 basic education programs in a manner so as to maintain these
6 14 programs at the institutions.

6 15 To maximize the funding for educational programs, the
6 16 department shall establish guidelines and procedures to
6 17 prioritize the availability of educational and vocational
6 18 training for inmates based upon the goal of facilitating an
6 19 inmate's successful release from the correctional institution.

6 20 The director of the department of corrections may transfer
6 21 moneys from Iowa prison industries for use in educational
6 22 programs for inmates.

6 23 Notwithstanding section 8.33, moneys appropriated in this
6 24 lettered paragraph that remain unobligated or unexpended at
6 25 the close of the fiscal year shall not revert but shall remain
6 26 available for expenditure only for the purpose designated in
6 27 this lettered paragraph until the close of the succeeding
6 28 fiscal year.

6 29 c. For the development of the Iowa corrections offender
6 30 network (ICON) data system:
6 31 \$ 427,700

6 32 d. For offender mental health and substance abuse
6 33 treatment:
6 34 \$ 24,994

6 35 e. For viral hepatitis prevention and treatment:



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7 1 \$ 188,000
 7 2 f. For a transitional housing pilot project for offenders
 7 3 on parole who are in the early stages of recovery from
 7 4 substance abuse:
 7 5 \$ 30,000
 7 6 2. It is the intent of the general assembly that the
 7 7 department of corrections shall continue to operate the
 7 8 correctional farms under the control of the department at the
 7 9 same or greater level of participation and involvement as
 7 10 existed as of January 1, 2009; shall not enter into any rental
 7 11 agreement or contract concerning any farmland under the
 7 12 control of the department that is not subject to a rental
 7 13 agreement or contract as of January 1, 2009, without prior
 7 14 legislative approval; and shall further attempt to provide job
 7 15 opportunities at the farms for inmates. The department shall
 7 16 attempt to provide job opportunities at the farms for inmates
 7 17 by encouraging labor-intensive farming or gardening where
 7 18 appropriate; using inmates to grow produce and meat for
 7 19 institutional consumption; researching the possibility of
 7 20 instituting food canning and cook-and-chill operations; and
 7 21 exploring opportunities for organic farming and gardening,
 7 22 livestock ventures, horticulture, and specialized crops.
 7 23 3. As a condition of receiving the appropriations made in
 7 24 this section, the department of corrections shall develop and
 7 25 implement offender reentry centers in Black Hawk and Polk
 7 26 counties to provide transitional planning and release
 7 27 primarily for offenders released from the Iowa correctional
 7 28 institution for women at Mitchellville and the Fort Dodge
 7 29 correctional facility. Programming shall include minority and
 7 30 gender-specific responsivity, employment, substance abuse
 7 31 treatment, mental health services, housing, and family
 7 32 reintegration. The department of corrections shall
 7 33 collaborate with the first and fifth judicial district
 7 34 departments of correctional services, the Iowa department of
 7 35 workforce development, the department of human services,



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8 1 community-based providers and faith-based organizations, and
 8 2 local law enforcement.
 8 3 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
 8 4 SERVICES.
 8 5 1. There is appropriated from the general fund of the
 8 6 state to the department of corrections for the fiscal year
 8 7 beginning July 1, 2009, and ending June 30, 2010, for the
 8 8 treatment and supervision of probation and parole violators
 8 9 who have been released from the department of corrections
 8 10 violator program, the following amounts, or so much thereof as
 8 11 is necessary, to be allocated as follows:
 8 12 a. For the first judicial district department of
 8 13 correctional services:
 8 14 \$ 14,747,901
 8 15 As a condition of the funds appropriated in this lettered
 8 16 paragraph, the department of corrections shall replace expired
 8 17 federal funding by expending at least \$140,000 for the dual
 8 18 diagnosis program.
 8 19 b. For the second judicial district department of
 8 20 correctional services:
 8 21 \$ 11,673,896
 8 22 c. For the third judicial district department of
 8 23 correctional services:
 8 24 \$ 6,484,543
 8 25 d. For the fourth judicial district department of
 8 26 correctional services:
 8 27 \$ 5,935,082
 8 28 e. For the fifth judicial district department of
 8 29 correctional services, including funding for electronic
 8 30 monitoring devices for use on a statewide basis:
 8 31 \$ 22,558,982
 8 32 f. For the sixth judicial district department of
 8 33 correctional services:
 8 34 \$ 15,019,341
 8 35 The sixth judicial district department of correctional



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9 1 services shall maintain a youth leadership model program to
 9 2 help at-risk youth. As a part of the program, the district
 9 3 department may recruit college or high school students in the
 9 4 judicial district to work with at-risk youth. The student
 9 5 workers shall be recruited regardless of gender and be
 9 6 recommended by their respective schools as good role models,
 9 7 including but not limited to students who possess capabilities
 9 8 in one or more of the following areas of ability: intellectual
 9 9 capacity, athletics, visual arts, or performing arts.
 9 10 g. For the seventh judicial district department of
 9 11 correctional services:
 9 12 \$ 7,564,124
 9 13 h. For the eighth judicial district department of
 9 14 correctional services:
 9 15 \$ 7,583,264
 9 16 2. Each judicial district department of correctional
 9 17 services, within the funding available, shall continue
 9 18 programs and plans established within that district to provide
 9 19 for intensive supervision, sex offender treatment, diversion
 9 20 of low-risk offenders to the least restrictive sanction
 9 21 available, job development, and expanded use of intermediate
 9 22 criminal sanctions.
 9 23 3. Each judicial district department of correctional
 9 24 services shall provide alternatives to prison consistent with
 9 25 chapter 901B. The alternatives to prison shall ensure public
 9 26 safety while providing maximum rehabilitation to the offender.
 9 27 A judicial district department of correctional services may
 9 28 also establish a day program.
 9 29 4. The governor's office of drug control policy shall
 9 30 consider federal grants made to the department of corrections
 9 31 for the benefit of each of the eight judicial district
 9 32 departments of correctional services as local government
 9 33 grants, as defined pursuant to federal regulations.
 9 34 5. The department of corrections shall continue to
 9 35 contract with a judicial district department of correctional



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10 1 services to provide for the rental of electronic monitoring
10 2 equipment which shall be available statewide.
10 3 Sec. 6. DEPARTMENT OF CORRECTIONS == REALLOCATION OF
10 4 APPROPRIATIONS. Notwithstanding section 8.39, within the
10 5 funds appropriated in this Act to the department of
10 6 corrections, the department may reallocate the funds
10 7 appropriated and allocated as necessary to best fulfill the
10 8 needs of the correctional institutions, administration of the
10 9 department, and the judicial district departments of
10 10 correctional services. However, in addition to complying with
10 11 the requirements of sections 904.116 and 905.8 and providing
10 12 notice to the legislative services agency, the department of
10 13 corrections shall also provide notice to the department of
10 14 management, prior to the effective date of the revision or
10 15 reallocation of an appropriation made pursuant to this
10 16 section. The department shall not reallocate an appropriation
10 17 or allocation for the purpose of eliminating any program.
10 18 Sec. 7. INTENT == REPORTS.
10 19 1. The department in cooperation with townships, the Iowa
10 20 cemetery associations, and other nonprofit or governmental
10 21 entities may use inmate labor during the fiscal year beginning
10 22 July 1, 2009, to restore or preserve rural cemeteries and
10 23 historical landmarks. The department in cooperation with the
10 24 counties may also use inmate labor to clean up roads, major
10 25 water sources, and other water sources around the state.
10 26 2. The department shall provide an annual report regarding
10 27 private-sector employment to the legislative services agency
10 28 beginning on July 1, 2009. The report shall include the
10 29 number of offenders employed in the private sector, the
10 30 combined number of hours worked by the offenders, and the
10 31 total amount of allowances, and the distribution of allowances
10 32 pursuant to section 904.702, including any moneys deposited in
10 33 the general fund of the state.
10 34 Sec. 8. ELECTRONIC MONITORING REPORT. The department of
10 35 corrections shall submit a report on electronic monitoring to



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11 1 the general assembly, to the co-chairpersons and the ranking
 11 2 members of the joint appropriations subcommittee on the
 11 3 justice system, and to the legislative services agency by
 11 4 January 15, 2010. The report shall specifically address the
 11 5 number of persons being electronically monitored and break
 11 6 down the number of persons being electronically monitored by
 11 7 offense committed. The report shall also include a comparison
 11 8 of any data from the prior fiscal year with the current year.
 11 9 Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.
 11 10 1. As used in this section, unless the context otherwise
 11 11 requires, "state agency" means the government of the state of
 11 12 Iowa, including but not limited to all executive branch
 11 13 departments, agencies, boards, bureaus, and commissions, the
 11 14 judicial branch, the general assembly and all legislative
 11 15 agencies, institutions within the purview of the state board
 11 16 of regents, and any corporation whose primary function is to
 11 17 act as an instrumentality of the state.
 11 18 2. State agencies are hereby encouraged to purchase
 11 19 products from Iowa state industries, as defined in section
 11 20 904.802, when purchases are required and the products are
 11 21 available from Iowa state industries. State agencies shall
 11 22 obtain bids from Iowa state industries for purchases of office
 11 23 furniture during the fiscal year beginning July 1, 2009,
 11 24 exceeding \$5,000 or in accordance with applicable
 11 25 administrative rules related to purchases for the agency.
 11 26 Sec. 10. STATE PUBLIC DEFENDER. There is appropriated
 11 27 from the general fund of the state to the office of the state
 11 28 public defender of the department of inspections and appeals
 11 29 for the fiscal year beginning July 1, 2009, and ending June
 11 30 30, 2010, the following amounts, or so much thereof as is
 11 31 necessary, to be allocated as follows for the purposes
 11 32 designated:
 11 33 1. For salaries, support, maintenance, and miscellaneous
 11 34 purposes:
 11 35 \$ 22,247,829



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12 1 2. For the fees of court-appointed attorneys for indigent
 12 2 adults and juveniles, in accordance with section 232.141 and
 12 3 chapter 815:
 12 4 \$ 26,633,314
 12 5 Sec. 11. IOWA LAW ENFORCEMENT ACADEMY.
 12 6 1. There is appropriated from the general fund of the
 12 7 state to the Iowa law enforcement academy for the fiscal year
 12 8 beginning July 1, 2009, and ending June 30, 2010, the
 12 9 following amount, or so much thereof as is necessary, to be
 12 10 used for the purposes designated:
 12 11 For salaries, support, maintenance, and miscellaneous
 12 12 purposes, including jailer training and technical assistance:
 12 13 \$ 1,192,311
 12 14 It is the intent of the general assembly that the Iowa law
 12 15 enforcement academy may provide training of state and local
 12 16 law enforcement personnel concerning the recognition of and
 12 17 response to persons with Alzheimer's disease.
 12 18 The Iowa law enforcement academy may temporarily exceed and
 12 19 draw more than the amount appropriated and incur a negative
 12 20 cash balance as long as there are receivables equal to or
 12 21 greater than the negative balance and the amount appropriated
 12 22 in this subsection is not exceeded at the close of the fiscal
 12 23 year.
 12 24 2. The Iowa law enforcement academy may select at least
 12 25 five automobiles of the department of public safety, division
 12 26 of state patrol, prior to turning over the automobiles to the
 12 27 department of administrative services to be disposed of by
 12 28 public auction, and the Iowa law enforcement academy may
 12 29 exchange any automobile owned by the academy for each
 12 30 automobile selected if the selected automobile is used in
 12 31 training law enforcement officers at the academy. However,
 12 32 any automobile exchanged by the academy shall be substituted
 12 33 for the selected vehicle of the department of public safety
 12 34 and sold by public auction with the receipts being deposited
 12 35 in the depreciation fund to the credit of the department of



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13 1 public safety, division of state patrol.
 13 2 Sec. 12. BOARD OF PAROLE. There is appropriated from the
 13 3 general fund of the state to the board of parole for the
 13 4 fiscal year beginning July 1, 2009, and ending June 30, 2010,
 13 5 the following amount, or so much thereof as is necessary, to
 13 6 be used for the purposes designated:
 13 7 For salaries, support, maintenance, miscellaneous purposes:
 13 8 \$ 1,170,529
 13 9 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is
 13 10 appropriated from the general fund of the state to the
 13 11 department of public defense for the fiscal year beginning
 13 12 July 1, 2009, and ending June 30, 2010, the following amounts,
 13 13 or so much thereof as is necessary, to be used for the
 13 14 purposes designated:
 13 15 1. MILITARY DIVISION
 13 16 For salaries, support, maintenance, and miscellaneous
 13 17 purposes:
 13 18 \$ 5,948,420
 13 19 The military division may temporarily exceed and draw more
 13 20 than the amount appropriated and incur a negative cash balance
 13 21 as long as there are receivables of federal funds equal to or
 13 22 greater than the negative balance and the amount appropriated
 13 23 in this subsection is not exceeded at the close of the fiscal
 13 24 year.
 13 25 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION
 13 26 a. For salaries, support, maintenance, and miscellaneous
 13 27 purposes:
 13 28 \$ 2,068,895
 13 29 The homeland security and emergency management division may
 13 30 temporarily exceed and draw more than the amount appropriated
 13 31 and incur a negative cash balance as long as there are
 13 32 receivables of federal funds equal to or greater than the
 13 33 negative balance and the amount appropriated in this
 13 34 subsection is not exceeded at the close of the fiscal year.
 13 35 It is the intent of the general assembly that the homeland



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14 1 security and emergency management division work in conjunction
14 2 with the department of public safety, to the extent possible,
14 3 when gathering and analyzing information related to potential
14 4 domestic or foreign security threats, and when monitoring such
14 5 threats.

14 6 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is
14 7 appropriated from the general fund of the state to the
14 8 department of public safety for the fiscal year beginning July
14 9 1, 2009, and ending June 30, 2010, the following amounts, or
14 10 so much thereof as is necessary, to be used for the purposes
14 11 designated:

14 12 1. For the department's administrative functions,
14 13 including the criminal justice information system:

14 14 \$ 4,470,414

14 15 2. For the division of criminal investigation, including
14 16 the state's contribution to the peace officers' retirement,
14 17 accident, and disability system provided in chapter 97A in the
14 18 amount of the state's normal contribution rate, as defined in
14 19 section 97A.8, multiplied by the salaries for which the funds
14 20 are appropriated, to meet federal fund matching requirements:

14 21 \$ 21,506,406

14 22 3. For the criminalistics laboratory fund created in
14 23 section 691.9:

14 24 \$ 342,000

14 25 4. a. For the division of narcotics enforcement,
14 26 including the state's contribution to the peace officers'
14 27 retirement, accident, and disability system provided in
14 28 chapter 97A in the amount of the state's normal contribution
14 29 rate, as defined in section 97A.8, multiplied by the salaries
14 30 for which the funds are appropriated, to meet federal fund
14 31 matching requirements:

14 32 \$ 6,501,493

14 33 b. For the division of narcotics enforcement for
14 34 undercover purchases:

14 35 \$ 123,343



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15 1 5. For the division of state fire marshal, for fire
15 2 protection services as provided through the state fire service
15 3 and emergency response council as created in the department,
15 4 and for the state's contribution to the peace officers'
15 5 retirement, accident, and disability system provided in
15 6 chapter 97A in the amount of the state's normal contribution
15 7 rate, as defined in section 97A.8, multiplied by the salaries
15 8 for which the funds are appropriated:

15 9 \$ 4,060,859

15 10 6. For the division of state patrol, for salaries,
15 11 support, maintenance, workers' compensation costs, and
15 12 miscellaneous purposes, including the state's contribution to
15 13 the peace officers' retirement, accident, and disability
15 14 system provided in chapter 97A in the amount of the state's
15 15 normal contribution rate, as defined in section 97A.8,
15 16 multiplied by the salaries for which the funds are
15 17 appropriated:

15 18 \$ 50,971,409

15 19 It is the intent of the general assembly that members of
15 20 the state patrol be assigned to patrol the highways and roads
15 21 in lieu of assignments for inspecting school buses for the
15 22 school districts.

15 23 7. For deposit in the sick leave benefits fund established
15 24 under section 80.42 for all departmental employees eligible to
15 25 receive benefits for accrued sick leave under the collective
15 26 bargaining agreement:

15 27 \$ 316,179

15 28 8. For costs associated with the training and equipment
15 29 needs of volunteer fire fighters:

15 30 \$ 692,697

15 31 Notwithstanding section 8.33, moneys appropriated in this
15 32 subsection that remain unencumbered or unobligated at the
15 33 close of the fiscal year shall not revert but shall remain
15 34 available for expenditure only for the purpose designated in
15 35 this subsection until the close of the succeeding fiscal year.



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16 1 Notwithstanding section 8.39, within the funds appropriated
 16 2 in this section the department of public safety may reallocate
 16 3 funds as necessary to best fulfill the needs provided for in
 16 4 the appropriation. However, the department shall not
 16 5 reallocate an appropriation made to the department in this
 16 6 section unless notice of the reallocation is given to the
 16 7 legislative services agency and the department of management
 16 8 prior to the effective date of the reallocation. The notice
 16 9 shall include information about the rationale for reallocating
 16 10 the appropriation. The department shall not reallocate an
 16 11 appropriation made in this section for the purpose of
 16 12 eliminating any program.

16 13 Sec. 15. CIVIL RIGHTS COMMISSION. There is appropriated
 16 14 from the general fund of the state to the Iowa state civil
 16 15 rights commission for the fiscal year beginning July 1, 2009,
 16 16 and ending June 30, 2010, the following amount, or so much
 16 17 thereof as is necessary, to be used for the purposes
 16 18 designated:

16 19 For salaries, support, maintenance, and miscellaneous
 16 20 purposes:
 16 21 \$ 1,444,792

16 22 The Iowa state civil rights commission may enter into a
 16 23 contract with a nonprofit organization to provide legal
 16 24 assistance to resolve civil rights complaints.

16 25 Sec. 16. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
 16 26 DIVISION. There is appropriated from the wireless E911
 16 27 emergency communications fund created in section 34A.7A to the
 16 28 administrator of the homeland security and emergency
 16 29 management division of the department of public defense for
 16 30 the fiscal year beginning July 1, 2009, and ending June 30,
 16 31 2010, an amount not exceeding \$200,000 to be used for
 16 32 implementation, support, and maintenance of the functions of
 16 33 the administrator and program manager under chapter 34A and to
 16 34 employ the auditor of the state to perform an annual audit of
 16 35 the wireless E911 emergency communications fund.



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17 1 Sec. 17. INTERIM REPORTING == IMPLEMENTATION. The board
17 2 of parole shall develop and implement the certificate of
17 3 employability program as provided in section 906.19. The
17 4 board shall file an interim status report regarding the
17 5 certificate of employability program development with the
17 6 general assembly and the legislative services agency by
17 7 January 1, 2010.

17 8 Sec. 18. CENTRAL WAREHOUSE AND SUPPLY DEPOT OF DEPARTMENT
17 9 OF HUMAN SERVICES. Upon completion of the central warehouse
17 10 and supply depot of the department of corrections established
17 11 pursuant to section 904.118A, the department of human services
17 12 shall cease utilizing the central warehouse and supply depot
17 13 of the department of human services established pursuant to
17 14 section 218.100.

17 15 Sec. 19. Section 13B.4, subsection 2, Code 2009, is
17 16 amended to read as follows:

17 17 2. The state public defender shall file a notice with the
17 18 clerk of the district court in each county served by a public
17 19 defender designating which public defender office shall
17 20 receive notice of appointment of cases. The state public
17 21 defender may also ~~designate~~ enter into a contract with a
17 22 nonprofit organization which has a contract with the state
~~17 23 public defender to or an attorney, designating that the~~
17 24 nonprofit organization or attorney provide legal services to
17 25 eligible indigent persons as the state public defender's
17 26 designee. In each county in which the state public defender
17 27 files a designation, the state public defender's designee
17 28 shall be appointed by the court to represent all eligible
17 29 persons or to serve as guardian ad litem for eligible children
17 30 in juvenile court in all cases and proceedings specified in
17 31 the designation. The appointment shall not be made if the
17 32 state public defender or the state public defender's designee
17 33 notifies the court that the state public defender's designee
17 34 will not provide services in certain cases as identified in
17 35 the designation by the state public defender.



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18 1 Sec. 20. Section 13B.4, subsection 4, paragraph c,
18 2 subparagraph (2), subparagraph division (d), Code 2009, is
18 3 amended to read as follows:
18 4 (d) If the claimant was appointed contrary to section
18 5 814.11 or 815.10, or the claimant failed to comply with
18 6 section 814.11, subsection 6, or section 815.10, subsection 5.
18 7 Sec. 21. Section 80B.11B, subsection 2, Code 2009, is
18 8 amended to read as follows:
18 9 2. The Iowa law enforcement academy may also charge the
18 10 department of natural resources or other agency or department
18 11 of the state, a member of a police force of a city or county,
18 12 or any political subdivision of the state not more than
18 13 one-half of the cost of providing the basic training course
18 14 which is designed to meet the minimum basic training
18 15 requirements for a law enforcement officer. However, the
18 16 academy may charge more than one-half of the cost of providing
18 17 the basic training course if a majority of the Iowa law
18 18 enforcement academy council voting members approve charging
18 19 more than one-half of the cost of providing the course. All
18 20 other candidates to the law enforcement academy, including a
18 21 candidate from a tribal government, shall pay the full costs
18 22 of providing the basic training requirements for a law
18 23 enforcement officer.
18 24 Sec. 22. Section 80B.13, Code 2009, is amended by adding
18 25 the following new subsection:
18 26 NEW SUBSECTION. 11. Authorize the academy to charge more
18 27 than one-half the cost of providing the basic training course
18 28 pursuant to section 80B.11B.

18 29 EXPLANATION

18 30 This bill makes appropriations from the general fund of the
18 31 state for fiscal year 2009=2010 to the departments of justice,
18 32 corrections, public defense, and public safety, and the Iowa
18 33 law enforcement academy, office of consumer advocate, office
18 34 of the state public defender, board of parole, and Iowa state
18 35 civil rights commission.



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19 1 The bill also appropriates moneys, not to exceed \$200,000,
19 2 from the wireless E911 emergency communications fund to the
19 3 homeland security and emergency management division for
19 4 implementation, support, and maintenance of the functions of
19 5 the administrator and program manager of the E911 emergency
19 6 system.

19 7 The bill provides that the department of corrections may
19 8 reallocate appropriated funds between the institutions of the
19 9 department of corrections, the department's administration,
19 10 and the judicial district departments of correctional
19 11 services. The bill provides the department, prior to the
19 12 effective date of any reallocation, must provide notice to the
19 13 department of management, the legislative services agency, and
19 14 the district board of any judicial district department of
19 15 correctional services affected by the reallocation.

19 16 The bill provides that the department of public safety may
19 17 also reallocate the funds appropriated to the department
19 18 between the divisions of the department. The bill provides
19 19 that the department, prior to the effective date of any
19 20 reallocation, must provide notice of the reallocation to the
19 21 department of management and the legislative services agency.

19 22 The bill amends Code section 13B.4 to allow the state
19 23 public defender to enter into a contract with an attorney
19 24 designating that the attorney provide legal services to
19 25 eligible indigent persons as the state public defender's
19 26 designee. Under the bill, if the state public defender files
19 27 such a designation in a county, the attorney shall be
19 28 appointed by the court to represent all eligible indigent
19 29 persons in all cases specified in the designation. Currently,
19 30 only a nonprofit organization is allowed to act as the state
19 31 public defender's designee in a county where such a
19 32 designation exists.

19 33 The bill also amends Code section 13B.4 to specify that the
19 34 state public defender may deny a claim for indigent defense
19 35 fees and expenses if the attorney was appointed contrary to



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20 1 the provisions of Code section 815.10. The bill also
20 2 specifies that the state public defender may deny a claim for
20 3 indigent defense fees and expenses if the appointment of the
20 4 attorney was not on a rotational basis, considering the
20 5 experience of the attorney and the difficulty of the case.
20 6 The bill amends Code section 80B.11B and 80B.13 to provide
20 7 that the Iowa law enforcement academy may charge a department
20 8 of the state, a member of a police force, or any political
20 9 subdivision of the state more than one-half of the cost to
20 10 provide the basic training course for a law enforcement
20 11 officer, provided a majority of the Iowa law enforcement
20 12 council approves such a charge. Current statutory provisions
20 13 prohibit the Iowa law enforcement academy from charging more
20 14 than one-half of the cost of providing the basic training
20 15 course.
20 16 LSB 1014XG 83
20 17 jm/tm:jp/24.2



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Senate Study Bill 1287

SENATE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON KREIMAN)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the federal Adam Walsh Child Protection and
- 2 Safety Act.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2665SC 83
- 5 jm/rj/5



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PAG LIN

1 1 Section 1. ADAM WALSH ACT. It is the intent of the
1 2 general assembly to enact legislation relating to the federal
1 3 Adam Walsh Child Protection and Safety Act.

1 4 EXPLANATION

1 5 This bill provides that it is the intent of the general
1 6 assembly to enact legislation relating to the federal Adam
1 7 Walsh Child Protection and Safety Act.

1 8 LSB 2665SC 83

1 9 jm/rj/5