



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 12, 2009**

House Amendment 1140

PAG LIN

1 1 Amend House File 677 as follows:
 1 2 #1. Page 1, by striking lines 13 through 15 and
 1 3 inserting the following: <the notice is served unless
 1 4 the court finds there is good cause shown to shorten
 1 5 the time period to less than twenty days. The court
 1 6 shall>.
 1 7 #2. Page 4, by striking line 26 and inserting the
 1 8 following: <trustee or the addition of a provision to
 1 9 the trust instrument allowing a>.
 1 10 #3. Page 4, line 27, by inserting after the word
 1 11 <beneficiary> the following: <or a group of
 1 12 beneficiaries>.
 1 13 #4. Page 4, line 30, by inserting after the word
 1 14 <provisions> the following: <for the purposes of this
 1 15 section>.
 1 16
 1 17
 1 18
 1 19 HUSER of Polk
 1 20 HF 677.501 83
 1 21 rh/rj/22516
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House Amendment 1141

PAG LIN

1 1 Amend House File 687 as follows:
1 2 #1. Page 1, by striking lines 15 through 24 and
1 3 inserting the following: <students who drop out of
1 4 school; the number of students pursuing a high school
1 5 equivalency diploma pursuant to chapter 259A; the
1 6 number of students who were enrolled in the district
1 7 within the past five years and who received a high
1 8 school equivalency diploma; the percentage of students
1 9 who receive a high school diploma and who were not
1 10 proficient in reading, mathematics, and science in
1 11 grade eleven; the number of students in the prior year
1 12 who were enrolled as high school juniors who are
1 13 within four units of meeting the district's graduation
1 14 requirements; the number of students who are tested>.
1 15 #2. Page 3, by striking lines 26 and 27.
1 16 #3. Title page, by striking line 3 and inserting
1 17 the following: <and accredited nonpublic schools.>
1 18 #4. By renumbering as necessary.
1 19
1 20
1 21
1 22 TYMESON of Madison
1 23 HF 687.302 83
1 24 kh/nh/22041
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House Amendment 1142

PAG LIN

1 1 Amend House File 684 as follows:
1 2 #1. Page 1, by striking line 20 and inserting the
1 3 following:
1 4 <Sec. _____. Section 101C.3, subsections 1, 4, and
1 5 8, Code 2009,>.
1 6 #2. Page 2, by inserting after line 23 the
1 7 following:
1 8 <8. a. The council shall develop programs and
1 9 projects and enter into agreements for administering
1 10 such programs and projects as provided in this
1 11 chapter, including programs to enhance consumer and
1 12 employee safety and training, provide for research and
1 13 development of clean and efficient propane utilization
1 14 equipment, inform and educate the public about safety
1 15 and other issues associated with the use of propane,
1 16 and develop programs and projects that provide
1 17 assistance to persons who are eligible for the
1 18 low-income home energy assistance program. The
1 19 programs and projects shall be developed to attain
1 20 equitable geographic distribution of their benefits to
1 21 the fullest extent practicable. The costs of the
1 22 programs and projects shall be paid with funds
1 23 collected pursuant to section 101C.4. The council
1 24 shall coordinate its programs and projects with
1 25 propane industry trade associations and others as the
1 26 council deems appropriate to provide efficient
1 27 delivery of services and to avoid unnecessary
1 28 duplication of activities. Issues concerning propane
1 29 that are related to research and development, safety,
1 30 education, and training shall be given priority by the
1 31 council in the development of programs and projects.
1 32 b. The council may develop energy efficiency
1 33 programs dedicated to weatherization, acquisition and
1 34 installation of energy-efficient customer appliances
1 35 that qualify for energy star certification,
1 36 installation of low-flow faucets and showerheads, and
1 37 energy efficiency education. The council may by rule
1 38 establish quality standards in relation to
1 39 weatherization and appliance installation.>
1 40 #3. By striking page 2, line 24, through page 3,
1 41 line 2.
1 42 #4. Page 3, by striking lines 12 through 14 and
1 43 inserting the following: <of energy efficiency
1 44 programs as specified in section 101C.3, subsection 8,
1 45 if developed by the council.>
1 46 #5. Page 3, by striking lines 16 and 17.
1 47 #6. Title page, by striking lines 2 and 3 and
1 48 inserting the following: <propane education and
1 49 research council.>
1 50 #7. By renumbering as necessary.



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House Amendment 1142 continued

2 1
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2 4 REASONER of Union
2 5 HF 684.301 83
2 6 rn/nh/22711



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House Amendment 1143

PAG LIN

1 1 Amend House File 678 as follows:
1 2 #1. Title page, line 2, by inserting after the
1 3 word <wagering> the following: <or gambling games>.
1 4
1 5
1 6
1 7 QUIRK of Chickasaw
1 8 HF 678.201 83
1 9 ec/nh/22700
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House Amendment 1144

PAG LIN

1 1 Amend the amendment, H=1077, to House File 243 as
1 2 follows:
1 3 #1. Page 1, by striking lines 2 and 3.
1 4 #2. Page 1, line 13, by inserting after the word
1 5 <applicants.> the following: <This subsection shall
1 6 not prohibit an individual whose term expires prior to
1 7 January 1, 2012, from being reappointed even though
1 8 the reappointment continues an inequity in gender
1 9 balance.>
1 10 #3. Page 1, by striking lines 14 through 28.
1 11
1 12
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1 14 HUSER of Polk
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1 16
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1 18 MASCHER of Johnson
1 19 HF 243.302 83
1 20 ec/rj/22548
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House Amendment 1145

PAG LIN

1 1 Amend House File 712 as follows:
1 2 #1. Page 1, by striking line 3 and inserting the
1 3 following: <"Private Right of Action for Consumer
1 4 Frauds Act".>
1 5 #2. Page 1, by striking lines 12 and 13 and
1 6 inserting the following:
1 7 <4. "Deception" means an act or practice that is
1 8 likely to mislead a substantial number of consumers as
1 9 to a material fact or facts.>
1 10 #3. Page 1, line 17, by inserting after the word
1 11 <following> the following: <persons, including
1 12 business entities organized under Title XII by those
1 13 persons and the officers, directors, employees, and
1 14 agents of those persons or business entities,>.
1 15 #4. Page 1, by striking lines 21 and 22 and
1 16 inserting the following:
1 17 <c. Financial institutions which includes any bank
1 18 incorporated under the provisions of any state or
1 19 federal law, any savings and loan association or
1 20 savings bank incorporated under the provisions of any
1 21 state or federal law, any credit union organized under
1 22 the provisions of any state or federal law, any
1 23 affiliate or subsidiary of a bank, savings and loan
1 24 association, savings bank, or credit union, and
1 25 industrial loan licensees pursuant to chapter 536A and
1 26 regulated loan licensees pursuant to chapter 536.>
1 27 #5. Page 1, by striking lines 23 through 25.
1 28 #6. Page 1, by striking line 29 and inserting the
1 29 following: <155A, 156, 169, 522B, 542, 542B, 543B,
1 30 544A, or 544B.>
1 31 #7. Page 2, line 2, by inserting after the word
1 32 <in> the following: <a practice the person knows or
1 33 reasonably should know is>.
1 34 #8. Page 2, line 3, by inserting after the word
1 35 <or> the following: <the>.
1 36 #9. Page 2, line 4, by striking the words <or
1 37 the>.
1 38 #10. Page 2, by striking line 6 and inserting the
1 39 following: <upon the unfair practice, deception,
1 40 fraud, false pretense, false promise,
1 41 misrepresentation, concealment, suppression, or
1 42 omission in connection>.
1 43 #11. Page 2, line 9, by inserting after the word
1 44 <purposes.> the following: <For the purposes of this
1 45 chapter, a claimant alleging fraud, false promise,
1 46 false pretense, or misrepresentation must prove that
1 47 the prohibited practice related to a material fact or
1 48 facts. "Solicitation of contributions for charitable
1 49 purposes" does not include solicitations made on
1 50 behalf of a political organization as defined in



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House Amendment 1145 continued

2 1 section 13C.1, solicitations made on behalf of a
2 2 religious organization as defined in section 13C.1,
2 3 solicitations made on behalf of a state, regionally,
2 4 or nationally accredited college or university, or
2 5 solicitations made on behalf of a nonprofit foundation
2 6 benefiting a state, regionally, or nationally
2 7 accredited college or university subject to section
2 8 509(a)(1) or 509(a)(3) of the Internal Revenue Code of
2 9 1986.>
2 10 #12. Page 2, by striking lines 31 through 35 and
2 11 inserting the following: <disseminates the
2 12 advertisement.>
2 13 #13. Page 3, by inserting after line 2 the
2 14 following:
2 15 <___. Public utilities as defined in section 476.1
2 16 that furnish gas by a piped distribution system or
2 17 electricity to the public for compensation.
2 18 _____. The provision of cable television service or
2 19 video service pursuant to a franchise under section
2 20 364.2 or 477A.2.
2 21 _____. The provision of local exchange carrier
2 22 telephone service pursuant to a certificate issued
2 23 under section 476.29.
2 24 _____. Conduct for which a cause of action is
2 25 available to the consumer based upon negligence,
2 26 product liability, or warranty.
2 27 _____. Actions alleging bodily injury.
2 28 _____. Conduct in compliance with the orders or
2 29 rules of, or a statute administered by, a federal,
2 30 state, or local governmental agency.
2 31 _____. An affirmative act that violates this chapter
2 32 but is specifically required by other applicable law,
2 33 to the extent that the action could not reasonably
2 34 avoid a violation of this chapter.
2 35 _____. In any action relating to a charitable
2 36 solicitation, an individual who has engaged in the
2 37 charitable solicitation as an unpaid, uncompensated
2 38 volunteer solicitor and who does not receive monetary
2 39 gain of any sort from engaging in the solicitation.>
2 40 #14. Page 3, by striking lines 20 through 22 and
2 41 inserting the following:
2 42 <1. A consumer who reasonably relies on a practice
2 43 prohibited by this chapter and who suffers an
2 44 ascertainable loss of money or property as the result
2 45 of such prohibited practice may bring an action at law
2 46 to recover actual economic damages. An award of
2 47 damages for such a prohibited practice shall not be
2 48 made without proof that the consumer suffered actual
2 49 economic damages. The>.
2 50 #15. Page 3, line 27, by inserting after the word



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House Amendment 1145 continued

3 1 <chapter> the following: <and the consumer is awarded
3 2 actual damages>.
3 3 #16. Page 4, line 17, by inserting after the word
3 4 <finds> the following: <by a preponderance of clear,
3 5 convincing, and satisfactory evidence>.
3 6 #17. Page 4, line 18, by inserting after the word
3 7 <willful> the following: <and wanton>.
3 8 #18. Page 4, line 24, by striking the word <five>
3 9 and inserting the following: <two>.
3 10 #19. Page 4, line 25, by striking the word <five>
3 11 and inserting the following: <two>.
3 12 #20. Page 5, by inserting after line 33 the
3 13 following:
3 14 <Sec. ____ . NEW SECTION. 714H.7 CLASS ACTIONS
3 15 BARRED.
3 16 A class action lawsuit alleging violations of this
3 17 chapter shall not be available.>
3 18 #21. By renumbering as necessary.
3 19
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3 22 STRUYK of Pottawattamie
3 23 HF 712.501 83
3 24 rh/rj/22550



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House Amendment 1146

PAG LIN

1 1 Amend House File 697 as follows:

1 2 #1. Page 1, by inserting after line 19 the
1 3 following:

1 4 <Sec. _____. NEW SECTION. 901.11 DONATIONS ==
1 5 PROHIBITED.

1 6 A monetary or property donation to any person or
1 7 entity, including a political subdivision, government
1 8 agency, entity, official, school, or charitable
1 9 organization, is prohibited as a part of any
1 10 dismissal, plea, sentence, plan of restitution, or
1 11 other penalty.

1 12 Sec. _____. Section 907.13, subsection 2, Code 2009,
1 13 is amended to read as follows:

1 14 2. The defendant's plan of community service, the
1 15 comments of the defendant's probation officer, and the
1 16 comments of the representative of the judicial
1 17 district department of correctional services
1 18 responsible for the unpaid community service program,
1 19 shall be submitted promptly to the court. The court
1 20 shall promptly enter an order approving the plan or
1 21 modifying it. Compliance with the plan of community
1 22 service as approved or modified by the court shall be
1 23 a condition of the defendant's probation. The court
1 24 thereafter may modify the plan at any time upon the
1 25 defendant's request, upon the request of the judicial
1 26 district department of correctional services, or upon
1 27 the court's own motion. ~~As an option for modification~~
~~1 28 of a plan, the court may allow a defendant to complete~~
~~1 29 some part or all of the defendant's community service~~
~~1 30 obligation through the donation of property to a~~
~~1 31 charitable organization other than a governmental~~
~~1 32 subdivision. A donation of property to a charitable~~
~~1 33 organization offered in satisfaction of some part or~~
~~1 34 all of a community service obligation under this~~
~~1 35 subsection is not a deductible contribution for the~~
~~1 36 purposes of federal or state income taxes.~~

1 37 Sec. _____. Section 910.1, subsection 4, Code 2009,
1 38 is amended to read as follows:

1 39 4. "Restitution" means payment of pecuniary
1 40 damages to a victim in an amount and in the manner
1 41 provided by the offender's plan of restitution.
1 42 "Restitution" also includes fines, penalties, and
1 43 surcharges, ~~the contribution of funds to a local~~
~~1 44 anticrime organization which provided assistance to~~
~~1 45 law enforcement in an offender's case, the payment of~~
1 46 crime victim compensation program reimbursements,
1 47 payment of restitution to public agencies pursuant to
1 48 section 321J.2, subsection 9, paragraph "b", court
1 49 costs including correctional fees approved pursuant to
1 50 section 356.7, court-appointed attorney fees ordered



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House Amendment 1146 continued

2 1 pursuant to section 815.9, including the expense of a
2 2 public defender, and the performance of a public
2 3 service by an offender in an amount set by the court
2 4 when the offender cannot reasonably pay all or part of
2 5 the court costs including correctional fees approved
2 6 pursuant to section 356.7, or court-appointed attorney
2 7 fees ordered pursuant to section 815.9, including the
2 8 expense of a public defender.

2 9 Sec. ____ . Section 910.2, Code 2009, is amended to
2 10 read as follows:

2 11 910.2 RESTITUTION OR COMMUNITY SERVICE TO BE
2 12 ORDERED BY SENTENCING COURT.

2 13 1. In all criminal cases in which there is a plea
2 14 of guilty, verdict of guilty, or special verdict upon
2 15 which a judgment of conviction is rendered, the
2 16 sentencing court shall order that restitution be made
2 17 by each offender to the victims of the offender's
2 18 criminal activities, to the clerk of court for fines,
2 19 penalties, surcharges, and, to the extent that the
2 20 offender is reasonably able to pay, for crime victim
2 21 assistance reimbursement, restitution to public
2 22 agencies pursuant to section 321J.2, subsection 9,
2 23 paragraph "b", court costs including correctional fees
2 24 approved pursuant to section 356.7, or court-appointed
2 25 attorney fees ordered pursuant to section 815.9,
2 26 including the expense of a public defender, when
2 27 applicable, ~~or contribution to a local anticrime~~

~~2 28 organization.~~ However, victims shall be paid in full
2 29 before fines, penalties, ~~and~~ surcharges, crime victim
2 30 compensation program reimbursement, public agencies,
2 31 court costs including correctional fees approved
2 32 pursuant to section 356.7, and court-appointed
2 33 attorney fees ordered pursuant to section 815.9,
2 34 including the expenses of a public defender, ~~or~~
~~2 35 contributions to a local anticrime organization~~ are
2 36 paid. In structuring a plan of restitution, the court
2 37 shall provide for payments in the following order of
2 38 priority: victim, fines, penalties, ~~and~~ surcharges,
2 39 crime victim compensation program reimbursement,
2 40 public agencies, court costs including correctional
2 41 fees approved pursuant to section 356.7, and
2 42 court-appointed attorney fees ordered pursuant to
2 43 section 815.9, including the expense of a public
2 44 defender, ~~and contribution to a local anticrime~~
~~2 45 organization.~~

2 46 2. When the offender is not reasonably able to pay
2 47 all or a part of the crime victim compensation program
2 48 reimbursement, public agency restitution, court costs
2 49 including correctional fees approved pursuant to
2 50 section 356.7, or court-appointed attorney fees



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House Amendment 1146 continued

3 1 ordered pursuant to section 815.9, including the
3 2 expense of a public defender, ~~or contribution to a~~
~~3 3 local anticrime organization,~~ the court may require
3 4 the offender in lieu of that portion of the crime
3 5 victim compensation program reimbursement, public
3 6 agency restitution, court costs including correctional
3 7 fees approved pursuant to section 356.7, or
3 8 court-appointed attorney fees ordered pursuant to
3 9 section 815.9, including the expense of a public
3 10 defender, ~~or contribution to a local anticrime~~
~~3 11 organization~~ for which the offender is not reasonably
3 12 able to pay, to perform a needed public service for a
3 13 governmental agency or for a private nonprofit agency
3 14 which provides a service to the youth, elderly, or
3 15 poor of the community. When community service is
3 16 ordered, the court shall set a specific number of
3 17 hours of service to be performed by the offender
3 18 which, for payment of court-appointed attorney fees
3 19 ordered pursuant to section 815.9, including the
3 20 expenses of a public defender, shall be approximately
3 21 equivalent in value to those costs. The judicial
3 22 district department of correctional services shall
3 23 provide for the assignment of the offender to a public
3 24 agency or private nonprofit agency to perform the
3 25 required service.>
3 26 #2. Title page, line 1, by inserting after the
3 27 word <to> the following: <criminal acts, records, and
3 28 proceedings, including>.
3 29 #3. Title page, line 1, by inserting after the
3 30 word <acts> the following: <and donations and
3 31 contributions in a criminal proceeding>.
3 32
3 33
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3 35 SWAIM of Davis
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3 39 ANDERSON of Page
3 40 HF 697.501 83
3 41 jm/nh/22557



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House Amendment 1147

PAG LIN

1 1 Amend Senate File 236, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 2, line 32, by inserting after the word
1 4 <reduced> the following: <, while maintaining access
1 5 to treatment options that are in the best interests of
1 6 the child and the child's family>.
1 7
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1 9
1 10 COMMITTEE ON HUMAN RESOURCES,
1 11 SMITH of Marshall, Chairperson
1 12 SF 236.702 83
1 13 jp/rj/21108
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House Amendment 1148

PAG LIN

1 1 Amend House File 656 as follows:
1 2 #1. Page 7, line 19, by striking the word <two>
1 3 and inserting the following: <one>.
1 4
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1 6
1 7 SODERBERG of Plymouth
1 8 HF 656.702 83
1 9 tw/rj/22510
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House Amendment 1149

PAG LIN

1 1 Amend House File 656 as follows:
1 2 #1. Page 49, by inserting before line 3 the
1 3 following:
1 4 <DIVISION
1 5 RESEARCH ACTIVITIES TAX CREDITS
1 6 Section ____ . Section 15.335, subsection 1,
1 7 paragraph a, subparagraph (1), Code 2009, is amended
1 8 to read as follows:
1 9 (1) The credit equals the sum of the following:
1 10 (a) ~~Six and one-half~~ Ten percent of the excess of
1 11 qualified research expenses during the tax year over
1 12 the base amount for the tax year based upon the
1 13 state's apportioned share of the qualifying
1 14 expenditures for increasing research activities.
1 15 (b) ~~Six and one-half~~ Ten percent of the basic
1 16 research payments determined under section 41(e)(1)(A)
1 17 of the Internal Revenue Code during the tax year based
1 18 upon the state's apportioned share of the qualifying
1 19 expenditures for increasing research activities.
1 20 Sec. ____ . Section 15A.9, subsection 8, paragraph
1 21 a, subparagraph (1), Code 2009, is amended to read as
1 22 follows:
1 23 (1) The credit equals the sum of the following:
1 24 (a) ~~Thirteen~~ Twenty percent of the excess of
1 25 qualified research expenses during the tax year over
1 26 the base amount for the tax year based upon the
1 27 state's apportioned share of the qualifying
1 28 expenditures for increasing research activities.
1 29 (b) ~~Thirteen~~ Twenty percent of the basic research
1 30 payments determined under section 41(e)(1)(A) of the
1 31 Internal Revenue Code during the tax year based upon
1 32 the state's apportioned share of the qualifying
1 33 expenditures for increasing research activities.
1 34 Sec. ____ . Section 422.10, subsection 1, paragraph
1 35 a, Code 2009, is amended to read as follows:
1 36 a. (1) For individuals, the credit equals the sum
1 37 of the following:
1 38 ~~(1)~~ (a) ~~Six and one-half~~ Ten percent of the
1 39 excess of qualified research expenses during the tax
1 40 year over the base amount for the tax year based upon
1 41 the state's apportioned share of the qualifying
1 42 expenditures for increasing research activities.
1 43 ~~(2)~~ (b) ~~Six and one-half~~ Ten percent of the basic
1 44 research payments determined under section 41(e)(1)(A)
1 45 of the Internal Revenue Code during the tax year based
1 46 upon the state's apportioned share of the qualifying
1 47 expenditures for increasing research activities.
1 48 (2) The state's apportioned share of the
1 49 qualifying expenditures for increasing research
1 50 activities is a percent equal to the ratio of



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House Amendment 1149 continued

2 1 qualified research expenditures in this state to total
2 2 qualified research expenditures.
2 3 Sec. _____. Section 422.33, subsection 5, paragraph
2 4 a, Code 2009, is amended to read as follows:
2 5 a. (1) The taxes imposed under this division
2 6 shall be reduced by a state tax credit for increasing
2 7 research activities in this state equal to the sum of
2 8 the following:
2 9 (1) (a) ~~Six and one-half~~ Ten percent of the
2 10 excess of qualified research expenses during the tax
2 11 year over the base amount for the tax year based upon
2 12 the state's apportioned share of the qualifying
2 13 expenditures for increasing research activities.
2 14 (2) (b) ~~Six and one-half~~ Ten percent of the basic
2 15 research payments determined under section 41(e)(1)(A)
2 16 of the Internal Revenue Code during the tax year based
2 17 upon the state's apportioned share of the qualifying
2 18 expenditures for increasing research activities.
2 19 (2) The state's apportioned share of the
2 20 qualifying expenditures for increasing research
2 21 activities is a percent equal to the ratio of
2 22 qualified research expenditures in this state to the
2 23 total qualified research expenditures.
2 24 Sec. _____. RETROACTIVE APPLICABILITY. This
2 25 division of this Act applies retroactively to January
2 26 1, 2009, for tax years beginning on or after that
2 27 date.>
2 28 #2. Title page, line 2, by inserting after the
2 29 word <assistance> the following: <and tax credit>.
2 30 #3. By renumbering as necessary.
2 31
2 32
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2 34 COWNIE of Polk
2 35 HF 656.501 83
2 36 tw/rj/22560



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House File 688 - Introduced

HOUSE FILE
BY ALONS

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the application of penalties relative to the
2 submission of cost reports by certain medical assistance
3 program providers, providing an effective date, and providing
4 for retroactive applicability.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 2158YH 83
7 pf/nh/5



Iowa General Assembly
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House File 688 - Introduced continued

PAG LIN

1 1 Section 1. OVERDUE SUBMISSION OF COST REPORTS ==
1 2 PROPORTIONATE APPLICATION OF PENALTY. The department of human
1 3 services shall adopt rules to apply the penalty for overdue
1 4 submission of required cost reports by facility-based medical
1 5 assistance providers so that the total amount of the penalty
1 6 is applied proportionately to the number of days submission is
1 7 overdue.

1 8 Sec. 2. EFFECTIVE DATE == RETROACTIVE APPLICABILITY. This
1 9 Act, being deemed of immediate importance, takes effect upon
1 10 enactment and is retroactively applicable to October 1, 2008.

1 11 EXPLANATION

1 12 This bill directs the department of human services to adopt
1 13 rules that apply the penalty for overdue submission of cost
1 14 reports by facility-based Medicaid providers so that the total
1 15 amount of the penalty is applied proportionately to the number
1 16 of days the report is overdue. The bill takes effect upon
1 17 enactment and is retroactively applicable to October 1, 2008.

1 18 LSB 2158YH 83

1 19 pf/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 12, 2009

House File 689 - Introduced

HOUSE FILE
BY SANDS

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

A BILL FOR

1 An Act providing a tax credit to certain small businesses for
2 increased wages paid to employees and including a retroactive
3 applicability date provision.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2329YH 83
6 tw/mg:sc/14



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House File 689 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 422.11X WAGE INCREASE TAX
1 2 CREDIT.
1 3 1. a. The taxes imposed under this division, less the
1 4 credits allowed under section 422.12, shall be reduced by a
1 5 wage increase tax credit.
1 6 b. The amount of the credit shall be equal to the
1 7 aggregate amount of wages paid to employees in the tax year
1 8 that is in excess of the aggregate amount of wages paid to
1 9 employees in the prior tax year. In calculating the aggregate
1 10 amount of wages paid to employees, the taxpayer shall comply
1 11 with all of the following:
1 12 (1) For an employee employed for the entirety of both tax
1 13 years, the taxpayer shall subtract the gross amount of wages
1 14 paid to that employee in the prior tax year from the gross
1 15 amount of wages paid to that employee in the tax year.
1 16 (2) For an employee employed less than the entirety of the
1 17 prior tax year, the taxpayer shall calculate the gross amount
1 18 of wages that would have been paid to the employee if the
1 19 employee had been employed at the most recent wage rate for
1 20 the entirety of the prior tax year and shall subtract that
1 21 amount from the gross wages paid to the employee in the tax
1 22 year.
1 23 (3) If the gross amount of wages paid to an employee in
1 24 the tax year do not exceed the gross amount of wages paid in
1 25 the prior tax year, even if the employee's hourly wage rate
1 26 was increased, then no amount of wages paid in the tax year
1 27 shall be included in the amount of the increased wages.
1 28 (4) Wages paid in the tax year to an employee who was not
1 29 employed in the prior tax year shall not be included in the
1 30 amount of the increased wages paid.
1 31 2. To be eligible for the tax credit, an employer shall be
1 32 a business that is under a single management and that has
1 33 fifty or fewer employees.
1 34 3. An individual may claim a tax credit under this section
1 35 of a partnership, limited liability company, S corporation,



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House File 689 - Introduced continued

2 1 estate, or trust electing to have income taxed directly to the
2 2 individual. The amount claimed by the individual shall be
2 3 based upon the pro rata share of the individual's earnings
2 4 from the partnership, limited liability company, S
2 5 corporation, estate, or trust.

2 6 4. Any tax credit in excess of the taxpayer's liability
2 7 for the tax year is not refundable, but the taxpayer may elect
2 8 to have the excess credited to the tax liability for the
2 9 following two years or until depleted, whichever is earlier.
2 10 A tax credit shall not be carried back to a tax year prior to
2 11 the tax year in which the taxpayer first receives the tax
2 12 credit.

2 13 5. A taxpayer eligible for the tax credit shall include
2 14 with the taxpayer's return information documenting the total
2 15 amount of increased wages paid to each employee during the tax
2 16 year and the prior tax year.

2 17 6. A taxpayer taking a deduction for wages paid to
2 18 employees in a tax year for state tax purposes cannot claim a
2 19 tax credit under this section.

2 20 Sec. 2. Section 422.33, Code 2009, is amended by adding
2 21 the following new subsection:

2 22 NEW SUBSECTION. 27. The taxes imposed under this division
2 23 shall be reduced by a wage increase tax credit in the same
2 24 manner, for the same amount, and under the same conditions as
2 25 provided in section 422.11X.

2 26 Sec. 3. Section 422.60, Code 2009, is amended by adding
2 27 the following new subsection:

2 28 NEW SUBSECTION. 15. The taxes imposed under this division
2 29 shall be reduced by a wage increase tax credit in the same
2 30 manner, for the same amount, and under the same conditions as
2 31 provided in section 422.11X.

2 32 Sec. 4. NEW SECTION. 432.12M WAGE INCREASE TAX CREDIT.

2 33 The taxes imposed under this chapter shall be reduced by a
2 34 wage increase tax credit in the same manner, for the same
2 35 amount, and under the same conditions as provided in section



Iowa General Assembly
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House File 689 - Introduced continued

3 1 422.11X.

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

3 4 NEW PARAGRAPH. n. The moneys and credits tax imposed
3 5 under this section shall be reduced by a wage increase tax
3 6 credit in the same manner, for the same amount, and under the
3 7 same conditions as provided in section 422.11X.

3 8 Sec. 6. RETROACTIVE APPLICABILITY DATE. This Act applies
3 9 retroactively to January 1, 2009, for tax years beginning on
3 10 or after that date.

3 11 EXPLANATION

3 12 This bill provides a tax credit to certain businesses for
3 13 increasing the wages of employees. The amount of the credit
3 14 is equal to the aggregate amount of wages paid in the tax year
3 15 that is in excess of the amount of wages paid in the prior tax
3 16 year. The bill provides a method for determining the amount
3 17 of wages paid to employees who were not employed for the
3 18 entirety of both tax years. The wages paid to employees in
3 19 the tax year who were not employed during the prior tax year
3 20 cannot be included in the calculation of the amount of the
3 21 credit.

3 22 To be eligible for the tax credit, an employer has to be a
3 23 business operated under single management and with 50 or fewer
3 24 employees. Taxpayers taking a deduction for wages paid to
3 25 employees cannot also claim the tax credit. The tax credit is
3 26 not refundable but may be carried forward for up to two years.

3 27 The bill applies retroactively to January 1, 2009, for tax
3 28 years beginning on or after that date.

3 29 LSB 2329YH 83

3 30 tw/mg:sc/14



Iowa General Assembly
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House File 690 - Introduced

HOUSE FILE
BY WHITAKER and KAUFMANN

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

A BILL FOR

1 An Act authorizing a county board of supervisors to abate
2 property taxes in response to economic conditions and
3 providing effective and applicability dates.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2614HH 83
6 md/sc/5



Iowa General Assembly
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House File 690 - Introduced continued

PAG LIN

1 1 Section 1. Section 331.402, subsection 2, Code 2009, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. j. Abate property taxes in accordance with
1 4 section 427.10A.
1 5 Sec. 2. NEW SECTION. 427.10A ABATEMENT == ECONOMIC
1 6 CONDITION OF THE COUNTY.
1 7 1. The board of supervisors may by resolution, upon a
1 8 finding that the economic conditions of the county are such
1 9 that it is in the best interests of the public to provide
1 10 property tax relief, abate a percentage of the taxes, special
1 11 assessments, and rates or charges, including interest, fees,
1 12 and costs, which are due and payable in the ensuing fiscal
1 13 year beginning July 1. An abatement of a percentage of the
1 14 taxes, special assessments, and rates or charges, including
1 15 interest, fees, and costs shall be applied uniformly among all
1 16 classes of property.
1 17 2. Prior to adoption of a resolution under subsection 1,
1 18 the county board of supervisors shall conduct a public
1 19 hearing. The board shall set a time and place for the public
1 20 hearing and shall publish notice of the hearing not less than
1 21 ten nor more than twenty days prior to the hearing in the
1 22 county newspapers selected under chapter 349.
1 23 3. A resolution under subsection 1 shall not be adopted
1 24 later than June 1 for taxes due and payable in the ensuing
1 25 fiscal year beginning July 1.
1 26 4. a. If the board of supervisors adopts a resolution
1 27 under subsection 1 after the county budget for the ensuing
1 28 fiscal year has been adopted under section 331.434, the board
1 29 shall, if necessary, and notwithstanding section 331.435,
1 30 amend the adopted county budget for the next fiscal year to
1 31 permit decreases in any class of proposed expenditures
1 32 contained in the budget summary published under section
1 33 331.434, subsection 3.
1 34 b. The board shall prepare and adopt a budget amendment in
1 35 the same manner as the original budget, as provided in section



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House File 690 - Introduced continued

2 1 331.434, and the amendment is subject to protest as provided
2 2 in section 331.436. The adopted county budget for the ensuing
2 3 fiscal year shall be amended by June 30.

2 4 Sec. 3. EFFECTIVE AND APPLICABILITY DATES. This Act,
2 5 being deemed of immediate importance, takes effect upon
2 6 enactment and applies to county budgets adopted and property
2 7 taxes due and payable after the effective date of this Act.

2 8 EXPLANATION

2 9 This bill authorizes a county board of supervisors to abate
2 10 a percentage of the taxes, special assessments, and rates or
2 11 charges, including interest, fees, and costs, which are due
2 12 and payable in the ensuing fiscal year, upon a finding that
2 13 the economic conditions of the county are such that it is in
2 14 the best interests of the public to provide property tax
2 15 relief. An abatement approved by the board of supervisors
2 16 must be applied uniformly among all classes of property.

2 17 The bill requires the board of supervisors to conduct a
2 18 public hearing prior to approving the abatement. A resolution
2 19 approving an abatement must be adopted no later than June 1
2 20 for taxes due and payable in the ensuing fiscal year.

2 21 If the board of supervisors approves an abatement after the
2 22 county budget is adopted, the bill requires the board to
2 23 prepare and adopt a budget amendment, if necessary, no later
2 24 than June 30.

2 25 The bill takes effect upon enactment and applies to county
2 26 budgets adopted and property taxes due and payable after the
2 27 effective date of the bill.

2 28 LSB 2614HH 83

2 29 md/sc/5



Iowa General Assembly
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House File 691 - Introduced

HOUSE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HF 443)

(COMPANION TO LSB 2003SV BY
COMMITTEE ON HUMAN RESOURCES)

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

A BILL FOR

- 1 An Act relating to access to obscene materials and child in need
- 2 of assistance proceedings and child abuse reporting.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLBS 2003HV 83
- 5 jp/rj/8



Iowa General Assembly
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House File 691 - Introduced continued

PAG LIN

1 1 Section 1. Section 232.2, subsection 6, paragraph c, Code
1 2 2009, is amended to read as follows:

1 3 c. Who has suffered or is imminently likely to suffer
1 4 harmful effects as a result of ~~either~~ any of the following:

1 5 (1) Mental injury caused by the acts of the child's
1 6 parent, guardian, or custodian.

1 7 (2) The failure of the child's parent, guardian,
1 8 custodian, or other member of the household in which the child
1 9 resides to exercise a reasonable degree of care in supervising
1 10 the child.

1 11 (3) The child's parent, guardian, or custodian, or person
1 12 responsible for the care of the child, as defined in section
1 13 232.68, has knowingly disseminated and exhibited obscene
1 14 material as defined in section 728.1 to the child.

1 15 Sec. 2. Section 232.68, subsection 2, Code 2009, is
1 16 amended by adding the following new paragraph:

1 17 NEW PARAGRAPH. j. The person responsible for the care of
1 18 the child has knowingly allowed the child access to obscene
1 19 material as defined in section 728.1 or has knowingly
1 20 disseminated or exhibited such material to the child.

1 21 EXPLANATION

1 22 This bill relates to obscene material in child in need of
1 23 assistance proceedings and child abuse cases.

1 24 The bill modifies the definition of "child in need of
1 25 assistance" to include situations where a child has suffered
1 26 or is imminently likely to suffer harmful effects because a
1 27 parent, guardian, or custodian, or person responsible for the
1 28 care of the child, knowingly disseminated and exhibited to the
1 29 child obscene material as defined in Code section 728.1. By
1 30 modifying the definition of child in need of assistance to
1 31 include such situations, a child who is adjudicated a child in
1 32 need of assistance under Code section 232.96 is subject to the
1 33 least restrictive dispositional order pursuant to Code
1 34 sections 232.100 through 232.102.

1 35 The bill also modifies the term "child abuse" to include



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House File 691 - Introduced continued

2 1 situations where a person responsible for the care of the
2 2 child knowingly allows the child access to obscene material or
2 3 knowingly disseminates or exhibits such material to the child.
2 4 By modifying the definition of "child abuse" to include such
2 5 situations, a professional listed in Code section 232.69 is
2 6 required to report the child abuse. In addition a person who
2 7 commits child abuse by knowingly allowing access to obscene
2 8 material or knowingly disseminates or exhibits such material
2 9 to the child, may be subject to the child abuse registry
2 10 provisions.
2 11 Under Code section 728.2, disseminating or exhibiting
2 12 obscene material to a person under age 18 is a serious
2 13 misdemeanor criminal offense. Code chapter 728 includes other
2 14 offenses involving a child's access to obscene materials.
2 15 LSB 2003HV 83
2 16 jp/rj/8



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House File 692 - Introduced

HOUSE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 213)

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

A BILL FOR

- 1 An Act relating to psychiatric medical institution for children
- 2 services and providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1680HV 83
- 5 jp/rj/14



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House File 692 - Introduced continued

PAG LIN

1 1 Section 1. PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN
1 2 == REIMBURSEMENT.
1 3 1. For the purposes of this section, unless the context
1 4 otherwise requires, "psychiatric institution" means a
1 5 psychiatric medical institution for children licensed under
1 6 chapter 135H and receiving medical assistance program
1 7 reimbursement.
1 8 2. The department of human services, in consultation with
1 9 psychiatric institution providers, shall develop a cost-based
1 10 rate setting methodology with levels of reimbursement based on
1 11 acuity for psychiatric institution providers in accordance
1 12 with this section.
1 13 3. a. For the fiscal year beginning July 1, 2009, and
1 14 ending June 30, 2010, psychiatric institution providers may
1 15 submit a projected cost report to be used to set a prospective
1 16 rate for the rate period of July 1, 2009, through June 30,
1 17 2010. For that fiscal year, the maximum reimbursement rate
1 18 for psychiatric institution providers shall be 103 percent of
1 19 the patient-day weighted statewide average cost of psychiatric
1 20 institution providers located within the state, based on the
1 21 cost reports for the preceding fiscal year. However, the
1 22 average cost computation shall not include the psychiatric
1 23 institution at the state mental health institute located at
1 24 Independence, and upon receiving federal approval, the
1 25 reimbursement rate for that psychiatric institution shall be
1 26 as provided in the state plan amendment under subsection 5.
1 27 The reimbursement payments made to psychiatric institution
1 28 providers for the fiscal year beginning July 1, 2009, and
1 29 ending June 30, 2010, shall be cost settled to actual cost,
1 30 not to exceed the maximum reimbursement rate for the fiscal
1 31 year. Any overpayment amount shall be returned within 30 days
1 32 of submission of a notice of overpayment to the provider.
1 33 b. Notwithstanding paragraph "a", on a case-by-case basis
1 34 for psychiatric institution services provided to children with
1 35 intensive needs who would otherwise require placement outside



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House File 692 - Introduced continued

2 1 the state, the department may apply an exception to policy
2 2 process to authorize provider reimbursement in excess of the
2 3 maximum reimbursement rate under paragraph "a".
2 4 4. a. By January 1, 2010, the department shall develop a
2 5 methodology for cost-based reimbursement with an acuity
2 6 adjustment based on the aggregate acuity level of each
2 7 psychiatric institution's patient mix. Under the methodology,
2 8 each psychiatric institution's aggregate acuity level shall be
2 9 recalculated periodically. The department shall work with
2 10 psychiatric institution provider representatives to develop
2 11 the methodology.
2 12 b. The department shall implement the cost-based
2 13 reimbursement with acuity adjustment methodology beginning on
2 14 July 1, 2010.
2 15 5. The department shall submit a medical assistance state
2 16 plan amendment to the centers for Medicare and Medicaid
2 17 services of the United States department of health and human
2 18 services requesting authorization to reimburse the psychiatric
2 19 institution at the state mental health institute located at
2 20 Independence at 100 percent of actual costs. Upon receiving
2 21 approval of the plan amendment, for the fiscal year beginning
2 22 July 1, 2009, an amount equivalent to the resulting savings
2 23 shall be transferred from the appropriation for the state
2 24 mental health institute at Independence to the medical
2 25 assistance appropriation to be used for the purposes described
2 26 in this section.
2 27 6. The department shall track the number of admissions of
2 28 Iowa children to out-of-state psychiatric medical institutions
2 29 for children and the corresponding expenditures, and if
2 30 necessary, shall adopt utilization control strategies to
2 31 assure that utilization of such out-of-state admission is
2 32 reduced.
2 33 7. The department, in consultation with providers, shall
2 34 develop and implement outcome measures for all psychiatric
2 35 institution providers beginning on July 1, 2010.



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3 1 8. The department of human services shall adopt rules
3 2 pursuant to chapter 17A to implement this section.
3 3 Sec. 2. Section 249A.31, Code 2009, is amended by adding
3 4 the following new unnumbered paragraph:
3 5 NEW UNNUMBERED PARAGRAPH. Effective July 1, 2010, the
3 6 department shall apply a cost-based reimbursement methodology
3 7 for reimbursement of psychiatric medical institution for
3 8 children providers.
3 9 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
3 10 immediate importance, takes effect upon enactment.

3 11 EXPLANATION

3 12 This bill relates to psychiatric medical institution for
3 13 children (PMIC) services by providing for development and
3 14 implementation of a new reimbursement methodology that is
3 15 acuity-based and by addressing other PMIC service provisions.
3 16 The department of human services (DHS) is directed to work
3 17 with PMIC providers in developing the new reimbursement
3 18 methodology to be implemented beginning on July 1, 2010. For
3 19 fiscal year 2009=2010, the maximum reimbursement rate for PMIC
3 20 providers other than the PMIC at the state mental health
3 21 institute located at Independence, is limited to a specified
3 22 percentage of certain average costs. However, the PMIC
3 23 providers may submit a projected cost report to be used to set
3 24 a prospective rate for that year until actual costs are
3 25 settled. If there is an overpayment, the PMIC provider must
3 26 return the overpayment within 30 days of being notified. DHS
3 27 may utilize the exception to policy process on a case-by-case
3 28 basis to authorize a higher rate for services provided to
3 29 children with intensive needs who would otherwise be placed
3 30 out-of-state. DHS is required to track out-of-state PMIC
3 31 placements and apply utilization controls strategies to assure
3 32 a reduction in out-of-state PMIC admissions.
3 33 The department is required to apply for state medical
3 34 assistance plan amendment for authority to reimburse the PMIC
3 35 located at the state mental health institute for 100 percent



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House File 692 - Introduced continued

4 1 of actual costs. Any resulting savings to that institute's
4 2 appropriation for fiscal year 2009=2010 is to be transferred
4 3 to the medical assistance (Medicaid) program appropriation to
4 4 be used for the purposes in the bill.
4 5 The department is also required to work with PMIC providers
4 6 to develop and implement outcome measures for PMIC providers
4 7 beginning on July 1, 2010.
4 8 The department is required to adopt rules to implement the
4 9 bill.
4 10 Code section 249A.31, relating to cost-based reimbursement
4 11 under the Medicaid program, is amended to require permanent
4 12 cost-based reimbursement of PMICs effective July 1, 2010.
4 13 The bill takes effect upon enactment.
4 14 LSB 1680HV 83
4 15 jp/rj/14



Iowa General Assembly
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House File 693 - Introduced

HOUSE FILE
BY COMMITTEE ON ECONOMIC GROWTH

(SUCCESSOR TO HF 569)

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

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 2460HV 83
- 5 ec/nh/14



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House File 693 - 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 693 - 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



Iowa General Assembly
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House File 693 - Introduced continued

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 2460HV 83
4 9 ec/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
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House File 694 - Introduced

HOUSE FILE
BY L. MILLER

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

A BILL FOR

1 An Act relating to the offering of health care coverage to state
2 employees through high deductible health plans and health
3 savings accounts.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2650YH 83
6 mg/nh/5



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1 1 Section 1. NEW SECTION. 509A.12A HEALTH SAVINGS ACCOUNTS
1 2 FOR STATE EMPLOYEES AND RETIREES.
1 3 1. For purposes of this section:
1 4 a. "Health savings account" or "high deductible health
1 5 plan" mean the same as defined in section 223 of the Internal
1 6 Revenue Code.
1 7 b. "Internal Revenue Code" means the same as defined in
1 8 section 422.3.
1 9 2. Beginning with the open enrollment period for the 2010
1 10 plan year, the executive council of the state shall offer to
1 11 all state employees and retirees, in addition to the plans
1 12 currently offered, the option of receiving health care
1 13 coverage through a high deductible health plan and the
1 14 establishment of a health savings account. In no instance
1 15 shall an employee or retiree be required to enroll in a high
1 16 deductible health plan with a deductible greater than the
1 17 minimum allowed by law. However, an employee or retiree shall
1 18 have the option to enroll in a high deductible health plan up
1 19 to the maximum allowed by law. The health savings account
1 20 shall conform to the guidelines established pursuant to
1 21 section 223 of the Internal Revenue Code for the applicable
1 22 tax year but in no case shall an employee or retiree be
1 23 required to contribute more than the minimum amount allowed by
1 24 law. A qualified employee or retiree may contribute up to the
1 25 maximum allowed by law. In order for a state employee or
1 26 retiree to obtain a high deductible health plan under this
1 27 section, such individual shall present evidence, in a manner
1 28 prescribed by the executive council, to the council that the
1 29 individual has established a health savings account in
1 30 compliance with section 223 of the Internal Revenue Code.
1 31 3. The executive council shall issue a request for
1 32 proposals from companies interested in offering a high
1 33 deductible health plan in connection with a health savings
1 34 account.
1 35 4. The executive council of the state shall adopt rules



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2 1 for the administration and implementation of this section.

2 2 EXPLANATION

2 3 This bill directs the state executive council to offer,
2 4 beginning with the open enrollment period for the 2010 plan
2 5 year, the option for state employees or retirees to receive
2 6 health care coverage through a high deductible health plan and
2 7 the establishment of a health savings account.

2 8 High deductible health plans and health savings accounts
2 9 are defined in the Internal Revenue Code. A high deductible
2 10 health plan is a plan with a minimum annual deductibility of
2 11 \$1,100 for single-only coverage and \$2,200 for family
2 12 coverage. In addition, the annual out-of-pocket expenses
2 13 cannot exceed \$5,600 for self-only coverage and \$11,200 for
2 14 family coverage. These figures are adjusted for inflation.
2 15 Contributions made to a health savings account are deductible
2 16 in determining federal adjusted gross income and thus
2 17 deductible for Iowa tax purposes. The amount of the deduction
2 18 is adjusted for inflation and is approximately \$2,850 for
2 19 self-only coverage and \$5,650 for family coverage.

2 20 LSB 2650YH 83

2 21 mg/nh/5



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HOUSE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 170)

(COMPANION TO LSB 1471SV BY
COMMITTEE ON JUDICIARY)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to civil actions including certain limitations on
2 actions, judgments, and executions and including actions
3 relating to the foreclosure of real estate mortgages, and
4 providing effective date and applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 1471HV 83
7 rh/rj/5



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1 1 Section 1. NEW SECTION. 614.18A JUDGMENT AND DECREE
1 2 AFFECTING REAL PROPERTY.

1 3 In an action in which the court had jurisdiction of the
1 4 aggrieved party, a motion or other legal proceeding attacking
1 5 the validity of the judgment or decree based on noncompliance
1 6 with the requirements of rule of civil procedure 1.972 shall
1 7 not affect the interests of any purchaser or mortgagee for
1 8 value of the real property involved unless the motion or
1 9 proceeding is initiated within thirty days after the recording
1 10 of the sheriff's deed or within ninety days after the filing
1 11 of a judgment or decree not providing for the issuance of a
1 12 sheriff's deed.

1 13 Sec. 2. Section 615.1, subsection 1, Code 2009, is amended
1 14 to read as follows:

1 15 1. After the expiration of a period of two years from the
1 16 date of entry of judgment, exclusive of any time during which
1 17 execution on the judgment was stayed pending a bankruptcy
1 18 action or order of court, a judgment entered in ~~either~~ any of
1 19 the following actions shall be null and void, all liens shall
1 20 be extinguished, and no execution shall be issued ~~for any~~
1 21 ~~purpose other than~~ except as a setoff or counterclaim:

1 22 a. (1) ~~An~~ For a real estate mortgage, deed of trust, or
1 23 real estate contract executed prior to July 1, 2009, an action
1 24 for the foreclosure of a the real estate mortgage, deed of
1 25 trust, or real estate contract upon property which at the time
1 26 of judgment the foreclosure is commenced is either used for an
1 27 agricultural purpose as defined in section 535.13 or as a
1 28 one-family or two-family dwelling which is the residence of
1 29 the mortgagor.

1 30 (2) For a real estate mortgage, deed of trust, or real
1 31 estate contract executed on or after July 1, 2009, an action
1 32 for the foreclosure of the real estate mortgage, deed of
1 33 trust, or real estate contract upon property which at the time
1 34 of the execution of the mortgage, deed, or contract is either
1 35 used for, or is being acquired for, an agricultural purpose as



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2 1 defined in section 535.13 or as a one-family or two-family
2 2 dwelling which is the residence of the mortgagor.
2 3 b. An action on a claim for rent.
2 4 Sec. 3. Section 626.81, Code 2009, is amended to read as
2 5 follows:
2 6 626.81 SALE POSTPONED.
2 7 When there are no bidders, or when the amount offered is
2 8 grossly inadequate, ~~or~~ when from any cause the sale is
2 9 prevented from taking place on the day fixed, when requested
2 10 by the judgment creditor, or when the parties so agree, the
2 11 officer may postpone the sale ~~for not more than three days~~
2 12 without being required to give any further notice thereof,
2 13 which postponement shall be publicly announced at the time the
2 14 sale was to have been made, but not more than two such
2 15 adjournments of not more than sixty days in the aggregate
2 16 shall be made, except by agreement of the parties in writing
2 17 and made a part of the return upon the execution.
2 18 Sec. 4. NEW SECTION. 654.1A MAINTENANCE OF MORTGAGOR
2 19 PROTECTIONS == DISCONTINUATION OF OCCUPATION.
2 20 For purposes of sections 615.1, 615.3, 628.28, 654.2D,
2 21 654.20, 654.21, and 654.26, property shall be deemed the
2 22 residence of and occupied by the mortgagor where occupation
2 23 has ceased because of the effects of natural disaster, injury
2 24 to the property not willfully caused by the mortgagor, or the
2 25 mortgagor's state military service or federal military service
2 26 as those terms are defined in section 29A.1.
2 27 Sec. 5. NEW SECTION. 654.4A SERVICE OF PROCESS == IN REM
2 28 RELIEF.
2 29 In addition to any other form of service authorized by law,
2 30 where in rem relief is the only relief requested in a
2 31 foreclosure action against either a party or a person to be
2 32 served with a notice pursuant to section 654.15B, all of the
2 33 following shall apply:
2 34 1. If the person to be served is a judgment creditor,
2 35 service may be made by certified mail, with proof of delivery,



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3 1 to the judgment creditor's registered agent or to the judgment
3 2 creditor at the judgment creditor's principal place of
3 3 business in the state where the business is organized, as
3 4 indicated by the records in the office of the secretary of
3 5 state, or to the judgment creditor at the last address
3 6 indicated in the case in which the judgment was entered.

3 7 2. Upon affidavit that service cannot be made on a
3 8 judgment creditor either pursuant to subsection 1 or by
3 9 personal service in this state, service may be made by
3 10 certified mail, with proof of delivery, on the judgment
3 11 creditor's attorney of record if that attorney is a practicing
3 12 attorney in this state, along with a copy of this section, and
3 13 a payment of ten dollars. The attorney shall forward the
3 14 notice by ordinary mail to the judgment creditor's last known
3 15 address but the attorney shall have no further duties under
3 16 this section with respect to the notice.

3 17 3. An attorney who agrees to accept service on behalf of a
3 18 judgment creditor may charge a reasonable fee, not to exceed
3 19 ten dollars, for accepting service.

3 20 4. If a person, other than a governmental taxing unit, is
3 21 an interested person with respect to a decedent's estate in
3 22 probate, the person may be named generally as a person
3 23 interested in the decedent's estate and service of process
3 24 shall be made by personal service or certified mail, along
3 25 with proof of delivery, on the attorney for the personal
3 26 representative. If the estate is probated in this state and a
3 27 person has requested notice pursuant to section 633.42, the
3 28 mortgagee shall also serve that person by ordinary mail at the
3 29 address specified in the request for notice. A person so
3 30 served may intervene as a named defendant as a matter of
3 31 right.

3 32 5. If a defendant, other than a governmental taxing unit,
3 33 is a person whose identity is not reasonably ascertainable,
3 34 and the person has an interest in a decedent's estate not
3 35 probated in this state, such person may be named generally as



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4 1 a person with an interest in the decedent's estate and service
4 2 of process shall be made by publication unless the mortgagee
4 3 has actual notice that the decedent's estate is probated in
4 4 another state. A person so served may intervene as a named
4 5 defendant as a matter of right.

4 6 Sec. 6. NEW SECTION. 654.4B ACCELERATION OF INDEBTEDNESS
4 7 == NOTICE OF MORTGAGE MEDIATION ASSISTANCE.

4 8 1. Prior to commencing a foreclosure on the accelerated
4 9 balance of a mortgage loan and after termination of any
4 10 applicable cure period, including but not limited to those
4 11 provided in section 654.2A or 654.2D, a creditor shall give
4 12 the borrower a fourteen-day demand for payment of the
4 13 accelerated balance to qualify for an award of attorney fees
4 14 under section 625.25 on the accelerated balance.

4 15 2. a. Prior to commencing an action under this chapter on
4 16 a one-family or two-family dwelling that is the residence of
4 17 the owner, the creditor shall inform the owner of the
4 18 availability of counseling and mediation on a form as the
4 19 attorney general may prescribe. The notice required by this
4 20 section shall be mailed by ordinary mail to the owner along
4 21 with the notice of acceleration or other initial communication
4 22 from the attorney representing the creditor in the action, and
4 23 shall also be served on the owner with the original notice and
4 24 petition seeking foreclosure. If, following application by
4 25 the owner or on its own motion, the court finds that the
4 26 notice was not served on the owner as required by this
4 27 subsection and that the owner desires counseling or mediation,
4 28 the court shall grant to the owner a delay of the sheriff's
4 29 sale or, in the event the sheriff's sale has occurred and the
4 30 mortgagee or its affiliate was the winning bidder at the
4 31 sheriff's sale, a delay of the recording of the sheriff's
4 32 deed. In either case, the delay shall not exceed sixty days.
4 33 If the affidavit of service for the original notice in the
4 34 court file indicates that the notice required by this
4 35 subsection was served on the owner, there shall be a



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5 1 rebuttable presumption that the notice was served as required
5 2 by this subsection. The court may grant an application for a
5 3 delay pursuant to this subsection ex parte only if the court
5 4 file does not show service of the notice on the owner along
5 5 with the original notice. Objection to the failure of the
5 6 mortgagee to serve the notice is barred unless an application
5 7 under this subsection is timely filed and is granted before
5 8 the date of the sale or recording, respectively. If the court
5 9 delays the sheriff's sale, the new sale date and time shall be
5 10 announced orally by the sheriff at the time previously
5 11 scheduled for sale, and the mortgagee need not republish and
5 12 serve notice of the rescheduled sale.

5 13 b. This subsection is repealed July 1, 2011.

5 14 Sec. 7. Section 654.5, Code 2009, is amended to read as
5 15 follows:

5 16 654.5 JUDGMENT == SALE AND REDEMPTION.

5 17 1. When a mortgage or deed of trust is foreclosed, the
5 18 court shall do all of the following:

5 19 a. ~~render~~ Render judgment for the entire amount found to
5 20 be due, ~~and must direct.~~

5 21 b. Direct the mortgaged property, or so much thereof as is
5 22 necessary, to be sold to satisfy the judgment, with interest
5 23 and costs.

5 24 c. Determine issues of title raised in the pleadings to
5 25 establish the rights and priorities of the parties and persons
5 26 served with notice pursuant to section 654.15B in the property
5 27 subject to foreclosure as may be reasonably necessary to allow
5 28 a purchaser at a sheriff's sale to obtain clear title.

5 29 2. A special execution shall issue accordingly under such
5 30 conditions as the decree may prescribe, and the sale under the
5 31 special execution is subject to redemption as in cases of sale
5 32 under general execution unless the plaintiff has elected
5 33 foreclosure without redemption under section 654.20.

5 34 3. The clerk shall provide a copy of the decree by
5 35 ordinary or electronic mail to all parties in the foreclosure



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6 1 proceeding and all persons served with notices under section
6 2 654.15B.
6 3 Sec. 8. Section 654.15B, Code 2009, is amended to read as
6 4 follows:
6 5 654.15B RIGHT TO INTERVENE == NOTICE.
6 6 A lender may serve a judgment creditor in a foreclosure
6 7 action with notice in substantially the following form
6 8 advising the creditor that the property that is the subject of
6 9 the foreclosure action shall be foreclosed and describing the
6 10 creditor's interest in the action and that unless such
6 11 creditor intervenes in the foreclosure action such creditor
6 12 shall lose the creditor's interest in the mortgaged property.
6 13 Unless the creditor intervenes within thirty days of the
6 14 service of notice, the court may adjudicate the creditor's
6 15 rights against the property as if the creditor had been added
6 16 as a defendant and default had been entered against the
6 17 defendant. If a creditor cannot be located for personal
6 18 service, the plaintiff may, at any time prior to sixty days
6 19 before the date of trial, amend the petition as a matter of
6 20 right to add the creditor as a defendant for service by
6 21 publication as provided by rule. The notice prescribed by
6 22 this section is as follows:
6 23 NOTICE OF PENDING FORECLOSURE
6 24 To: (Name and address of creditor)
6 25 Date: (Enter date)
6 26 Plaintiff (Name of foreclosing party) has filed a
6 27 foreclosure of mortgage against the property of (titleholder)
6 28 located at (street address of property) which is legally
6 29 described as (legal description). This foreclosure was filed
6 30 as (Plaintiff v. Defendant), Case # (..), in the Iowa District
6 31 Court for (.....) County and is intended to foreclose a
6 32 mortgage dated (date of mortgage) and recorded on (date of
6 33 recording) in the (county recorder's office). You have an
6 34 apparent interest in the property because ~~(description of~~
~~6 35 creditor's interest) of an apparent judgment lien in (short~~



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7 1 caption of case, case number, court where judgment entered,
 7 2 and judgment date). If you desire to protect this interest,
 7 3 you have the right to intervene in the foreclosure action
 7 4 within thirty days of the service of notice by filing an
 7 5 intervention with the clerk of court in (.....) County.
 7 6 Unless you intervene in the foreclosure, the foreclosure may
 7 7 eliminate any interest you have in the property but will not
 7 8 otherwise affect your rights. If you have any questions about
 7 9 this notice, contact your attorney. Whether or not you
 7 10 intervene, the foreclosure may have certain tax consequences
 7 11 to you about which you should consult your tax advisor.
 7 12

7 13 Name, address, and telephone number of attorney representing
 7 14 plaintiff (name of foreclosing party).
 7 15 Sec. 9. Section 654.17, Code 2009, is amended to read as
 7 16 follows:
 7 17 654.17 RECISION OF FORECLOSURE.
 7 18 1. At any time prior to the recording of the sheriff's
 7 19 deed, and before the mortgagee's rights become unenforceable
 7 20 by operation of the statute of limitations, the judgment
 7 21 creditor, or the judgment creditor who is the successful
 7 22 bidder at the sheriff's sale, ~~with the written consent of the~~
 7 23 ~~mortgagor~~ may rescind the foreclosure action by filing a
 7 24 notice of recision with the clerk of court in the county in
 7 25 which the property is located along with a filing fee of fifty
 7 26 dollars. In addition, if the original loan documents are
 7 27 contained in the court file, the mortgagee shall pay a fee of
 7 28 twenty-five dollars to the clerk of the district court. Upon
 7 29 the payment of the fee, the clerk shall make copies of the
 7 30 original loan documents for the court file, and return the
 7 31 original loan documents to the mortgagee.
 7 32 2. Upon the filing of the notice of recision, the mortgage
 7 33 loan shall be enforceable according to the original terms of
 7 34 the mortgage loan and the rights of all persons with an
 7 35 interest in the property may be enforced as if the foreclosure



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8 1 had not been filed. However, any findings of fact or law
8 2 shall be preclusive for purposes of any future action unless
8 3 the court, upon hearing, rules otherwise and the mortgagee
8 4 shall be permanently barred from a deficiency judgment if the
8 5 judgment rescinded was subject to the provisions of section
8 6 615.1. The mortgagee may charge the mortgagor shall be
~~8 7 assessed for the costs, including reasonable attorney fees, of~~
8 8 foreclosure and rescision if ~~provided by the mortgage agreement~~
8 9 agreed to in writing by the mortgagor.

8 10 Sec. 10. NEW SECTION. 654.17B DIVESTMENT OF JUNIOR LIENS
8 11 PURSUANT TO LOAN MODIFICATION.

8 12 1. The foreclosing mortgagee and the mortgagor, including
8 13 any successor in interest of the original mortgagor, of a
8 14 nonagricultural one-family or two-family dwelling occupied as
8 15 a residence by the mortgagor may agree in writing to a
8 16 modification of the mortgage obligation to allow the mortgagor
8 17 to continue to reside on the property. If such a modification
8 18 provides for a reduction of at least ten percent in the net
8 19 present value of the indebtedness owing to the mortgagee, the
8 20 foreclosing mortgagee and the mortgagor may move that the
8 21 court divest any junior liens against the property. If the
8 22 court approves divestment, the court shall order that the
8 23 junior lienholder be served personally with copies of the loan
8 24 modification agreement, a verified current balance of the loan
8 25 as modified, and the court's order that the junior
8 26 lienholder's interest in the property be divested unless the
8 27 junior lienholder, within forty-five days of service, either
8 28 acts pursuant to section 654.8 to obtain an assignment of the
8 29 mortgagee's rights as modified or moves to quash the proposed
8 30 divestment by establishing that the value of the property
8 31 exceeds the amount of the mortgage debt prior to its
8 32 modification. Such divestment shall prohibit the junior
8 33 lienholder from any subsequent action to enforce the junior
8 34 lienholder's debt against the mortgaged property, subject to
8 35 the provisions of chapter 615, and shall not otherwise



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9 1 prejudice any personal right of action the junior lienholder
9 2 may have to proceed against the mortgagor's other assets.

9 3 2. This section is repealed July 1, 2014.

9 4 Sec. 11. Section 655A.3, subsection 1, paragraph a, Code
9 5 2009, is amended by adding the following new subparagraph:

9 6 NEW SUBPARAGRAPH. (4) Specify a postal or electronic mail
9 7 address where rejection of the notice may be served.

9 8 Sec. 12. Section 655A.4, Code 2009, is amended to read as
9 9 follows:

9 10 655A.4 SERVICE.

9 11 ~~Notice or rejection of notice~~ under this chapter shall be
9 12 served as provided in the rules of civil procedure for service
9 13 of original notice. Rejection of notice under this chapter
9 14 shall be served by ordinary or electronic mail addressed as
9 15 provided in the notice, or if no address is provided, to the
9 16 last address of the mortgagee known to the mortgagor.

9 17 Sec. 13. Section 655A.6, Code 2009, is amended to read as
9 18 follows:

9 19 655A.6 REJECTION OF NOTICE.

9 20 If either the mortgagor, or successor in interest of record
9 21 including a contract purchaser, within thirty days of service
9 22 of the notice pursuant to section 655A.3, files with the
9 23 recorder of the county where the mortgaged property is
9 24 located, a rejection of the notice reasonably identifying ~~by a~~
9 25 ~~document reference number~~ the notice which is rejected
9 26 together with proofs of service required under section 655A.4
9 27 that the rejection has been served on the mortgagee, the
9 28 notice served upon the mortgagor pursuant to section 655A.3 is
9 29 of no force or effect.

9 30 Sec. 14. Section 655A.8, Code 2009, is amended to read as
9 31 follows:

9 32 655A.8 EFFECT OF FORECLOSURE == REOPENING.

9 33 Upon completion of the filings required under section
9 34 655A.7 and if no rejection of notice has been filed pursuant
9 35 to section 655A.6, then without further act or deed:



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10 1 1. The mortgagee acquires and succeeds to all interest of
10 2 the mortgagor in the real estate.

10 3 2. All liens which are inferior to the lien of the
10 4 foreclosed mortgage are extinguished.

10 5 3. The indebtedness secured by the foreclosed mortgage is
10 6 extinguished.

10 7 4. If, after completion of the filings required under
10 8 section 655A.7, it appears that a junior lienholder was not
10 9 properly served with a notice pursuant to section 655A.3, the
10 10 mortgagee may serve the lienholder with an amended notice
10 11 specifying the provisions of the mortgage currently in
10 12 default. Unless the junior lienholder performs, within thirty
10 13 days pursuant to section 655A.5, the mortgagee may file a
10 14 supplemental affidavit indicating service and nonperformance
10 15 to extinguish the lien.

10 16 5. A foreclosure under this chapter shall not bar a
10 17 mortgagee or its successor in interest from action under
10 18 chapter 654 to resolve matters which have not been resolved
10 19 under this chapter.

10 20 Sec. 15. Section 655A.9, Code 2009, is amended to read as
10 21 follows:

10 22 655A.9 APPLICATION OF CHAPTER.

10 23 This chapter does not apply to real estate used for an
10 24 agricultural purpose as defined in section 535.13, or to a one
10 25 or two family dwelling which is, at the time of the initiation
10 26 of the foreclosure, occupied by ~~an~~ a legal or equitable
10 27 titleholder.

10 28 Sec. 16. EFFECTIVE DATE. The section of this Act enacting
10 29 section 654.4B, being deemed of immediate importance, takes
10 30 effect upon enactment.

10 31 Sec. 17. APPLICABILITY.

10 32 1. The section of this Act enacting section 614.18A
10 33 applies to sheriff's deeds recorded and judgments entered on
10 34 or after the effective date of this Act.

10 35 2. The portion of the section of this Act amending section



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11 1 615.1, subsection 1, paragraph "a", by designating
11 2 subparagraph (1) applies to judgments entered on or after the
11 3 effective date of this Act.
11 4 3. The sections of this Act enacting sections 654.1A,
11 5 654.4A, and 654.17B and the section of this Act amending
11 6 section 654.15B apply to all actions commenced on or after the
11 7 effective date of this Act.
11 8 4. The sections of this Act amending sections 655A.3,
11 9 655A.4, 655A.6, 655A.8, and 655A.9 apply to all nonjudicial
11 10 foreclosures of nonagricultural mortgages commenced on or
11 11 after the effective date of this Act.
11 12 5. The section of this Act enacting section 654.4B,
11 13 subsection 1, and sections 626.81, 654.5, and 654.17 apply to
11 14 judgments entered on or after the effective date of this Act.
11 15 Sec. 18. The section of this Act amending section 655A.9
11 16 is intended to be a continuation of the prior statute pursuant
11 17 to section 4.10 and the amendment does not affect the prior
11 18 operation of the statute or any prior action taken under the
11 19 statute pursuant to section 4.13, subsection 1.

EXPLANATION

11 21 This bill relates to civil actions including certain
11 22 limitations on actions, judgments, and executions, and
11 23 including actions relating to the foreclosure of real estate
11 24 mortgages, and provides applicability provisions.
11 25 The bill provides that in an action in which the court had
11 26 jurisdiction of the aggrieved party, a motion or other legal
11 27 proceeding attacking the validity of the judgment or decree
11 28 based on failure to comply with the rules of civil procedure
11 29 relating to the entry of default judgments shall not affect
11 30 the interests of any purchaser or mortgagee for value of the
11 31 real property involved unless the motion or proceeding is
11 32 initiated within 30 days after the recording of the sheriff's
11 33 deed or within 90 days after the filing of a judgment or
11 34 decree not providing for the issuance of a sheriff's deed.
11 35 The bill provides that, in regard to an execution on a



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12 1 judgment in a foreclosure action, a judgment entered in either
12 2 of the following situations shall be null and void, all liens
12 3 shall be extinguished, and no execution shall be issued for
12 4 any purpose except as a setoff or counterclaim:

12 5 1. For a real estate mortgage, deed of trust, or real
12 6 estate contract executed prior to July 1, 2009, an action for
12 7 the foreclosure of a real estate mortgage, deed of trust, or
12 8 real estate contract upon property which at the time the
12 9 foreclosure is commenced is either used for an agricultural
12 10 purpose or as a one=family or two=family dwelling which is the
12 11 residence of the mortgagor, borrower, or vendee.

12 12 2. For a real estate mortgage, deed of trust, or real
12 13 estate contract executed on or after July 1, 2009, an action
12 14 for the foreclosure of a real estate mortgage, deed of trust,
12 15 or real estate contract upon property which at the time of the
12 16 execution of the mortgage, deed of trust, or real estate
12 17 contract is either used for, or is being acquired for, an
12 18 agricultural purpose as defined in Code section 535.13 or as a
12 19 one=family or two=family dwelling which is the residence of
12 20 the mortgagor, borrower, or vendee.

12 21 The bill expands the options for allowing postponements of
12 22 a sheriff's sale to include allowing a postponement upon a
12 23 request by a judgment creditor and also extends the number of
12 24 allowable postponements from two postponements of not more
12 25 than three days each to two postponements not to exceed a
12 26 total of 60 days in the aggregate.

12 27 The bill establishes a provision preserving mortgage
12 28 protections for a mortgagor in situations where the mortgagor
12 29 ceases to occupy the mortgagor's residence because of the
12 30 effects of natural disasters, injuries to the property, and
12 31 relocations due to military service. This provision applies
12 32 to all actions commenced on or after the effective date of the
12 33 bill.

12 34 The bill provides specific service of process provisions
12 35 for judgment creditors and their attorneys as well as



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13 1 executors and administrators of a decedent's estate where in
13 2 rem relief is the only relief requested in a foreclosure
13 3 action.

13 4 The bill provides that prior to commencing a foreclosure on
13 5 the accelerated balance of a mortgage loan, and after
13 6 termination of any applicable cure period, a creditor must
13 7 give the borrower a 14-day demand for payment of the
13 8 accelerated balance to apply for an award of attorney fees on
13 9 the accelerated balance. The bill also requires a mortgage
13 10 foreclosure attorney to notify a homeowner about the
13 11 availability of counseling and mediation services as the
13 12 attorney general may prescribe. Failure to provide such
13 13 notice to a homeowner allows the homeowner to obtain a delay
13 14 of the recording of the sheriff's sale or delay of the
13 15 recording of the sheriff's deed, not to exceed 60 days, to
13 16 obtain mortgage counseling and mediation. This provision
13 17 takes effect upon enactment.

13 18 The bill requires courts to determine the rights of all
13 19 persons joined as parties or receiving notices of their right
13 20 to intervene in a foreclosure action where title issues have
13 21 been raised by the pleadings and resolution of such issues is
13 22 necessary to provide clear title to persons purchasing the
13 23 land at a sheriff's sale.

13 24 The bill amends notice provisions relating to pending
13 25 foreclosures to require a mortgagee to provide additional
13 26 information relevant to a judgment creditor's decision to
13 27 intervene in a foreclosure action.

13 28 The bill eliminates the requirement that the mortgagor
13 29 consent to a rescission of a foreclosure action.

13 30 The bill eliminates deficiency judgments against the
13 31 mortgagee if such judgments would otherwise be restricted and
13 32 limits the assessment of costs, including reasonable attorney
13 33 fees, of foreclosure and rescission actions to those agreed to
13 34 in writing by the mortgagor.

13 35 The bill allows first mortgage lenders to make loan



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14 1 modifications to allow the mortgagor to continue to reside in
14 2 the mortgagor's home and to eliminate unnecessary junior
14 3 lienholders.

14 4 The bill provides that a notice in a nonjudicial
14 5 foreclosure shall contain a postal or electronic mail address
14 6 where rejection of the notice may be served, provides that a
14 7 rejection of a notice shall be served according to the rules
14 8 of civil procedure for service of original notice, and
14 9 eliminates the requirement that a rejection of the notice
14 10 reference a document reference number.

14 11 The bill allows for the reopening of a nonjudicial
14 12 foreclosure to resolve title issues where a junior lienholder
14 13 was not properly served with a notice.

14 14 The bill prohibits the use of a nonjudicial foreclosure in
14 15 circumstances where the real estate that is the subject of the
14 16 foreclosure is a one-family or two-family home occupied by a
14 17 legal titleholder. This provision applies to all nonjudicial
14 18 foreclosures of nonagricultural mortgages commenced on or
14 19 after the effective date of the bill.

14 20 The bill provides applicability provisions and for some
14 21 future repeals.

14 22 LSB 1471HV 83

14 23 rh/rj/5.1



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House File 696 - Introduced

HOUSE FILE
BY ISENHART

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

A BILL FOR

- 1 An Act relating to prisoner visitation at county jails and
- 2 municipal holding facilities, and inmate visitation at state
- 3 correctional facilities.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2422HH 83
- 6 jm/rj/5



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House File 696 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 356.51 PRISONER VISITATION.
1 2 All prisoners in a jail or municipal holding facility in
1 3 normal status shall be allowed reasonable visitation,
1 4 including visitation by minors related to the prisoner.

1 5 Sec. 2. NEW SECTION. 904.512A INMATE VISITATION.
1 6 All inmates in normal status shall be allowed reasonable
1 7 visitation, including visitation by minors related to the
1 8 inmate.

1 9 EXPLANATION

1 10 This bill relates to prisoner visitation at county jails
1 11 and municipal holding facilities, and inmate visitation at
1 12 state correctional facilities.

1 13 The bill provides that all prisoners in a county jail or
1 14 municipal holding facility in normal status shall be allowed
1 15 reasonable visitation, including visitation by minors related
1 16 to the prisoner. Currently, prisoner visitation is determined
1 17 at the local level.

1 18 The bill also provides that all inmates at a state
1 19 correctional facility in normal status shall be allowed
1 20 reasonable visitation, including visitation by minors related
1 21 to the inmate. Currently, all inmates in normal status are
1 22 allowed reasonable visitation under 201 IAC 50.19(4).

1 23 LSB 2422HH 83

1 24 jm/rj/5.3



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House File 697 - Introduced

HOUSE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 82)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to interference with judicial acts, and providing
- 2 a penalty.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1405HV 83
- 5 jm/nh/5



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House File 697 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 720.7 INTERFERENCE WITH JUDICIAL
1 2 ACTS == PENALTY.

1 3 1. As used in this section:

1 4 a. "Court employee" means the same as defined in section
1 5 602.1101.

1 6 b. "Family member" means a spouse, son, daughter, brother,
1 7 sister, uncle, aunt, first cousin, nephew, niece, grandfather,
1 8 grandmother, father=in=law, mother=in=law, son=in=law,
1 9 daughter=in=law, brother=in=law, sister=in=law, father,
1 10 mother, stepfather, stepmother, stepson, stepdaughter,
1 11 stepbrother, stepsister, half brother, or half sister.

1 12 c. "Judicial officer" means the same as defined in section
1 13 602.1101.

1 14 2. A person who harasses a judicial officer, court
1 15 employee, or a family member of a judicial officer or a court
1 16 employee in violation of section 708.7, with the intent to
1 17 interfere with or improperly influence, or in retaliation for,
1 18 the official acts of a judicial officer or court employee,
1 19 commits an aggravated misdemeanor.

1 20 EXPLANATION

1 21 This bill relates to interference with judicial acts.

1 22 Under the bill, a person who harasses a judicial officer,
1 23 court employee, or a family member of a judicial officer or
1 24 court employee in violation of Code section 708.7, with the
1 25 intent to interfere with or improperly influence, or in
1 26 retaliation for, the official acts of a judicial officer or
1 27 court employee, commits an aggravated misdemeanor.

1 28 An aggravated misdemeanor is punishable by confinement for
1 29 no more than two years and a fine of at least \$625 but not
1 30 more than \$6,250.

1 31 LSB 1405HV 83

1 32 jm/nh/5



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House File 698 - Introduced

HOUSE FILE
BY UPMEYER

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

A BILL FOR

1 An Act establishing a township clerk self-insurance program and a
2 township clerk self-insurance fund, and providing an effective
3 date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2622YH 83
6 md/sc/24



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House File 698 - Introduced continued

PAG LIN

1 1 Section 1. Section 64.12, Code 2009, is amended to read as
1 2 follows:

1 3 64.12 TOWNSHIP CLERK == EXPENSE OF BOND == SELF=INSURANCE
1 4 PROGRAM.

1 5 1. All bonds required of the township clerk shall be
1 6 furnished and paid for by the township.

1 7 2. A township clerk self=insurance fund is created in the
1 8 state treasury under the control of the commissioner of
1 9 insurance to be used pursuant to the requirements of this
1 10 section. Moneys in the fund shall be deposited in an
1 11 interest-bearing account. Moneys deposited into the fund are
1 12 not subject to section 8.33. Notwithstanding section 12C.7,
1 13 interest or earnings on moneys in the fund shall be credited
1 14 to the fund. Moneys in the self=insurance fund are not
1 15 subject to transfer, appropriation, or reversion to any other
1 16 fund or any other use except for the purposes authorized in
1 17 this section and pursuant to rules adopted to implement this
1 18 section.

1 19 3. Notwithstanding any provision of law to the contrary,
1 20 all moneys paid for bonds required of each township clerk
1 21 within the state shall be collected by the county auditor and
1 22 paid to the treasurer of state for deposit into the township
1 23 clerk self=insurance fund.

1 24 4. The commissioner of insurance shall establish a
1 25 township clerk self=insurance program and shall adopt rules
1 26 pursuant to chapter 17A for implementation of the program.
1 27 The program shall include but is not limited to policies and
1 28 procedures for the investigation and defense of claims against
1 29 township clerks, the administration and management of the
1 30 township clerk self=insurance fund, including annual
1 31 calculations for the amount of the bond required on behalf of
1 32 each township clerk, and the payment of claims to cover all or
1 33 any part of a township clerk's liability resulting from a
1 34 claim. The program shall include coverage and provisions that
1 35 are required by law in insurance policies for the type of risk



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2 1 that the program is intended to cover.

2 2 5. a. The commissioner of insurance shall pay claims to
2 3 cover all or any part of the liability of a township clerk
2 4 upon the written approval of two-thirds of the township clerks
2 5 within the state.

2 6 b. The costs of the self-insurance program shall be paid
2 7 out of the township clerk self-insurance fund.

2 8 6. The township clerk self-insurance program shall not
2 9 constitute a waiver of the defense of governmental immunity as
2 10 to the exceptions listed in section 670.4.

2 11 7. The township clerk self-insurance program is not
2 12 subject to regulation as insurance under chapters 506 through
2 13 523C. However, the township clerk self-insurance program is
2 14 subject to the requirements of section 509A.14 and rules
2 15 adopted pursuant to that section.

2 16 Sec. 2. Section 331.502, subsection 5, Code 2009, is
2 17 amended to read as follows:

2 18 5. Have custody of the official oaths and bonds of county
2 19 ~~and township~~ officers and custody of the official oaths of
2 20 township trustees as provided in section 64.23. The auditor
2 21 shall collect bonds received for township clerks and pay such
2 22 amounts to the treasurer of state for deposit into the
2 23 township clerk self-insurance fund pursuant to section 64.12.

2 24 Sec. 3. Section 505.8, Code 2009, is amended by adding the
2 25 following new subsection:

2 26 NEW SUBSECTION. 18. The commissioner of insurance shall
2 27 implement and administer the township clerk self-insurance
2 28 program pursuant to section 64.12.

2 29 Sec. 4. EFFECTIVE DATE. This Act takes effect on July 1,
2 30 2010.

2 31 EXPLANATION

2 32 This bill establishes a township clerk self-insurance fund
2 33 under the control of the commissioner of insurance. The bill
2 34 requires all moneys paid for bonds required of each township
2 35 clerk within the state to be collected by the county auditor



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3 1 and paid to the treasurer of state for deposit into the
3 2 township clerk self=insurance fund.
3 3 The bill requires the commissioner of insurance to
3 4 establish and implement a township clerk self=insurance
3 5 program. The bill requires the program to include policies
3 6 and procedures for the investigation and defense of claims
3 7 made against township clerks, the administration and
3 8 management of the township clerk self=insurance fund, and the
3 9 payment of claims to cover all or any part of a township
3 10 clerk's liability resulting from a claim. The bill also
3 11 requires that the program include coverage and provisions that
3 12 are required by law in insurance policies for the type of risk
3 13 that the program is intended to cover.
3 14 The bill provides that the commissioner of insurance shall
3 15 pay claims to cover all or any part of the liability of a
3 16 township clerk upon the written approval of two=thirds of the
3 17 township clerks in the state. The bill also provides that the
3 18 costs of the self=insurance program shall be paid out of the
3 19 fund.
3 20 The township clerk self=insurance program is not a waiver
3 21 of the defense of governmental immunity as to the exceptions
3 22 listed in Code section 670.4. Under the bill, the township
3 23 clerk self=insurance program is subject to the requirements of
3 24 Code section 509A.14, relating to self=insurance plans for
3 25 political subdivisions, and rules adopted pursuant to that
3 26 Code section.
3 27 The bill takes effect on July 1, 2010.
3 28 LSB 2622YH 83
3 29 md/sc/24



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House File 699 - Introduced

HOUSE FILE
BY FORD

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

A BILL FOR

1 An Act providing for the establishment of a financial literacy
2 and counseling pilot program to be administered by the Iowa
3 finance authority, making an appropriation, and providing an
4 effective date.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 2592HH 83
7 kh/nh/14



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House File 699 - Introduced continued

PAG LIN

1 1 Section 1. IOWA FINANCE AUTHORITY == FINANCIAL LITERACY
1 2 AND COUNSELING PILOT PROGRAM.
1 3 1. A financial literacy and counseling pilot program is
1 4 established to be administered by the Iowa finance authority
1 5 in collaboration with the department of commerce to be
1 6 operated in the five counties with the highest mortgage
1 7 foreclosure rates as of the effective date of this Act. For
1 8 the fiscal year beginning July 1, 2009, and ending June 30,
1 9 2010, a mortgage banker or mortgage broker licensed or
1 10 registered under chapter 535B who issues mortgage loans to
1 11 consumers within the five counties shall recommend
1 12 participation in the pilot program to any consumer seeking a
1 13 mortgage loan with origination fees greater than five percent.
1 14 The mortgage banker or mortgage broker shall also notify the
1 15 consumer that the mortgage loan may have attributes that are
1 16 predatory. A person who offers education, advice, or
1 17 counseling through the financial literacy and counseling pilot
1 18 program shall not be held liable for any damages incurred from
1 19 actions taken based on the education, advice, or counseling
1 20 obtained under the pilot program. In addition to the purposes
1 21 listed in section 16.10, the authority shall use moneys
1 22 declared by the authority to be surplus pursuant to section
1 23 16.10 to fund the pilot program.
1 24 2. The Iowa finance authority, in collaboration with the
1 25 department of commerce, shall report its findings and
1 26 recommendations for statewide implementation of the pilot
1 27 program to the general assembly by January 15, 2011.
1 28 Sec. 2. APPROPRIATION == IOWA FINANCE AUTHORITY. There is
1 29 appropriated from the general fund of the state to the Iowa
1 30 finance authority for the fiscal year beginning July 1, 2009,
1 31 and ending June 30, 2010, the following amount, or so much
1 32 thereof as is necessary, to be used for the purposes
1 33 designated:
1 34 For administration of the financial literacy and counseling
1 35 pilot program as enacted by this Act:



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House File 699 - Introduced continued

2 1 \$ 5,000
 2 2 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
 2 3 immediate importance, takes effect upon enactment.
 2 4 EXPLANATION
 2 5 This bill establishes a financial literacy and counseling
 2 6 program to be administered by the Iowa finance authority in
 2 7 collaboration with the department of commerce.
 2 8 The one-year pilot program is to be operated in the five
 2 9 counties with the highest mortgage foreclosure rates as of the
 2 10 effective date of the Act. A mortgage banker or mortgage
 2 11 broker issuing mortgage loans to consumers within the five
 2 12 counties must recommend participation in the pilot program to
 2 13 any consumer seeking a mortgage loan with origination fees
 2 14 greater than 5 percent, and must notify the consumer that the
 2 15 mortgage loan may have attributes that are predatory.
 2 16 A person who offers education, advice, or counseling
 2 17 through the pilot program shall not be held liable for any
 2 18 damages incurred from actions taken based on the education,
 2 19 advice, or counseling obtained under the pilot program. The
 2 20 bill appropriates \$5,000 from the state general fund for the
 2 21 2009=2010 fiscal year to the authority for administration of
 2 22 the program and directs the authority to fund the pilot
 2 23 program with moneys declared by the authority to be surplus.
 2 24 The authority, in collaboration with the department of
 2 25 commerce, must report its findings and recommendations for
 2 26 statewide implementation of the pilot program to the general
 2 27 assembly by January 15, 2011.
 2 28 The bill takes effect upon enactment.
 2 29 LSB 2592HH 83
 2 30 kh/nh/14.1



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House File 700 - Introduced

HOUSE FILE
BY JACOBY

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

A BILL FOR

1 An Act providing for a linked investment loans for emerging
2 businesses program administered by the department of economic
3 development.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2172YH 83
6 tw/mg:sc/8



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House File 700 - Introduced continued

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1 1 Section 1. NEW SECTION. 15E.361 SHORT TITLE.
1 2 This division shall be known as and may be cited as the
1 3 "Linked Investment Loans for Emerging Businesses Act".
1 4 Sec. 2. NEW SECTION. 15E.362 DEFINITIONS.
1 5 For purposes of this division, unless the context otherwise
1 6 requires:
1 7 1. "Department" means the department of economic
1 8 development.
1 9 2. "Eligible borrower" means a business meeting the
1 10 requirements of section 15E.363.
1 11 3. "Eligible lending institution" means a financial
1 12 institution empowered to make commercial loans and eligible to
1 13 be a depository of state funds pursuant to chapter 12C.
1 14 4. "Emerging business" means a business in existence less
1 15 than five years.
1 16 5. "Fund" means the grow Iowa values fund created in
1 17 section 15G.108.
1 18 6. "Linked investment" means an agreement between the
1 19 department and an eligible lending institution in which the
1 20 department obtains a certificate of deposit from the lending
1 21 institution and in which the eligible lending institution
1 22 agrees to loan to an eligible borrower an amount at least
1 23 equal to the amount of the principal specified in the
1 24 certificate of deposit.
1 25 7. "Primary sector business" means a business
1 26 participating in interstate or intrastate commerce and engaged
1 27 in manufacturing, processing, or assembling products,
1 28 conducting research and development, or providing services in
1 29 interstate or intrastate commerce. "Primary sector business"
1 30 does not include retail, health, or professional services
1 31 businesses.
1 32 8. "Program" means the linked investment loans for
1 33 emerging businesses program established in section 15E.364.
1 34 9. "Qualifying wage threshold" means the county wage or
1 35 the regional wage, as calculated by the department pursuant to



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2 1 section 15E.366, whichever is lower.
2 2 Sec. 3. NEW SECTION. 15E.363 ELIGIBLE BORROWERS.
2 3 1. A business meeting the requirements of this section is
2 4 eligible to apply for the linked investment loans for emerging
2 5 businesses program established in section 15E.364.
2 6 2. To be eligible, a business must meet all of the
2 7 following requirements:
2 8 a. The business is an Iowa-based primary sector business.
2 9 b. The business is an emerging business seeking to expand,
2 10 an emerging business seeking to purchase another Iowa-based
2 11 business, or any existing business that has suffered
2 12 significant physical damage as a result of a natural disaster.
2 13 c. The business can demonstrate that the proceeds of a
2 14 linked investment loan will result in the creation or
2 15 retention of five or more jobs at one hundred eighty percent
2 16 of the qualifying wage threshold, ten or more jobs at one
2 17 hundred sixty percent of the qualifying wage threshold, or
2 18 twenty or more jobs at one hundred thirty percent of the
2 19 qualifying wage threshold.
2 20 Sec. 4. NEW SECTION. 15E.364 LINKED INVESTMENT LOANS FOR
2 21 EMERGING BUSINESSES PROGRAM.
2 22 1. PROGRAM ESTABLISHED.
2 23 a. The department shall establish and administer a linked
2 24 investment loans for emerging businesses program for purposes
2 25 of investing moneys in financial institutions in order to
2 26 facilitate the flow of private capital to eligible borrowers.
2 27 b. In investing moneys under the program, the department
2 28 shall invest in certificates of deposit at eligible lending
2 29 institutions. The department may invest as much as
2 30 twenty-five percent of the balance of moneys in the fund.
2 31 c. The department may obtain or renew a certificate of
2 32 deposit from an eligible lending institution for an amount of
2 33 time determined by the department, but the total amount of
2 34 time a certificate may be held by an eligible lending
2 35 institution shall not exceed five years.



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3 1 d. Interest earned under the program shall be considered
3 2 earnings of the fund and notwithstanding section 12C.7 shall
3 3 be credited to the fund.

3 4 e. A loan provided to an eligible borrower through a
3 5 linked investment pursuant to this division does not receive
3 6 financial assistance for purposes of section 15G.112 and is
3 7 not subject to the job and wage requirements specified in that
3 8 section.

3 9 2. APPLICATION AND CERTIFICATION.

3 10 a. An eligible lending institution wishing to participate
3 11 in the program shall accept and review applications for loans
3 12 from eligible borrowers.

3 13 b. The eligible lending institution shall certify that the
3 14 applicant is an eligible borrower under the program, determine
3 15 whether to make a loan to the applicant, and if so, in what
3 16 amount.

3 17 3. LOAN PACKAGES.

3 18 a. An eligible lending institution wishing to accept a
3 19 linked investment from the department shall send to the
3 20 department a loan package.

3 21 b. The loan package shall include but not be limited to
3 22 the amount of the loan requested by the applicant, the amount
3 23 of the investment requested by the eligible lending
3 24 institution from the department, a plan detailing the purposes
3 25 for which the applicant intends to expend the loan proceeds,
3 26 an estimate of the economic impact to the state of the
3 27 applicant's plan for the proceeds, and a certification by the
3 28 eligible lending institution that the applicant is an eligible
3 29 borrower pursuant to section 15E.363.

3 30 4. LINKED INVESTMENT TERMS.

3 31 a. The department shall accept and review loan packages
3 32 sent by eligible lending institutions. The department,
3 33 subject to the requirements of this division, may make a
3 34 linked investment according to the terms requested in the loan
3 35 package or may negotiate other terms.



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4 1 b. In reviewing a loan package as a potential linked
4 2 investment, the department shall consider the type or terms of
4 3 the loan involved, the nature of the applicant's business, the
4 4 availability of state funds, and the compliance history of
4 5 both the eligible borrower and the eligible lending
4 6 institution.

4 7 c. Upon reaching acceptable terms for the linked
4 8 investment, the department shall deposit with the eligible
4 9 lending institution moneys from the fund, and the eligible
4 10 lending institution shall issue to the department one or more
4 11 certificates of deposit.

4 12 d. The interest rate of a certificate of deposit may be
4 13 negotiated by the department and the eligible lending
4 14 institution but shall be at a rate below the current market
4 15 rate. However, the department shall not negotiate an
4 16 annualized interest rate on the certificate of deposit that is
4 17 less than one-half of one percent.

4 18 e. The eligible lending institution shall remit the
4 19 interest earned on the certificate of deposit and any
4 20 principal not renewed on the date the certificate of deposit
4 21 matures.

4 22 f. Certificates of deposit issued pursuant to this
4 23 division shall not be subject to a penalty for early
4 24 withdrawal.

4 25 5. LOAN TERMS.

4 26 An eligible lending institution accepting a linked
4 27 investment shall make a loan to the applicant for an amount at
4 28 least equal to the value of the moneys deposited by the
4 29 department. The loan shall be at an interest rate not more
4 30 than four percent above the interest rate of the certificate
4 31 of deposit.

4 32 Sec. 5. NEW SECTION. 15E.365 LIABILITY.

4 33 1. Neither the state nor the department shall be liable to
4 34 an eligible lending institution in any manner for payment of
4 35 the principal or interest on the loan from an eligible lending



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5 1 institution to an eligible borrower.

5 2 2. In making linked investments with eligible lending
5 3 institutions for loans to eligible borrowers, the department
5 4 shall not pledge the credit or taxing power of the state nor
5 5 in any manner give or loan the state's credit in aid of the
5 6 eligible borrower.

5 7 3. In making linked investments with eligible lending
5 8 institutions for loans to eligible borrowers, the department
5 9 shall not pay, assume, or become responsible for the debts or
5 10 liabilities of the eligible borrower.

5 11 4. A delay in payments by an eligible borrower to an
5 12 eligible lending institution or a default on the part of an
5 13 eligible borrower shall not in any manner affect the linked
5 14 investment agreement between the eligible lending institution
5 15 and the department.

5 16 Sec. 6. NEW SECTION. 15E.366 COUNTY AND REGIONAL WAGE
5 17 CALCULATIONS.

5 18 1. a. In making linked investments under the program, the
5 19 department shall annually calculate a county wage and a
5 20 regional wage for each county for purposes of determining the
5 21 eligibility of borrowers under the program.

5 22 (1) The county wage and the regional wage shall be an
5 23 hourly wage rate based on data from the most recent four
5 24 quarters of wage and employment information from the quarterly
5 25 covered wage and employment data report issued by the
5 26 department of workforce development.

5 27 (2) The department shall not include the value of benefits
5 28 when calculating the county wage or the regional wage.

5 29 b. The county wage shall be the average of the wages paid
5 30 for jobs performed in the county by employers in all
5 31 employment categories except the employment categories of
5 32 government, agriculture, and mining.

5 33 c. The regional wage shall be calculated as follows:

5 34 (1) Multiplying by four the county wage of a county.

5 35 (2) Adding together the county wage of each of the



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6 1 counties adjacent to the county.
6 2 (3) Adding the result obtained in subparagraph (1) to the
6 3 result obtained in subparagraph (2).
6 4 (4) Dividing the result obtained in subparagraph (3) by
6 5 the sum of the number of counties adjacent to the county plus
6 6 four.
6 7 Sec. 7. NEW SECTION. 15E.367 RULES.
6 8 The department shall adopt rules pursuant to chapter 17A to
6 9 administer this division. The rules shall provide for the
6 10 administration of the program and for monitoring the
6 11 compliance of eligible lending institutions and eligible
6 12 borrowers with the requirements of this division.
6 13 EXPLANATION
6 14 This bill creates a linked investment loans for emerging
6 15 businesses program.
6 16 The program is similar in structure to the linked
6 17 investments for tomorrow Act in Code sections 12.31 through
6 18 12.43. Under the program, an eligible business applies to an
6 19 eligible lending institution for a loan, and the lending
6 20 institution seeks a linked investment from the department of
6 21 economic development. Moneys invested by the department come
6 22 from the grow Iowa values fund.
6 23 An eligible lending institution is a financial institution
6 24 empowered to make commercial loans and eligible to be a
6 25 depository of state funds pursuant to Code chapter 12C. An
6 26 eligible borrower is a business that is: (1) an Iowa-based
6 27 primary sector business; (2) an emerging business seeking to
6 28 expand, an emerging business seeking to purchase another
6 29 Iowa-based business, or any existing business that has
6 30 suffered significant physical damage as a result of a natural
6 31 disaster; and (3) a business that can demonstrate that the
6 32 proceeds of a linked investment loan will result in the
6 33 creation or retention of five or more jobs at 180 percent of
6 34 the qualifying wage threshold, 10 or more jobs at 160 percent
6 35 of the qualifying wage threshold, or 20 or more jobs at 130



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7 1 percent of the qualifying wage threshold.
7 2 If a lending institution wishes to receive a linked
7 3 investment, the lending institution must send a loan package
7 4 to the department for review. The department may negotiate
7 5 the terms of the linked investment and accept a certificate of
7 6 deposit from the lending institution. The lending institution
7 7 must agree to loan an amount at least equal to the value of
7 8 the certificate of deposit to the eligible borrower. The
7 9 annualized interest rate on the certificate of deposit is
7 10 negotiable but cannot be less than one-half of 1 percent. The
7 11 loan to the eligible borrower cannot be at a rate of interest
7 12 more than 4 percent above the rate of the department's
7 13 certificate of deposit.
7 14 The linked investments do not constitute the payment of a
7 15 business debt by the state nor do they pledge the credit or
7 16 taxing power of the state.
7 17 The department is directed to adopt rules for the
7 18 administration of the program.
7 19 LSB 2172YH 83
7 20 tw/mg:sc/8



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House File 701 - Introduced

HOUSE FILE
BY COMMITTEE ON LABOR

(SUCCESSOR TO HF 127)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for the licensure of elevator contractors and
- 2 elevator mechanics and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1711HV 83
- 5 jr/nh/5



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House File 701 - Introduced continued

PAG LIN

1 1 Section 1. Section 89A.1, Code 2009, is amended by adding
1 2 the following new subsections:

1 3 NEW SUBSECTION. 1A. "Apprentice" means a person who
1 4 assists a licensed contractor or mechanic and who works under
1 5 the general supervision of the licensed contractor or
1 6 mechanic.

1 7 NEW SUBSECTION. 7A. "Elevator contractor" means any
1 8 person who is engaged in the business of erecting,
1 9 constructing, installing, altering, servicing, repairing,
1 10 testing, or maintaining elevators or other conveyances covered
1 11 by this chapter.

1 12 NEW SUBSECTION. 7B. "Elevator mechanic" means any person
1 13 who installs, alters, repairs, or services an elevator,
1 14 dumbwaiter, escalator, moving sidewalk, or other conveyances
1 15 covered by this chapter.

1 16 Sec. 2. Section 89A.3, Code 2009, is amended by adding the
1 17 following new subsection:

1 18 NEW SUBSECTION. 9. The safety board shall adopt rules
1 19 establishing criteria for elevator contractor licenses and
1 20 containing criteria for approved continuing education programs
1 21 and instructors for elevator contractors and elevator
1 22 mechanics, and to establish the scope of work for an
1 23 apprentice by January 1, 2010.

1 24 Sec. 3. NEW SECTION. 89A.20 APPLICATION FOR ELEVATOR
1 25 CONTRACTOR LICENSE.

1 26 1. Any person who performs services as an elevator
1 27 contractor shall obtain a license from the commissioner
1 28 pursuant to this section. This subsection does not apply to
1 29 an apprentice working under the general supervision of a
1 30 licensed contractor or mechanic.

1 31 2. A license shall not be granted to any person who has
1 32 not demonstrated the person's qualifications and abilities, as
1 33 established in rules adopted by the safety board.

1 34 Sec. 4. NEW SECTION. 89A.21 APPLICATION FOR ELEVATOR
1 35 MECHANIC LICENSE.



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House File 701 - Introduced continued

2 1 1. Any person who performs services as an elevator
2 2 mechanic shall obtain a license from the commissioner pursuant
2 3 to this section. This subsection does not apply to an
2 4 apprentice working under the general supervision of a licensed
2 5 contractor or mechanic.

2 6 2. A license shall not be granted to any person who has
2 7 not demonstrated the person's qualifications and abilities as
2 8 provided in this section. An applicant for an elevator
2 9 mechanic license shall demonstrate to the satisfaction of the
2 10 commissioner any of the following qualifications:

2 11 a. A certificate of completion and successful passage of
2 12 the mechanic examination of a nationally recognized training
2 13 program for the elevator industry such as the national
2 14 elevator industry educational program or its equivalent.

2 15 b. A certificate of completion of an apprenticeship
2 16 program for elevator mechanics having standards substantially
2 17 equal to those of this chapter, and registered with the office
2 18 of apprenticeship, employment and training administration,
2 19 United States department of labor.

2 20 c. Possession of a valid license from a state having
2 21 standards substantially equal to those of this chapter. An
2 22 applicant meeting the qualifications of this paragraph shall
2 23 be issued a license upon application and payment of the
2 24 license fee without examination.

2 25 d. Any person who furnishes the commissioner with
2 26 acceptable proof that the person has worked as an elevator
2 27 constructor or maintenance or repair person shall, upon making
2 28 application for a license and paying the license fee, be
2 29 entitled to receive a license without an examination. The
2 30 person shall have worked without direct and immediate
2 31 supervision for an elevator contractor licensed to do business
2 32 in this state. Such employment shall not have been for less
2 33 than three years immediately prior to the effective date of
2 34 this Act. The person must make application pursuant to this
2 35 paragraph within one year of the effective date of this Act.



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House File 701 - Introduced continued

3 1 e. A combination of documented experience and education
3 2 credits which is approved by the commissioner including not
3 3 less than three years' work experience in the elevator
3 4 industry, in construction, maintenance, and service or repair,
3 5 as verified by current and previous employers licensed to do
3 6 business in this state immediately prior to satisfactory
3 7 completion of a written examination administered by the
3 8 commissioner on the codes and standards currently in effect.

3 9 Sec. 5. NEW SECTION. 89A.22 ISSUANCE AND RENEWAL OF
3 10 LICENSES == FEES == CONTINUING EDUCATION.

3 11 1. Upon submission of an appropriate application, the
3 12 commissioner may issue an elevator contractor or elevator
3 13 mechanic license, which shall be renewable biennially. The
3 14 fee for such license and for any renewal shall be set by the
3 15 safety board by rule.

3 16 2. Whenever an emergency exists in the state due to
3 17 disaster, act of God, or work stoppage and the number of
3 18 persons in the state holding elevator mechanic licenses is
3 19 insufficient to cope with the emergency, a person who has a
3 20 combination of documented experience and education to perform
3 21 elevator work without direct and immediate supervision shall
3 22 seek an emergency elevator mechanic license from the
3 23 commissioner within five business days after commencing work
3 24 requiring a license under this chapter. The commissioner
3 25 shall issue such emergency temporary elevator mechanic
3 26 licenses if the combination of experience and education is
3 27 acceptable. The person requesting licensure shall furnish
3 28 proof of competency as the commissioner may require. Each
3 29 such license shall state that it is valid for a period of
3 30 forty-five days from the date of issuance and for such
3 31 particular elevators or geographical areas as the commissioner
3 32 may designate and otherwise shall entitle the licensee to the
3 33 rights and privileges of an elevator mechanic licensed under
3 34 this chapter. The commissioner may renew an emergency
3 35 elevator mechanic license previously issued during the



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House File 701 - Introduced continued

4 1 existence of an emergency. A fee shall not be charged for an
4 2 emergency elevator mechanic license or renewal.

4 3 3. In situations where there are no licensed personnel
4 4 available to perform elevator work, the commissioner may issue
4 5 a temporary elevator mechanic license to any person who has a
4 6 combination of documented experience and education which is
4 7 acceptable to the commissioner, to perform elevator work
4 8 without direct and immediate supervision. The person shall
4 9 immediately seek a temporary elevator mechanic license from
4 10 the commissioner and shall pay such fee as the safety board
4 11 shall determine. It shall be valid as long as the shortage of
4 12 license holders continues.

4 13 4. a. The renewal of a permanent elevator mechanic or
4 14 elevator contractor license issued under this section shall be
4 15 conditioned upon the submission of a certificate of completion
4 16 of a course designed to ensure the continuing education of
4 17 licensees on subjects determined by the board in rule. Such
4 18 course shall consist of not less than eight hours of
4 19 instruction that shall be attended and completed within the
4 20 two-year period immediately preceding any such license
4 21 renewal.

4 22 b. The courses shall be taught by instructors through
4 23 continuing education providers that may include but shall not
4 24 be limited to association seminars and labor training
4 25 programs. The commissioner shall approve the continuing
4 26 education providers and instructors. Approved instructors
4 27 shall be exempt from the license renewal requirements of this
4 28 section, provided that such applicant was qualified as an
4 29 instructor at any time during the year immediately preceding
4 30 the scheduled date for such renewal.

4 31 c. A licensee who is unable to complete the continuing
4 32 education course required under this section prior to the
4 33 expiration of the person's license due to a temporary
4 34 disability may apply for a waiver from the safety board. The
4 35 application for such waiver shall be on a form provided by the



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5 1 safety board which shall be signed under the penalty of
5 2 perjury and accompanied by a certified statement from a
5 3 competent physician attesting to such temporary disability.
5 4 Upon the termination of such temporary disability, such
5 5 licensee shall submit to the safety board a certified
5 6 statement from the same physician, if practicable, attesting
5 7 to the termination of such temporary disability, at which time
5 8 a waiver sticker, valid for ninety days, shall be issued to
5 9 such licensee and affixed to the person's license.

5 10 d. Approved continuing education providers shall keep
5 11 uniform records, for a period of ten years, of attendance of
5 12 licensees following a format approved by the commissioner and
5 13 such records shall be available for inspection by the
5 14 commissioner. Approved continuing education providers shall
5 15 be responsible for the security of all attendance records and
5 16 certificates of completion. Falsifying or knowingly allowing
5 17 another to falsify attendance records or certificates of
5 18 completion shall constitute grounds for suspension or
5 19 revocation of the approval required under paragraph "b".

5 20 Sec. 6. NEW SECTION. 89A.23 CIVIL PENALTIES ==
5 21 SUSPENSION AND REVOCATION OF LICENSES.

5 22 1. After conducting an investigation, the commissioner may
5 23 revoke, deny, or suspend a license in accordance with chapter
5 24 17A on any of the following grounds:

5 25 a. Any false statement as to material matter in the
5 26 license application.

5 27 b. Fraud, misrepresentation, or bribery in securing a
5 28 license.

5 29 c. Failure to notify the commissioner and the owner or
5 30 lessee of a conveyance or related mechanisms of any condition
5 31 not in compliance with this chapter.

5 32 d. Violation of any provision of this chapter.

5 33 2. A revocation, denial, or suspension of a license is
5 34 subject to review by the safety board as a contested case
5 35 pursuant to chapter 17A.



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6 1 3. In addition to any other penalties provided for in this
6 2 chapter, the commissioner may, by order, impose a civil
6 3 penalty upon a person violating any provision of this chapter.
6 4 Each day of a continuing violation constitutes a separate
6 5 offense, except that offenses resulting from the same or
6 6 common facts or circumstances shall be considered a single
6 7 offense. Before issuing an order under this section, the
6 8 commissioner shall provide the person written notice and the
6 9 opportunity to request a hearing on the record. The hearing
6 10 must be requested within thirty days of the issuance of the
6 11 notice.

6 12 a. A person aggrieved by the imposition of a civil penalty
6 13 under this section may seek judicial review in accordance with
6 14 section 17A.19.

6 15 b. If a person fails to pay a civil penalty within thirty
6 16 days after entry of an order under subsection 1, or if the
6 17 order is stayed pending an appeal within ten days after the
6 18 court enters a final judgment in favor of the commissioner,
6 19 the commissioner shall notify the attorney general. The
6 20 attorney general may commence an action to recover the amount
6 21 of the penalty, including reasonable attorney fees and costs.

6 22 c. An action to enforce an order under this section may be
6 23 joined with an action for an injunction.

6 24 EXPLANATION

6 25 This bill establishes a licensing process for elevator
6 26 contractors and elevator mechanics. The bill lists the
6 27 qualifications to obtain each license, the information
6 28 required for the application, the duration of the license, and
6 29 continuing education and renewal requirements.

6 30 The bill sets up procedures for the suspension or
6 31 revocation of a license or assessment of a civil penalty and a
6 32 judicial action for an injunction, the decision process, and
6 33 the appeals process.

6 34 The bill prohibits anyone other than a licensed elevator
6 35 contractor or elevator mechanic from installing, repairing, or



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7 1 maintaining a facility defined under Code chapter 89A. The
7 2 bill provides an exception for emergency personnel acting in
7 3 an emergency.
7 4 LSB 1711HV 83
7 5 jr/nh/5



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House File 702 - Introduced

HOUSE FILE
BY COMMITTEE ON ECONOMIC GROWTH

(SUCCESSOR TO HF 449)

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

1 An Act relating to programs administered by the commission on
2 volunteer service by establishing Iowa summer youth corps and
3 green corps programs, creating the Iowa summer youth corps
4 account and making appropriations from the account, excluding
5 certain payments provided to an AmeriCorps volunteer from
6 state income tax, and providing effective dates.

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

8 TLSB 2619HV 83

9 jp/nh/24



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House File 702 - Introduced continued

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1 1 Section 1. NEW SECTION. 15H.5 IOWA SUMMER YOUTH CORPS.
1 2 1. For the purposes of this section, "service=learning"
1 3 means a teaching and learning strategy that integrates
1 4 meaningful community service with instruction and reflection
1 5 to enrich the learning experience, teach civic responsibility,
1 6 and strengthen communities.
1 7 2. The Iowa summer youth corps program is established to
1 8 provide meaningful summer enrichment programming to Iowa
1 9 youth. The program shall be administered by the Iowa
1 10 commission on volunteer service using a competitive grant
1 11 process to implement projects in accordance with program
1 12 requirements. The commission shall adopt administrative rules
1 13 for the program, including but not limited to incentives,
1 14 grant criteria, and grantee selection processes. A percentage
1 15 of the grants shall be designated by the commission to address
1 16 the needs of city enterprise zones that meet the distress
1 17 criteria outlined in section 15E.194.
1 18 3. The program shall provide grants for projects that
1 19 utilize a service=learning approach during the summer months
1 20 to enhance student achievement and summer learning retention,
1 21 teach meaningful job skills to Iowa youth, engage Iowa youth
1 22 in their communities, provide positive youth development
1 23 experiences, and address the needs of youth from families with
1 24 low income. The service=learning approach shall be integrated
1 25 into the program using science, technology, engineering,
1 26 mathematics, social studies, civic literacy, or other
1 27 appropriate curricula identified by the department of
1 28 education.
1 29 4. The program shall involve the youth participating in
1 30 the program in service=learning activities with one or more of
1 31 the following focuses:
1 32 a. Energy conservation in the youth's community, including
1 33 conducting educational outreach on energy conservation and
1 34 working to improve energy efficiency in low=income housing and
1 35 public spaces.



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2 1 b. Emergency and disaster preparedness.
2 2 c. Improving access to and obtaining the benefits from
2 3 providing computers and other emerging technologies in public
2 4 settings, including in low-income or rural communities, senior
2 5 centers and communities, schools, libraries, and other public
2 6 settings.
2 7 d. Mentoring of middle school youth while involving all
2 8 participants in service-learning to address unmet human,
2 9 educational, environmental, public safety, or emergency
2 10 disaster preparedness needs in the participants' community.
2 11 e. Establishing or implementing summer of service projects
2 12 during the summer months. Budgeting for a summer of service
2 13 project shall include the cost of recruitment, training, and
2 14 placement of service-learning coordinators. A summer of
2 15 service project shall comply with all of the following
2 16 requirements:
2 17 (1) Youth participating in a project will be enrolled in
2 18 grades six through twelve in the school year which begins
2 19 immediately following the end of a project.
2 20 (2) The focus of each project shall be community-based
2 21 service-learning activities that address unmet human,
2 22 educational, environmental, emergency and disaster
2 23 preparedness, and public service needs. Environmental needs
2 24 addressed may include energy conservation, water quality, and
2 25 land stewardship.
2 26 (3) The activities for each project shall be intensive,
2 27 structured, supervised, and designed to produce identifiable
2 28 improvements to the community. The activities may include the
2 29 extension of school year service-learning programs into the
2 30 summer months.
2 31 f. Performing community improvement projects, which may
2 32 include but are not limited to a green corps program activity
2 33 under section 15H.6 or other youth training program.
2 34 5. a. Funding for the Iowa summer youth corps program
2 35 shall be paid from appropriations from the general fund of the



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3 1 state or from federal sources, or from other funds credited to
3 2 the Iowa summer youth corps account for purposes of the
3 3 program, which account shall be created within the department
3 4 of economic development under the authority of the commission.
3 5 Moneys available in the account for a fiscal year are
3 6 appropriated to the commission to be used for the program.

3 7 b. The commission shall manage the program in a manner to
3 8 maximize the leveraging of federal, local, and private funding
3 9 opportunities that increase or amplify program impact and
3 10 service-learning opportunities. The commission shall also
3 11 encourage collaboration with, and utilization of, other
3 12 national, local, and nonprofit programs engaged in community
3 13 service or addressing the needs of youth from families with
3 14 low income.

3 15 c. The commission shall give priority consideration to
3 16 approving those projects that target communities that have
3 17 disproportionately high rates of juvenile crime or low rates
3 18 of high school graduation or that have been designated as city
3 19 enterprise zones that meet the distress criteria outlined in
3 20 section 15E.194.

3 21 d. The commission shall include progress information
3 22 concerning implementation of the program in the quarterly
3 23 reports made to the governor and general assembly in
3 24 accordance with section 15H.2.

3 25 6. a. Notwithstanding any contrary provision of chapter
3 26 8A, subchapter IV, or chapter 96, a person participating in
3 27 the Iowa summer youth corps program shall be exempt from merit
3 28 system requirements and shall not be eligible to receive
3 29 unemployment compensation benefits.

3 30 b. If a stipend is provided to a youth participating in
3 31 the program, the youth shall be age fourteen through eighteen.

3 32 c. A youth participating in a summer of service project
3 33 that either has an education award or no compensation shall
3 34 comply with the grade level requirements specified for summer
3 35 of service project participation.



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4 1 d. A project that uses funding for an AmeriCorps young
4 2 adult component within the project design shall limit
4 3 participation in the component to young adults who are age
4 4 eighteen through twenty-five at the time of enrollment in the
4 5 project.

4 6 Sec. 2. NEW SECTION. 15H.6 IOWA GREEN CORPS PROGRAM.

4 7 1. The Iowa commission on volunteer service, in
4 8 collaboration with the department of natural resources, the
4 9 department of workforce development, the office of energy
4 10 independence, and the utilities board of the department of
4 11 commerce shall establish an Iowa green corps program. The
4 12 commission shall work with the collaborating agencies and
4 13 nonprofit agencies in developing a strategy for attracting
4 14 additional financial resources for the program from other
4 15 sources which may include but are not limited to private
4 16 utilities, local municipalities, and federal funding sources.

4 17 2. The program shall utilize AmeriCorps or Iowa summer
4 18 youth corps program volunteers to provide capacity building
4 19 activities, training, and implementation of major
4 20 transformative projects in communities. The project selection
4 21 shall emphasize energy efficiency, historic preservation,
4 22 neighborhood development, and storm water reduction and
4 23 management.

4 24 3. The capacity building activities shall be targeted in
4 25 communities that are already working with existing community
4 26 improvement programs, including but not limited to the Iowa
4 27 great places program established under section 303.3C, the
4 28 green streets program administered by the department of
4 29 economic development, and disaster remediation activities by
4 30 communities located within an area declared to be a disaster
4 31 area in a declaration issued by the president of the United
4 32 States or the governor.

4 33 Sec. 3. Section 422.7, Code 2009, is amended by adding the
4 34 following new subsection:

4 35 NEW SUBSECTION. 23. Subtract, to the extent included, the



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5 1 amount of federal Segal AmeriCorps education award payments.

5 2 Sec. 4. EFFECTIVE DATE == APPLICABILITY.

5 3 1. Except as provided in subsection 2, this Act takes
5 4 effect July 1, 2010.

5 5 2. The provision of this Act amending section 422.7 takes
5 6 effect January 1, 2010, and is applicable on or after that
5 7 date.

5 8 EXPLANATION

5 9 This bill relates to youth employment programs administered
5 10 by the commission on volunteer service by establishing the
5 11 Iowa summer youth corps and green corps programs, creating the
5 12 Iowa summer youth corps account and making appropriations from
5 13 the account, excluding certain payments provided to an
5 14 AmeriCorps volunteer from state income tax, and providing a
5 15 retroactive applicability provision.

5 16 New Code section 15H.5 establishes the Iowa summer youth
5 17 corps program under the authority of the commission to provide
5 18 meaningful summer enrichment programming to Iowa youth,
5 19 requires the program to be implemented by issuing competitive
5 20 grants for projects, requires the commission to designate a
5 21 percentage of the grants to address the needs of city
5 22 enterprise zones that meet the distress criteria under Code
5 23 section 15E.194, defines the term "service=learning", requires
5 24 the participating youth to be engaged with various specified
5 25 service=learning activities, outlines requirements for "summer
5 26 of service" projects for youth who will be entering grades six
5 27 through 12, creates an Iowa summer youth corps account, and
5 28 appropriates any funding available in the account to the
5 29 commission for the program.

5 30 A participant in the youth corps program is exempt from
5 31 state merit system requirements and is not eligible to receive
5 32 unemployment compensation benefits. If a stipend is provided,
5 33 the participant must be age 14 through 18. If a project uses
5 34 funding for an AmeriCorps young adult component, participation
5 35 in the component is limited to young adults who are age 18



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6 1 through 25 at the time of enrollment.
6 2 New Code section 15H.6 directs the commission on volunteer
6 3 service, in collaboration with the departments of natural
6 4 resources and workforce development, and the utilities board,
6 5 to establish an Iowa green corps program. The program is
6 6 required to use AmeriCorps or Iowa summer youth corps program
6 7 volunteers to provide capacity building activities, training,
6 8 and implementation of major transformative projects in
6 9 communities. The project selection is required to emphasize
6 10 energy efficiency, historic preservation, neighborhood
6 11 development, and storm water reduction and management. The
6 12 capacity building activities are required to be targeted to
6 13 communities that are already working with existing community
6 14 improvement programs and may include disaster remediation
6 15 activities.
6 16 Code section 422.7 is amended to exclude from state
6 17 individual income tax the amount of federal Segal AmeriCorps
6 18 education award payments. This provision takes effect on and
6 19 applies to January 1, 2010, for tax years beginning on or
6 20 after that date.
6 21 The remainder of the bill takes effect July 1, 2010.
6 22 LSB 2619HV 83
6 23 jp/nh/24



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House File 703 - Introduced

HOUSE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 357)

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act relating to the indicators used to assess the
- 2 effectiveness of school ready children grants under the
- 3 community empowerment initiative.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1336HV 83
- 6 jp/nh/5



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House File 703 - Introduced continued

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1 1 Section 1. Section 28.8, subsection 1, paragraph a, Code
1 2 2009, is amended to read as follows:
1 3 a. Identify the indicators that will be used to assess the
1 4 effectiveness of the school ready children grants, including
1 5 the amount of early intellectual stimulation of very young
1 6 children, the basic skill levels of students entering school,
1 7 language development and communication skills, the health
1 8 status of children, the incidence of child abuse and neglect,
1 9 the level of parental involvement with their children, and the
1 10 degree of quality of and accessibility to child care.

1 11 EXPLANATION

1 12 This bill relates to the indicators used to assess the
1 13 effectiveness of school ready children grants under the
1 14 community empowerment initiative by amending Code section
1 15 28.8, relating to requirements for the grant program.
1 16 Current law requires these indicators to be jointly
1 17 identified by the departments of education, human services,
1 18 and public health. The bill requires the indicators to assess
1 19 language development and communication skills.

1 20 LSB 1336HV 83

1 21 jp/nh/5



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House File 704 - Introduced

HOUSE FILE
BY COMMITTEE ON REBUILD IOWA
AND DISASTER RECOVERY

(SUCCESSOR TO HSB 208)

(COMPANION TO SF 290 BY
COMMITTEE ON REBUILD IOWA)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act creating a disaster aid local government assistance grant
- 2 program and fund.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1720HV 83
- 5 tm/rj/5



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House File 704 - Introduced continued

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1 1 Section 1. NEW SECTION. 29C.20B DISASTER AID LOCAL
1 2 GOVERNMENT ASSISTANCE GRANT PROGRAM AND FUND.
1 3 1. A disaster aid local government assistance grant fund
1 4 is created in the state treasury under the control of the
1 5 executive council. Moneys in the fund may be expended
1 6 following a governor's proclamation of a disaster emergency.
1 7 The executive council may award grants from the fund to
1 8 governmental subdivisions for disaster-related expenses. The
1 9 aggregate total of grants awarded during a fiscal year shall
1 10 not be more than three million five hundred thousand dollars.
1 11 However, within the same fiscal year, additional moneys may be
1 12 authorized by the executive council pursuant to section
1 13 29C.20, subsection 1, paragraph "a", subparagraph (6), or as
1 14 otherwise provided by law to meet additional needs of
1 15 governmental subdivisions receiving grants under this section.
1 16 Grants awarded under this section shall be administered by the
1 17 homeland security and emergency management division of the
1 18 department of public defense.
1 19 2. The amount of a grant shall be made at the discretion
1 20 of the executive council and, if made, shall not exceed
1 21 seventy-five percent of the documented disaster-related
1 22 expenses incurred by a governmental subdivision. An applicant
1 23 for a grant shall sign an affidavit agreeing to refund any
1 24 part of the grant that is duplicated by any other assistance,
1 25 such as but not limited to insurance or assistance from the
1 26 federal emergency management agency.
1 27 3. The homeland security and emergency management division
1 28 shall adopt rules pursuant to chapter 17A to create the Iowa
1 29 disaster aid local government assistance grant program for
1 30 purposes of awarding and administering grants from the
1 31 disaster aid local government assistance grant fund. The
1 32 rules shall specify the eligibility of applicants and projects
1 33 eligible for funding. The rules shall be based on the public
1 34 assistance program created within the federal Robert T.
1 35 Stafford Disaster Relief and Emergency Assistance Act, Pub. L.



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2 1 No. 93=288, as amended.

2 2 4. The executive council shall authorize moneys in the
2 3 disaster aid local government assistance grant fund to be used
2 4 to reimburse the homeland security and emergency management
2 5 division for actual expenses associated with the
2 6 administration of the grants.

2 7 5. The homeland security and emergency management division
2 8 shall submit an annual report, by January 1 of each year, to
2 9 the legislative fiscal committee and the legislative
2 10 government oversight committee concerning the activities of
2 11 the grant program in the previous fiscal year.

2 12 6. For purposes of this section, "governmental
2 13 subdivision" means the same as defined in section 29C.20,
2 14 subsection 6.

2 15 EXPLANATION

2 16 This bill creates a disaster aid local government
2 17 assistance grant fund in the state treasury for use by the
2 18 executive council. The bill provides that the executive
2 19 council may award grants to governmental subdivisions for
2 20 disaster-related expenses. The aggregate total of grants
2 21 awarded from the disaster aid local government assistance
2 22 grant fund during a fiscal year shall not be more than \$3.5
2 23 million. The bill provides that, within the same fiscal year,
2 24 additional moneys may be authorized by the executive council
2 25 from other funds to meet additional needs of governmental
2 26 subdivisions receiving financial assistance from the disaster
2 27 aid local government assistance grant fund. The bill requires
2 28 the homeland security and emergency management division of the
2 29 department of public defense to administer awarded grants.
2 30 The bill provides that the amount of the grant shall be at the
2 31 discretion of the executive council and, if made, shall not
2 32 exceed 75 percent of the documented disaster-related expenses
2 33 incurred by the governmental subdivision. The bill requires
2 34 the homeland security and emergency management division to
2 35 adopt administrative rules specifying the eligibility of



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House File 704 - Introduced continued

3 1 applicants and projects eligible for funding. The bill
3 2 requires the executive council to authorize moneys in the
3 3 disaster aid local government assistance grant fund to be used
3 4 to reimburse the homeland security and emergency management
3 5 division for actual expenses associated with the
3 6 administration of the grants. The bill includes annual
3 7 reporting requirements.
3 8 LSB 1720HV 83
3 9 tm/rj/5



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House File 705 - Introduced

HOUSE FILE
BY COMMITTEE ON REBUILD IOWA
AND DISASTER RECOVERY

(SUCCESSOR TO HSB 180)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning community safe rooms and storm shelters in
- 2 newly constructed public buildings.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1728HV 83
- 5 ec/rj/5



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House File 705 - Introduced continued

PAG LIN

1 1 Section 1. Section 103A.7, subsection 2, Code 2009, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. h. Standards for community safe rooms and
1 4 storm shelters.
1 5 Sec. 2. NEW SECTION. 103A.8C STANDARDS FOR COMMUNITY
1 6 SAFE ROOMS AND STORM SHELTERS.
1 7 The commissioner, after consulting with and receiving
1 8 recommendations from the department of public defense, the
1 9 department of natural resources, and the rebuild Iowa office,
1 10 shall adopt rules pursuant to chapter 17A specifying standards
1 11 and requirements for design and construction of community safe
1 12 rooms and storm shelters. In developing these standards, the
1 13 commissioner shall consider nationally recognized standards.
1 14 The standards and requirements shall be incorporated into the
1 15 state building code established in section 103A.7, but shall
1 16 not be interpreted to require the inclusion of a community
1 17 safe room or storm shelter in a building construction project
1 18 unless such inclusion is expressly authorized by another
1 19 statute, by another state agency by rule, or by a federal
1 20 statute or regulation. However, if a community safe room or
1 21 storm shelter is included in any building construction project
1 22 which reaches the design development phase on or after January
1 23 1, 2010, compliance with the standards developed pursuant to
1 24 this section shall be required.

1 25 EXPLANATION
1 26 This bill requires the state building code commissioner to
1 27 adopt rules specifying standards and requirements for the
1 28 design and construction of community safe rooms and storm
1 29 shelters. The bill provides that the standards shall be
1 30 incorporated into the state building code but that the
1 31 standards shall not require the inclusion of a safe room or
1 32 shelter in a building construction project unless authorized
1 33 by another state law or agency rule, or by federal law or
1 34 regulation. The bill does provide that the standards shall
1 35 apply to any safe room or shelter that is included in any



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House File 705 - Introduced continued

- 2 1 building construction project which reaches the design
- 2 2 development phase on or after January 1, 2010.
- 2 3 LSB 1728HV 83
- 2 4 ec/rj/5



Iowa General Assembly
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House File 706 - Introduced

HOUSE FILE
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO HF 251)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to and publicizing mortgage foreclosure and real
2 estate obligation protections for members of the national
3 guard, and the reserve or regular component of the armed
4 forces of the United States in active duty service, and
5 providing a penalty.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 2188HV 83
8 rn/rj/5



Iowa General Assembly
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House File 706 - Introduced continued

PAG LIN

1 1 Section 1. Section 29A.102, subsection 3, Code 2009, is
1 2 amended to read as follows:

1 3 3. A person who knowingly repossesses property which is
1 4 the subject of this section, other than as provided in
1 5 subsection 1, commits a ~~simple~~ serious misdemeanor.

1 6 Sec. 2. Section 29A.103, subsection 4, Code 2009, is
1 7 amended to read as follows:

1 8 4. A person who knowingly forecloses on property that is
1 9 the subject of this section, other than as provided in
1 10 subsection 1, commits a ~~simple~~ serious misdemeanor.

1 11 Sec. 3. NEW SECTION. 654.17B MILITARY FORECLOSURE
1 12 PROTECTION == NOTICE.

1 13 1. A creditor shall not initiate a proceeding to enforce
1 14 an obligation payable under its terms in installments under a
1 15 contract for the purchase of real estate, or secured by a
1 16 mortgage or other instrument in the nature of a mortgage upon
1 17 real estate, against a borrower, or a borrower's dependents,
1 18 under the following circumstances:

1 19 a. The borrower is a member of the national guard and
1 20 entitled to protection under the Iowa national guard civil
1 21 relief provisions contained in chapter 29A, subchapter VI. A
1 22 creditor who initiates a proceeding in violation of this
1 23 subsection against a borrower specified in this paragraph or
1 24 the borrower's dependent is subject to applicable penalty
1 25 provisions contained in sections 29A.102 and 29A.103.

1 26 b. The borrower is a member of the reserve or regular
1 27 component of the armed forces of the United States in active
1 28 duty service and entitled to protection under the federal
1 29 Servicemembers Civil Relief Act of 2003, 50 U.S.C. app 532 and
1 30 533. A creditor who initiates a proceeding in violation of
1 31 this subsection against a borrower specified in this paragraph
1 32 or the borrower's dependent is subject to applicable penalty
1 33 provisions contained in the federal Act.

1 34 2. The department of veterans affairs and the department
1 35 of commerce shall coordinate to develop a procedure to inform



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House File 706 - Introduced continued

2 1 or notify members of the national guard, reserve, or regular
2 2 component of the armed forces of the United States, and
2 3 financial institutions as defined in section 12C.1, of the
2 4 protections referenced in subsection 1. The notification
2 5 procedure shall include, at a minimum, posting the information
2 6 on an official internet site maintained by each department.

2 7 EXPLANATION

2 8 This bill relates to a prohibition against repossessions or
2 9 foreclosures on real property owned by members of the national
2 10 guard, or members of the reserve or regular component of the
2 11 armed forces of the United States in active duty service, or
2 12 their dependents.

2 13 Current law affords court-ordered protection against a
2 14 foreclosure or repossession action initiated by a creditor
2 15 against a member of the national guard, and provides a
2 16 mechanism whereby a service member may apply to a court for
2 17 relief from obligations relating to a contract for the
2 18 purchase of real estate or secured by a mortgage or other
2 19 instrument in the nature of a mortgage. Similar protection is
2 20 afforded to members of the regular or reserve components of
2 21 the armed forces of the United States in active duty service
2 22 and protected under the federal Servicemembers Civil Relief
2 23 Act of 2003.

2 24 The bill references both protections in Code chapter 654,
2 25 relating to foreclosures on real estate mortgages, and states
2 26 that initiation of an action which violates the protections
2 27 shall result in penalties applicable in the Code with regard
2 28 to national guard members, or pursuant to the federal Act with
2 29 regard to members of the regular or reserve components of the
2 30 armed forces. The bill increases the penalty applicable to
2 31 actions initiated against members of the national guard from
2 32 the current penalty of a simple misdemeanor to a serious
2 33 misdemeanor.

2 34 Additionally, the bill provides that the departments of
2 35 veterans affairs and commerce shall jointly develop a



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House File 706 - Introduced continued

3 1 procedure to notify military personnel specified in the bill
3 2 and financial institutions about the protections.
3 3 LSB 2188HV 83
3 4 rn/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
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House File 707 - Introduced

HOUSE FILE
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HF 133)

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

A BILL FOR

- 1 An Act relating to eligible beneficiaries for a line of duty
- 2 death benefit under the statewide fire and police retirement
- 3 system and providing an effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1903HV 83
- 6 ec/nh/8



Iowa General Assembly
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House File 707 - Introduced continued

PAG LIN

1 1 Section 1. Section 411.6, subsection 15, paragraph a, Code
1 2 2009, is amended to read as follows:

1 3 a. If, upon the receipt of evidence and proof from the
1 4 chief of the police or fire department that the death of a
1 5 member in service was the direct and proximate result of a
1 6 traumatic personal injury incurred in the line of duty, the
1 7 system decides that death was so caused, there shall be paid,
1 8 to a person authorized to receive an accidental death benefit
1 9 as provided in subsection 9, paragraph "b", the amount of one
1 10 hundred thousand dollars, which shall be payable in a lump
1 11 sum. However, for purposes of this subsection, a child who no
1 12 longer meets the definition of child in section 411.1 shall be
1 13 eligible to receive a line of duty death benefit pursuant to
1 14 this subsection.

1 15 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
1 16 immediate importance, takes effect upon enactment.

1 17 EXPLANATION

1 18 This bill modifies the eligible beneficiaries for the
1 19 \$100,000 line of duty death benefit for a person covered under
1 20 the statewide fire and police retirement system established in
1 21 Code chapter 411. Currently, a line of duty death benefit is
1 22 payable as provided for an accidental death benefit and goes
1 23 to the following in decreasing order: the member's spouse,
1 24 the member's minor children, or the member's parents. The
1 25 bill provides that a member's adult child or children are
1 26 eligible to receive a line of duty death benefit.

1 27 The bill takes effect upon enactment.

1 28 LSB 1903HV 83

1 29 ec/nh/8



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House File 708 - Introduced

HOUSE FILE
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HF 274)

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

A BILL FOR

1 An Act relating to absentee ballots delivered to applicants who
2 are patients or residents of hospitals or health care
3 facilities.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1372HV 83
6 sc/rj/8



**Iowa General Assembly
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House File 708 - Introduced continued

PAG LIN

1 1 Section 1. Section 53.8, subsection 3, Code 2009, is
 1 2 amended to read as follows:
 1 3 3. a. When an application for an absentee ballot is
 1 4 received by the commissioner of any county from a registered
 1 5 voter who is a patient in a hospital in that county or a
 1 6 resident of any facility in that county shown to be a health
 1 7 care facility by the list of licenses provided the
 1 8 commissioner under section 135C.29, the absentee ballot shall
 1 9 be delivered to the voter and returned to the commissioner in
 1 10 the manner prescribed by section 53.22. ~~However, if~~
 1 11 b. (1) If the application is received more than five days
 1 12 before the ballots are printed and the commissioner has
 1 13 elected to have the ballots personally delivered during the
 1 14 ten-day period after the ballots are printed, the commissioner
 1 15 shall mail to the applicant within twenty-four hours a letter
 1 16 in substantially the following form:
 1 17 Your application for an absentee ballot for the election to
 1 18 be held on has been received. This
 1 19 ballot will be personally delivered to you by a bipartisan
 1 20 team sometime during the ten days after the ballots are
 1 21 printed. If you will not be at the address from which your
 1 22 application was sent during any or all of the ten-day period
 1 23 immediately following the printing of the ballots, the ballot
 1 24 will be personally delivered to you sometime during the
 1 25 fourteen days preceding the election. If you will not be at
 1 26 the address from which your application was sent during either
 1 27 of these time periods, contact this office and arrangements
 1 28 will be made to have your absentee ballot delivered at a time
 1 29 when you will be present at that address.
 1 30 (2) If the application is received more than ~~ten~~ fourteen
 1 31 calendar days before the election and the commissioner has not
 1 32 elected to mail absentee ballots to ~~the applicant~~ applicants
 1 33 as provided under section 53.22, subsection 3, and has not
 1 34 elected to have the absentee ballots personally delivered
 1 35 during the ten-day period after the ballots are printed, the



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House File 708 - Introduced continued

2 1 commissioner shall mail to the applicant within twenty-four
2 2 hours a letter in substantially the following form:
2 3 Your application for an absentee ballot for the election to
2 4 be held on has been received. This
2 5 ballot will be personally delivered to you by a bipartisan
2 6 team sometime during the ~~ten~~ fourteen days preceding the
2 7 election. If you will not be at the address from which your
2 8 application was sent during any or all of the ~~ten-day~~
2 9 fourteen-day period immediately preceding the election,
2 10 contact this office and arrangements will be made to have your
2 11 absentee ballot delivered at a time when you will be present
2 12 at that address.

2 13 ~~b.~~ c. Nothing in this subsection nor in section 53.22
2 14 shall be construed to prohibit a registered voter who is a
2 15 hospital patient or resident of a health care facility, or who
2 16 anticipates entering a hospital or health care facility before
2 17 the date of a forthcoming election, from casting an absentee
2 18 ballot in the manner prescribed by section 53.10 or 53.11.

2 19 Sec. 2. Section 53.22, subsection 1, paragraph a,
2 20 subparagraph (1), Code 2009, is amended to read as follows:

2 21 (1) A registered voter who has applied for an absentee
2 22 ballot, in a manner other than that prescribed by section
2 23 53.10 or 53.11, and who is a resident or patient in a health
2 24 care facility or hospital located in the county to which the
2 25 application has been submitted shall be delivered the
2 26 appropriate absentee ballot by two special precinct election
2 27 officers, one of whom shall be a member of each of the
2 28 political parties referred to in section 49.13, who shall be
2 29 appointed by the commissioner from the election board panel
2 30 for the special precinct established by section 53.20. The
2 31 special precinct election officers shall be sworn in the
2 32 manner provided by section 49.75 for election board members,
2 33 shall receive compensation as provided in section 49.20, and
2 34 shall perform their duties during the ten calendar days after
2 35 the ballots are printed if the commissioner so elects, during



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House File 708 - Introduced continued

3 1 the ~~ten~~ fourteen calendar days preceding the election, and on
3 2 election day if all ballots requested under section 53.8,
3 3 subsection 3, have not previously been delivered and returned.

3 4 Sec. 3. Section 53.22, subsection 1, paragraph b, Code
3 5 2009, is amended to read as follows:

3 6 b. If an applicant under this subsection notifies the
3 7 commissioner that the applicant will not be available at the
3 8 health care facility or hospital address at any time during
3 9 the ten-day period after the ballots are printed, if

3 10 applicable, or during the ~~ten-day~~ fourteen-day period
3 11 immediately prior to the election, but will be available there
3 12 at some ~~earlier~~ other time prior to the election or on

3 13 election day, the commissioner shall direct the two special
3 14 precinct election officers to deliver the applicant's ballot
3 15 at an appropriate time ~~prior to the ten-day period immediately~~
3 16 preceding the election or on election day. If a person who so
3 17 requested an absentee ballot has been dismissed from the
3 18 health care facility or hospital, the special precinct
3 19 election officers may take the ballot to the voter if the
3 20 voter is currently residing in the county.

3 21 Sec. 4. Section 53.22, Code 2009, is amended by adding the
3 22 following new subsection:

3 23 NEW SUBSECTION. 6. Observers representing candidates,
3 24 political parties, or nonparty political organizations, or
3 25 observers who are opponents or proponents of a ballot issue to
3 26 be voted on at the election are prohibited from being present
3 27 at a hospital or health care facility during the time the
3 28 special precinct election officers are delivering absentee
3 29 ballots to the residents of such hospital or health care
3 30 facility.

3 31 EXPLANATION

3 32 This bill makes changes relating to delivery of absentee
3 33 ballots to applicants who are patients or residents of
3 34 hospitals or health care facilities.

3 35 Under current law, an absentee ballot applied for by a



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House File 708 - Introduced continued

4 1 patient or resident of a hospital or health care facility is
4 2 to be personally delivered sometime during the 10 days
4 3 preceding the election, or on election day in some
4 4 circumstances. The bill changes that time period to 14 days
4 5 preceding the election and provides that, in addition to that
4 6 delivery, absentee ballots applied for by patients or
4 7 residents of a hospital or health care facility may also be
4 8 personally delivered within 10 days after the ballots have
4 9 been printed.

4 10 The bill prohibits observers from being present when
4 11 ballots are delivered to a hospital or health care facility.

4 12 LSB 1372HV 83

4 13 sc/rj/8



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House File 709 - Introduced

HOUSE FILE
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 200)

(COMPANION TO SF 301 BY
COMMITTEE ON STATE GOVERNMENT)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

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



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House File 709 - Introduced continued

PAG LIN

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

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

1 11 NEW SUBSECTION. 3. The department of administrative
1 12 services shall proceed with competitive quotations or
1 13 competitive bidding for a public improvement even if the total
1 14 estimated cost of the public improvement does not warrant
1 15 either competitive quotations under section 26.14 or
1 16 competitive bidding under section 26.3.

1 17 EXPLANATION

1 18 This bill provides that the department of administrative
1 19 services shall use either competitive quotations or
1 20 competitive bidding for all public improvements of any cost.

1 21 Public improvement is defined in Code chapter 26 to mean a
1 22 building or construction work which is constructed and paid
1 23 for by a governmental entity.

1 24 LSB 1305HV 83

1 25 ec/rj/8



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House File 710 - Introduced

HOUSE FILE
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HSB 148)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the agricultural development authority, by
- 2 providing for the reporting of its operations.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2045HV 83
- 5 da/nh/8



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House File 710 - Introduced continued

PAG LIN

1 1 Section 1. Section 175.8, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 4. The authority's executive director,
1 4 appointed pursuant to section 175.7, shall report semiannually
1 5 to the legislative government oversight committees regarding
1 6 the operations of the authority.

1 7 EXPLANATION

1 8 This bill requires the executive director of the
1 9 agricultural development authority to report semiannually to
1 10 the legislative government oversight committees regarding its
1 11 operations.

1 12 The authority is a state agency established to assist
1 13 farmers in obtaining financing, including for purchasing
1 14 agricultural property by beginning farmers, for installing
1 15 permanent soil and water conservation practices, and for
1 16 providing operating expenses (Code section 175.3(1)). The
1 17 authority is overseen by a board of directors and managed by
1 18 an executive director.

1 19 LSB 2045HV 83

1 20 da/nh/8



Iowa General Assembly
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House File 711 - Introduced

HOUSE FILE
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 258)

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____
Approved

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 2665HV 83
- 5 jm/rj/5



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House File 711 - Introduced 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 2665HV 83

1 9 jm/rj/5



Iowa General Assembly
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House File 712 - Introduced

HOUSE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 80)

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

A BILL FOR

- 1 An Act relating to a private cause of action for certain consumer
- 2 fraud violations and providing an applicability provision.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1307HV 83
- 5 rh/rj/14



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House File 712 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 714H.1 TITLE.
1 2 This chapter shall be known and may be cited as the
1 3 "Private Remedy for Consumer Fraud Act".
1 4 Sec. 2. NEW SECTION. 714H.2 DEFINITIONS.
1 5 1. "Advertisement" means the same as defined in section
1 6 714.16.
1 7 2. "Consumer" means a natural person or the person's legal
1 8 representative.
1 9 3. "Consumer merchandise" means merchandise offered for
1 10 sale or lease, or sold or leased, primarily for personal,
1 11 family, or household purposes.
1 12 4. "Deception" means the same as defined in section
1 13 714.16.
1 14 5. "Merchandise" means the same as defined in section
1 15 714.16 except that, for the purposes of this chapter,
1 16 "merchandise" does not include services offered or provided by
1 17 any of the following pursuant to a profession or business for
1 18 which they are licensed or registered:
1 19 a. Insurance companies subject to Title XIII.
1 20 b. Attorneys licensed to practice law in this state.
1 21 c. Financial institutions as defined in section 423.2,
1 22 subsection 6.
1 23 d. Public utilities as defined in section 476.1, when
1 24 engaged in activities subject to regulation by the utilities
1 25 board pursuant to chapter 476.
1 26 e. Persons or facilities licensed, certified, or
1 27 registered under chapter 135B, 135C, 135J, 148, 148A, 148B,
1 28 148C, 149, 151, 152, 152A, 152B, 153, 154, 154B, 154C, 154D,
1 29 155A, 169, 522B, 542, 542B, 544A, or 544B.
1 30 6. "Person" means the same as defined in section 714.16.
1 31 7. "Sale" means any sale or offer for sale of consumer
1 32 merchandise for cash or credit.
1 33 8. "Unfair practice" means the same as defined in section
1 34 714.16.
1 35 Sec. 3. NEW SECTION. 714H.3 PROHIBITED PRACTICES AND



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House File 712 - Introduced continued

2 1 ACTS.

2 2 1. A person shall not engage in an unfair practice,
2 3 deception, fraud, false pretense, false promise, or
2 4 misrepresentation, or the concealment, suppression, or
2 5 omission of a material fact with the intent that others rely
2 6 upon the concealment, suppression, or omission, in connection
2 7 with the advertisement, sale, or lease of consumer
2 8 merchandise, or the solicitation of contributions for
2 9 charitable purposes.

2 10 2. A person shall not engage in any practice or act that
2 11 is in violation of any of the following:

2 12 a. Section 321.69.

2 13 b. Chapter 516D.

2 14 c. Section 516E.5, 516E.9, or 516E.10.

2 15 d. Chapter 555A.

2 16 e. Section 714.16, subsection 2, paragraphs "b" through
2 17 "n".

2 18 f. Chapter 714A.

2 19 Sec. 4. NEW SECTION. 714H.4 EXCLUSIONS.

2 20 1. This chapter shall not apply to any of the following:

2 21 a. Advertising by a retailer for a product, other than a
2 22 drug or other product claiming to have a health-related
2 23 benefit or use, if the advertising is prepared by a supplier,
2 24 unless the retailer participated in the preparation of the
2 25 advertisement or knew or should have known that the
2 26 advertisement was deceptive, false, or misleading.

2 27 b. In connection with an advertisement that violates this
2 28 chapter, the newspaper, magazine, publication, or other print
2 29 media in which the advertisement appears, or the radio
2 30 station, television station, or other electronic media which
2 31 disseminates the advertisement if the newspaper, magazine,
2 32 publication, radio station, television station, or other print
2 33 or electronic media has no knowledge of the fraudulent intent,
2 34 design, or purpose of the advertiser at the time the
2 35 advertisement is accepted.



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House File 712 - Introduced continued

3 1 c. Any advertisement that complies with the statutes,
3 2 rules, and regulations of the federal trade commission.
3 3 2. "Material fact" as used in this chapter does not
3 4 include repairs of damage to or adjustments on or replacements
3 5 of parts with new parts of otherwise new merchandise if the
3 6 repairs, adjustments, or replacements are made to achieve
3 7 compliance with factory specifications and are made before
3 8 sale of the merchandise at retail and the actual cost of any
3 9 labor and parts charged to or performed by a retailer for any
3 10 such repairs, adjustments, and parts does not exceed three
3 11 hundred dollars or ten percent of the actual cost to a
3 12 retailer including freight of the merchandise, whichever is
3 13 less, providing that the seller posts in a conspicuous place
3 14 notice that repairs, adjustments, or replacements will be
3 15 disclosed upon request. The exclusion provided in this
3 16 subsection does not apply to the concealment, suppression, or
3 17 omission of a material fact if the purchaser requests
3 18 disclosure of any repair, adjustment, or replacement.
3 19 Sec. 5. NEW SECTION. 714H.5 PRIVATE CAUSE OF ACTION.
3 20 1. A consumer who suffers damage or injury as the result
3 21 of a prohibited practice or act in violation of this chapter
3 22 may bring an action at law to recover actual damages. The
3 23 court may order such equitable relief as it deems necessary to
3 24 protect the public from further violations, including
3 25 temporary and permanent injunctive relief.
3 26 2. If the court finds that a person has violated this
3 27 chapter, the court shall award to the consumer the costs of
3 28 the action and to the consumer's attorney reasonable fees.
3 29 Reasonable attorney fees shall be determined by the value of
3 30 the time reasonably expended by the attorney including but not
3 31 limited to consideration of the following factors:
3 32 a. The time and labor required.
3 33 b. The novelty and difficulty of the issues in the case.
3 34 c. The skills required to perform the legal services
3 35 properly.



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4 1 d. The preclusion of other employment by the attorney due
4 2 to the attorney's acceptance of the case.
4 3 e. The customary fee.
4 4 f. Whether the fee is fixed or contingent.
4 5 g. The time limitations imposed by the client or the
4 6 circumstances of the case.
4 7 h. The amount of money involved in the case and the
4 8 results obtained.
4 9 i. The experience, reputation, and ability of the
4 10 attorney.
4 11 j. The undesirability of the case.
4 12 k. The nature and length of the professional relationship
4 13 between the attorney and the client.
4 14 1. Damage awards in similar cases.
4 15 3. In order to recover damages, a claim under this section
4 16 shall be proved by a preponderance of the evidence.
4 17 4. If the finder of fact finds that a prohibited practice
4 18 or act in violation of this chapter constitutes willful
4 19 disregard for the rights or safety of another, in addition to
4 20 an award of actual damages, statutory damages up to three
4 21 times the amount of actual damages may be awarded to a
4 22 prevailing consumer.
4 23 5. An action pursuant to this chapter must be brought
4 24 within five years of the occurrence of the last event giving
4 25 rise to the cause of action under this chapter or within five
4 26 years of the discovery of the violation of this chapter by the
4 27 person bringing the action, whichever is later.
4 28 6. This section shall not affect a consumer's right to
4 29 seek relief under any other theory of law.
4 30 Sec. 6. NEW SECTION. 714H.6 ATTORNEY GENERAL
4 31 NOTIFICATION.
4 32 1. A party filing a petition, counterclaim,
4 33 cross-petition, or pleading in intervention alleging a
4 34 violation under this chapter, within seven days following the
4 35 date of filing such pleading, shall provide a copy to the



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5 1 attorney general and, within seven days following entry of any
5 2 final judgment in the action, shall provide a copy of the
5 3 judgment to the attorney general. This subsection shall not
5 4 apply to small claims actions, except as provided in
5 5 subsection 2.

5 6 2. A party appealing to district court a small claims
5 7 order or judgment involving an issue raised under this
5 8 chapter, within seven days of providing notice of the appeal,
5 9 shall notify the attorney general in writing and provide a
5 10 copy of the pleading raising the issue and a copy of the small
5 11 claims court order or judgment.

5 12 3. A party appealing an order or judgment involving an
5 13 issue raised under this chapter, within seven days following
5 14 the date such notice of appeal is filed with the court, shall
5 15 notify the attorney general in writing and provide a copy of
5 16 the pleading raising the issue and a copy of the court order
5 17 or judgment being appealed.

5 18 4. Upon timely application to the court in which an action
5 19 involving an issue raised under this chapter is pending, the
5 20 attorney general may intervene as a party at any time or may
5 21 be heard at any time. The attorney general's failure to
5 22 intervene shall not preclude the attorney general from
5 23 bringing a separate enforcement action.

5 24 5. All copies of pleadings, orders, judgments, and notices
5 25 required by this section to be sent to the attorney general
5 26 shall be sent by certified mail unless the attorney general
5 27 has previously been provided such copies of pleadings, orders,
5 28 judgments, or notices in the same action by certified mail, in
5 29 which case subsequent mailings may be made by regular mail.
5 30 Failure to provide the required mailings to the attorney
5 31 general shall not be grounds for dismissal of an action under
5 32 this chapter, but shall be grounds for a subsequent action by
5 33 the attorney general to vacate or modify the judgment.

5 34 Sec. 7. APPLICABILITY. This Act applies to cause of
5 35 actions accruing on or after the effective date of this Act.



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6 1 EXPLANATION
6 2 This bill creates a private remedy for certain consumer
6 3 fraud Act violations.
6 4 The bill creates a private cause of action for consumer
6 5 fraud violations. The bill provides that a consumer who
6 6 suffers damage or injury as a result of a prohibited practice
6 7 or act declared to violate the bill may bring an action at law
6 8 to recover actual damages, and may seek court protection from
6 9 further violations, including temporary and permanent
6 10 injunctive relief. In addition, a prevailing consumer in such
6 11 an action shall be awarded costs and reasonable attorney fees
6 12 to be determined by the value of time reasonably expended by
6 13 the attorney including but not limited to certain factors as
6 14 specified in the bill. In addition, if the finder of fact
6 15 finds that a prohibited practice or act in violation of the
6 16 bill constitutes willful disregard for the rights or safety of
6 17 another, in addition to an award of actual damages, statutory
6 18 damages up to three times the amount of actual damages may be
6 19 awarded to a prevailing consumer.
6 20 The bill defines a prohibited practice or act to include an
6 21 unfair practice, deception, fraud, false pretense, false
6 22 promise, or misrepresentation, or the concealment,
6 23 suppression, or omission of a material fact with the intent
6 24 that others rely on the concealment, suppression, or omission,
6 25 in connection with the advertisement, sale, or lease of
6 26 consumer merchandise, or the solicitation of contributions for
6 27 charitable purposes. "Merchandise" does not include service
6 28 offered or provided by certain insurance companies, attorneys,
6 29 financial institutions, public utilities, hospitals, health
6 30 care facilities, hospice programs, physicians and surgeons,
6 31 osteopathic physicians and surgeons, physical therapists,
6 32 occupational therapists, physician assistants, podiatrists,
6 33 chiropractors, nurses, dieticians, respiratory care
6 34 practitioners and therapists, dentists, optometrists,
6 35 psychologists, social workers, behavioral therapists,



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7 1 pharmacists, veterinarians, insurance producers, public
7 2 accountants, engineers, architects, and landscape architects.
7 3 The bill does not apply to certain advertising by a
7 4 retailer for a product unless the retailer participated in the
7 5 preparation of the advertisement or knew or should have known
7 6 that the advertisement was deceptive or misleading, print
7 7 media in which the advertisement appears or electronic media
7 8 which disseminates the advertisement if the print or
7 9 electronic media has no knowledge of the fraudulent intent,
7 10 design, or purpose of the advertiser at the time the
7 11 advertisement is accepted, and any advertisement that complies
7 12 with the statutes, rules, and regulations of the federal trade
7 13 commission.
7 14 The bill authorizes the attorney general to oversee private
7 15 consumer fraud actions, including small claims court actions,
7 16 by requiring a party filing a petition, counterclaim,
7 17 cross-petition, or pleading in intervention alleging a
7 18 violation under the bill to provide a copy of the relevant
7 19 documents, including judgments and notices of appeal, to the
7 20 attorney general. In addition, the attorney general may
7 21 intervene as a party in a private consumer fraud action at any
7 22 time, or may be heard in such an action at any time.
7 23 The bill provides that failure to provide all mailings of
7 24 petitions, orders, judgments, and notices of appeal to the
7 25 attorney general shall not be grounds for dismissal, but shall
7 26 be grounds for a subsequent action by the attorney general to
7 27 vacate or modify the judgment.
7 28 The bill applies to cause of actions accruing on or after
7 29 the effective date of the bill.
7 30 LSB 1307HV 83
7 31 rh/rj/14



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HOUSE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 220)

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act creating the uniform child abduction prevention Act.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TL5B 1909HV 83
- 4 jm/nh/5



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1 1 Section 1. NEW SECTION. 598C.1 SHORT TITLE.
1 2 This chapter may be cited as the "Uniform Child Abduction
1 3 Prevention Act".
1 4 Sec. 2. NEW SECTION. 598C.2 DEFINITIONS.
1 5 As used in this chapter:
1 6 1. "Abduction" means the wrongful removal or wrongful
1 7 retention of a child.
1 8 2. "Child" means an unemancipated person under eighteen
1 9 years of age.
1 10 3. "Child custody determination" means a judgment, decree,
1 11 or other order of a court providing for the legal custody,
1 12 physical custody, or visitation with respect to a child. The
1 13 term includes a permanent, temporary, or modification order.
1 14 4. "Child custody proceeding" means a proceeding in which
1 15 legal custody, physical custody, or visitation with respect to
1 16 a child is at issue. "Child custody proceeding" includes a
1 17 proceeding for dissolution of marriage, neglect, abuse,
1 18 dependency, guardianship, paternity, termination of parental
1 19 rights, or protection from domestic abuse.
1 20 5. "Court" means an entity authorized under the law of a
1 21 state to establish, enforce, or modify a child custody
1 22 determination.
1 23 6. "Petition" includes a motion or its equivalent.
1 24 7. "Record" means information that is inscribed on a
1 25 tangible medium or that is stored in an electronic or other
1 26 medium and is retrievable in perceivable form.
1 27 8. "State" means a state of the United States, the
1 28 District of Columbia, Puerto Rico, the United States Virgin
1 29 Islands, or any territory or insular possession subject to the
1 30 jurisdiction of the United States. The term includes a
1 31 federally recognized Indian tribe or nation.
1 32 9. "Travel document" means records relating to a travel
1 33 itinerary, including travel tickets, passes, reservations for
1 34 transportation, or accommodations. "Travel document" does not
1 35 include a passport or visa.



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2 1 10. "Wrongful removal" means the taking of a child that
2 2 breaches rights of custody or visitation given or recognized
2 3 under the law of this state.
2 4 11. "Wrongful retention" means the keeping or concealing
2 5 of a child that breaches rights of custody or visitation given
2 6 or recognized under the law of this state.
2 7 Sec. 3. NEW SECTION. 598C.3 COOPERATION AND
2 8 COMMUNICATION AMONG COURTS.
2 9 Sections 598B.110, 598B.111, and 598B.112 apply to
2 10 cooperation and communications among courts in proceedings
2 11 under this chapter.
2 12 Sec. 4. NEW SECTION. 598C.4 ACTIONS FOR ABDUCTION
2 13 PREVENTION MEASURES.
2 14 1. A court on its own motion may order abduction
2 15 prevention measures in a child custody proceeding if the court
2 16 finds that the evidence establishes a credible risk of
2 17 abduction of the child.
2 18 2. A party to a child custody determination or another
2 19 individual or entity having a right under the law of this
2 20 state or any other state to seek a child custody determination
2 21 for the child may file a petition seeking abduction prevention
2 22 measures to protect the child under this chapter.
2 23 3. A prosecutor or public authority designated under
2 24 section 598B.315 may seek a warrant to take physical custody
2 25 of a child under section 598C.9 or may take other appropriate
2 26 prevention measures.
2 27 Sec. 5. NEW SECTION. 598C.5 JURISDICTION.
2 28 1. A petition under this chapter may be filed only in a
2 29 court that has jurisdiction to make a child custody
2 30 determination with respect to the child at issue pursuant to
2 31 section 598B.201.
2 32 2. A court of this state has temporary emergency
2 33 jurisdiction pursuant to section 598B.204 if the court finds a
2 34 credible risk of abduction.
2 35 Sec. 6. NEW SECTION. 598C.6 CONTENTS OF PETITION.



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3 1 A petition under this chapter shall be verified and include
3 2 a copy of any existing child custody determination, if
3 3 available. The petition shall specify the risk factors for
3 4 abduction, including the relevant factors described in section
3 5 598C.7. If reasonably ascertainable, the petition must
3 6 contain all of the following:

- 3 7 1. The name, date of birth, and gender of the child.
- 3 8 2. The address and current physical location of the child.
- 3 9 3. The identity, address, and current physical location of
3 10 the respondent.
- 3 11 4. A statement of whether a prior action to prevent
3 12 abduction or domestic abuse has been filed by a party or other
3 13 individual or entity having custody of the child, and the
3 14 date, location, and disposition of the action.
- 3 15 5. A statement of whether a party to the proceeding has
3 16 been arrested for a crime related to domestic abuse, stalking,
3 17 or child abuse or neglect, and the date, location, and
3 18 disposition of the case.
- 3 19 6. Information required to be submitted to the court for a
3 20 child custody determination under section 598B.308.

3 21 Sec. 7. NEW SECTION. 598C.7 FACTORS TO DETERMINE RISK OF
3 22 ABDUCTION.

3 23 1. In determining whether there is a credible risk of
3 24 abduction of a child, the court shall consider evidence that
3 25 the petitioner or respondent has done or may do any of the
3 26 following:

- 3 27 a. Abducted or attempted to abduct the child.
- 3 28 b. Threatened to abduct the child.
- 3 29 c. Engaged recently in activities that may indicate
3 30 evidence of a planned abduction, including the following:
 - 3 31 (1) Abandoning employment.
 - 3 32 (2) Selling a primary residence.
 - 3 33 (3) Terminating a lease.
 - 3 34 (4) Closing bank or other financial management accounts,
3 35 liquidating assets, hiding or destroying financial documents,



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- 4 1 or conducting any unusual financial activities.
- 4 2 (5) Applying for a passport or visa or obtaining travel
- 4 3 documents for the respondent, a family member, or the child.
- 4 4 (6) Seeking to obtain the child's birth certificate or
- 4 5 school or medical records.
- 4 6 d. Engaged in domestic abuse, stalking, or child abuse or
- 4 7 neglect.
- 4 8 e. Refused to follow a child-custody determination.
- 4 9 f. Lacks strong familial, financial, emotional, or
- 4 10 cultural ties to this state or the United States.
- 4 11 g. Established strong familial, financial, emotional, or
- 4 12 cultural ties to another state or country.
- 4 13 h. Taken the child to a country that is determined to be
- 4 14 any of the following:
- 4 15 (1) A party that has not signed the Hague convention on
- 4 16 the civil aspects of international child abduction and does
- 4 17 not provide for the extradition of an abducting parent or for
- 4 18 the return of an abducted child.
- 4 19 (2) A party to the Hague convention on the civil aspects
- 4 20 of international child abduction but any of the following
- 4 21 apply:
- 4 22 (a) The Hague convention on the civil aspects of
- 4 23 international child abduction is not in force between the
- 4 24 United States and that country.
- 4 25 (b) The party is noncompliant with terms of the convention
- 4 26 according to the most recent compliance report issued by the
- 4 27 United States department of state.
- 4 28 (c) Legal mechanisms are lacking for immediately and
- 4 29 effectively enforcing a return order under the Hague
- 4 30 convention on the civil aspects of international child
- 4 31 abduction.
- 4 32 (3) A country in which there would be a risk that the
- 4 33 child's physical or emotional health or safety would be
- 4 34 endangered because of specific circumstances relating to the
- 4 35 child or because of human rights violations committed against



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- 5 1 children.
- 5 2 (4) The laws or practices of the country do any of the
- 5 3 following:
- 5 4 (a) Enable the respondent, without due cause, to prevent
- 5 5 the petitioner from contacting the child.
- 5 6 (b) Restrict the petitioner from freely traveling to or
- 5 7 exiting from the country because of the petitioner's gender,
- 5 8 nationality, marital status, or religion.
- 5 9 (c) Restrict the child's ability legally to leave the
- 5 10 country after the child reaches the age of majority because of
- 5 11 a child's gender, nationality, or religion.
- 5 12 (5) A country that is included by the United States
- 5 13 department of state on a current list of state sponsors of
- 5 14 terrorism.
- 5 15 (6) A country that does not have an official United States
- 5 16 diplomatic presence in the country.
- 5 17 (7) A country that is engaged in active military action or
- 5 18 war, including a civil war, to which the child may be exposed.
- 5 19 i. Undergone a change in immigration or citizenship status
- 5 20 that would adversely affect the respondent's ability to remain
- 5 21 in the United States legally.
- 5 22 j. Had an application for United States citizenship
- 5 23 denied.
- 5 24 k. Forged or presented misleading or false evidence on
- 5 25 government forms or supporting documents to obtain or attempt
- 5 26 to obtain a passport, a visa, travel documents, a social
- 5 27 security card, a driver's license, or other government-issued
- 5 28 identification card or has made a misrepresentation to the
- 5 29 United States government.
- 5 30 l. Used multiple names to attempt to mislead or defraud.
- 5 31 m. Engaged in any other conduct the court considers
- 5 32 relevant to the risk of abduction.
- 5 33 2. In the hearing on a petition under this chapter, the
- 5 34 court shall consider any evidence that the respondent believed
- 5 35 in good faith that the respondent's conduct was necessary to



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6 1 avoid imminent harm to the child or respondent and any other
6 2 evidence that may be relevant to whether the respondent may be
6 3 permitted to remove or retain the child.

6 4 Sec. 8. NEW SECTION. 598C.8 PROVISIONS AND MEASURES TO
6 5 PREVENT ABDUCTION.

6 6 1. If a petition is filed pursuant to section 598C.5, the
6 7 court may enter an order that shall include the following:

6 8 a. The basis for the court's exercise of jurisdiction.

6 9 b. The manner in which notice and opportunity to be heard
6 10 were given to the persons entitled to notice of the
6 11 proceeding.

6 12 c. A detailed description of each party's custody and
6 13 visitation rights and residential arrangements for the child.

6 14 d. A provision stating that a violation of the order may
6 15 subject the party in violation to civil and criminal
6 16 penalties.

6 17 e. Identification of the child's country of habitual
6 18 residence at the time of the issuance of the order.

6 19 2. If, at a hearing on a petition under this chapter or on
6 20 the court's own motion, the court after reviewing the evidence
6 21 finds a credible risk of abduction of the child, the court
6 22 shall enter an abduction prevention order. The order shall
6 23 include the provisions required by subsection 1 and measures
6 24 and conditions, including those described in subsections 3, 4,
6 25 and 5, that are reasonably calculated to prevent abduction of
6 26 the child, giving due consideration to the custody and
6 27 visitation rights of the parties. The court shall consider
6 28 the age of the child, the potential harm to the child from an
6 29 abduction, the legal and practical difficulties of returning
6 30 the child to the jurisdiction if abducted, and the reasons for
6 31 the potential abduction, including evidence of domestic abuse,
6 32 stalking, or child abuse or neglect.

6 33 3. An abduction prevention order may include one or more
6 34 of the following measures and conditions:

6 35 a. An imposition of travel restrictions that require that



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7 1 a party traveling with the child outside a designated
7 2 geographical area provide the other party with the following:
7 3 (1) The travel itinerary of the child.
7 4 (2) A list of physical addresses and telephone numbers at
7 5 which the child can be reached at specified times.
7 6 (3) Copies of all travel documents.
7 7 b. A prohibition of the respondent directly or indirectly
7 8 doing the following:
7 9 (1) Removing the child from this state, the United States,
7 10 or another geographic area without permission of the court or
7 11 the petitioner's written consent.
7 12 (2) Removing or retaining the child in violation of a
7 13 child custody determination.
7 14 (3) Removing the child from school or a child care or
7 15 similar facility.
7 16 (4) Approaching the child at any location other than a
7 17 site designated for supervised visitation.
7 18 c. A requirement that a party register the order in
7 19 another state as a prerequisite to allowing the child to
7 20 travel to that state.
7 21 d. A direction that the petitioner place the child's name
7 22 in the United States department of state's child passport
7 23 issuance alert program.
7 24 e. A requirement that the respondent surrender to the
7 25 court or the petitioner's attorney any United States or
7 26 foreign passport issued in the child's name, including a
7 27 passport issued in the name of both the parent and the child.
7 28 f. A prohibition upon the respondent from applying on
7 29 behalf of the child for a new or replacement passport or visa.
7 30 g. A requirement that the respondent, as a prerequisite to
7 31 exercising custody or visitation, provide the following:
7 32 (1) An authenticated copy of the order detailing passport
7 33 and travel restrictions for the child to the United States
7 34 department of state office of children's issues and the
7 35 relevant foreign consulate or embassy.



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8 1 (2) To the court, proof that the respondent has provided
8 2 the information in subparagraph (1) and an acknowledgment in a
8 3 record from the relevant foreign consulate or embassy that no
8 4 passport application has been made, or passport issued, on
8 5 behalf of the child.

8 6 (3) To the petitioner, proof of registration with the
8 7 United States embassy to the petitioner or proof of other
8 8 United States diplomatic presence in the destination country
8 9 and with the central authority for the Hague convention on the
8 10 civil aspects of international child abduction, if that
8 11 convention is in effect between the United States and the
8 12 destination country, unless one of the parties objects.

8 13 (4) A written waiver under the federal Privacy Act, 5
8 14 U.S.C. } 552a, with respect to any document, application, or
8 15 other information pertaining to the child authorizing its
8 16 disclosure to the court and the petitioner.

8 17 h. A requirement, upon the petitioner's request, that the
8 18 respondent obtain an order from the relevant foreign country
8 19 containing terms identical to the child custody determination
8 20 issued in the United States.

8 21 4. In an abduction prevention order, the court may impose
8 22 the following conditions on the exercise of custody or
8 23 visitation:

8 24 a. A limitation on visitation or require that visitation
8 25 with the child by the respondent be supervised until the court
8 26 finds that supervision is no longer necessary and order the
8 27 respondent to pay the costs of supervision.

8 28 b. A requirement that the respondent post a bond or
8 29 provide other security in an amount sufficient to serve as a
8 30 financial deterrent to abduction, the proceeds of which may be
8 31 used to pay for the reasonable expenses of recovery of the
8 32 child, including reasonable attorney fees and costs, if there
8 33 is an abduction.

8 34 c. A requirement that the respondent obtain education on
8 35 the potentially harmful effects to the child from abduction.



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- 9 1 5. In order to prevent imminent abduction of a child, a
9 2 court may do any of the following:
- 9 3 a. Issue a warrant to take physical custody of the child
9 4 under section 598C.9 or under the authority of any other
9 5 provision of the Code.
- 9 6 b. Direct the use of law enforcement to take any action
9 7 reasonably necessary to locate the child, obtain return of the
9 8 child, or enforce a child custody determination under this
9 9 chapter or under any other provision of the Code.
- 9 10 c. Grant any other relief allowed under the law of this
9 11 state not enumerated in this chapter.
- 9 12 6. The remedies provided in this chapter are cumulative
9 13 and do not affect the availability of other remedies to
9 14 prevent abduction.
- 9 15 Sec. 9. NEW SECTION. 598C.9 WARRANT TO TAKE PHYSICAL
9 16 CUSTODY OF CHILD.
- 9 17 1. If a petition under this chapter contains allegations,
9 18 and the court finds that there is a credible risk, that the
9 19 child is imminently likely to be wrongfully removed, the court
9 20 may issue an ex parte warrant to take physical custody of the
9 21 child.
- 9 22 2. The respondent on a petition under subsection 1 shall
9 23 be afforded an opportunity to be heard at the earliest
9 24 possible time after the ex parte warrant is executed, but not
9 25 later than the next judicial day unless a hearing on that date
9 26 is impossible. In that event, the court shall hold the
9 27 hearing on the first judicial day possible.
- 9 28 3. An ex parte warrant under subsection 1 to take physical
9 29 custody of a child shall do all of the following:
- 9 30 a. Recite the facts upon which a determination of a
9 31 credible risk of imminent wrongful removal of the child is
9 32 based.
- 9 33 b. Direct law enforcement officers to take physical
9 34 custody of the child immediately.
- 9 35 c. State the date and time for the hearing on the



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- 10 1 petition.
- 10 2 d. Provide for the safe interim placement of the child
- 10 3 pending further order of the court.
- 10 4 4. If feasible, before issuing a warrant and before
- 10 5 determining the placement of the child after the warrant is
- 10 6 executed, the court may order a search of the relevant federal
- 10 7 and state databases to determine if either the petitioner or
- 10 8 respondent has a history of domestic violence, stalking, or
- 10 9 child abuse or neglect.
- 10 10 5. The petition and warrant must be served on the
- 10 11 respondent during or immediately after the child is taken into
- 10 12 physical custody.
- 10 13 6. A warrant to take physical custody of a child that
- 10 14 complies with this section, issued by this state or another
- 10 15 state, is enforceable throughout this state. If the court
- 10 16 finds that a less intrusive remedy will not be effective, it
- 10 17 may authorize law enforcement officers to enter private
- 10 18 property to take physical custody of the child. If required
- 10 19 by exigent circumstances, the court may authorize law
- 10 20 enforcement officers to make a forcible entry at any time of
- 10 21 day.
- 10 22 7. If the court finds, after a hearing, that a petitioner
- 10 23 sought an ex parte warrant under subsection 1 for the purpose
- 10 24 of harassment or in bad faith, the court may award the
- 10 25 respondent reasonable attorney fees, costs, and expenses.
- 10 26 8. This chapter does not affect the availability of relief
- 10 27 allowed under the law of this state other than this chapter.
- 10 28 Sec. 10. NEW SECTION. 598C.10 DURATION OF ABDUCTION
- 10 29 PREVENTION ORDER.
- 10 30 An abduction prevention order remains in effect until the
- 10 31 earliest of the following:
- 10 32 1. The time stated in the order.
- 10 33 2. The emancipation of the child.
- 10 34 3. The child's attaining eighteen years of age.
- 10 35 4. The time the order is modified, revoked, vacated, or



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11 1 superseded by a court with jurisdiction under sections
11 2 598B.201 through 598B.203.
11 3 Sec. 11. NEW SECTION. 598C.11 UNIFORMITY OF APPLICATION
11 4 AND CONSTRUCTION.

11 5 In applying and construing this chapter, consideration must
11 6 be given to the need to promote uniformity of the law with
11 7 respect to its subject matter among states that enact the
11 8 uniform child abduction and prevention Act.

11 9 Sec. 12. NEW SECTION. 598C.12 RELATION TO ELECTRONIC
11 10 SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.

11 11 This chapter modifies, limits, and supersedes the federal
11 12 Electronic Signatures in Global and National Commerce Act, 15
11 13 U.S.C. } 7001, et seq., but does not modify, limit, or
11 14 supersede section 101(c) of the Act, 15 U.S.C. } 7001(c), or
11 15 authorize electronic delivery of any of the notices described
11 16 in section 103(b) of that Act, 15 U.S.C. } 7003(b).

11 17 EXPLANATION

11 18 This bill enacts the uniform child abduction prevention
11 19 Act.

11 20 The bill provides that a person may file a petition seeking
11 21 abduction prevention measures to prevent the abduction of a
11 22 child. A "child" means an unemancipated child under 18 years
11 23 of age. The bill also provides that the court on its own
11 24 motion may order abduction prevention measures in a child
11 25 custody proceeding if the court finds evidence establishing a
11 26 credible risk a child will be abducted.

11 27 Under the bill, a petition shall include a copy of any
11 28 existing child custody determination, if available, and must
11 29 specify the risk factors for abduction. The petition shall
11 30 also contain a statement whether prior action to prevent an
11 31 abduction or domestic abuse has been filed by a party to the
11 32 action, and whether any party to the action has been arrested
11 33 for a crime related to domestic abuse, stalking, or child
11 34 abuse or neglect.

11 35 Under the bill, in determining if there is a credible risk



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12 1 of abduction of a child, the court shall consider whether a
12 2 party has previously abducted or attempted to abduct the child
12 3 or threatened to abduct the child, or has engaged in
12 4 activities that may indicate evidence of a planned abduction.
12 5 In addition, the court shall also consider whether either
12 6 party to the action has strong ties to the state of Iowa or
12 7 the United States, or whether a party to the action is likely
12 8 to take the child to a country that is not a party to the
12 9 Hague convention on the civil aspects of international child
12 10 abduction.

12 11 If the court finds a credible risk of abduction of the
12 12 child exists, the court shall enter an abduction prevention
12 13 order. The bill provides that the abduction prevention order
12 14 may impose travel restrictions on the parties, provide for a
12 15 visitation schedule, require a party to post a bond in an
12 16 amount sufficient to serve as a financial deterrent to
12 17 abduction, or require education classes.

12 18 If the court determines an abduction is imminent, the court
12 19 may issue a warrant including an ex parte warrant to take
12 20 physical custody of the child, direct law enforcement to
12 21 locate the child, or grant any other relief as provided by
12 22 law. If an ex parte warrant is issued pursuant to the bill,
12 23 the aggrieved party shall be afforded an opportunity to be
12 24 heard at the earliest possible time. If a child is taken into
12 25 custody pursuant to an ex parte warrant, the child taken into
12 26 custody shall be placed in a safe interim placement pending
12 27 further action by the court.

12 28 The bill provides that an abduction prevention order shall
12 29 be enforceable until the time stated in the order, the child
12 30 becomes emancipated, the child reaches 18 years of age, or the
12 31 abduction prevention order is modified.

12 32 LSB 1909HV 83

12 33 jm/nh/5.1



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House File 714 - Introduced

HOUSE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 169)

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

A BILL FOR

- 1 An Act relating to the uniform athlete agents Act and providing
- 2 remedies and penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1925HV 83
- 5 av/nh/8



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House File 714 - Introduced continued

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1 1 Section 1. NEW SECTION. 9A.101 TITLE.
1 2 This chapter shall be known as the "Uniform Athlete Agents
1 3 Act".
1 4 Sec. 2. NEW SECTION. 9A.102 DEFINITIONS.
1 5 As used in this chapter, unless the context otherwise
1 6 requires:
1 7 1. "Agency contract" means an agreement pursuant to which
1 8 a student athlete authorizes a person to negotiate or solicit
1 9 on behalf of the student athlete a professional sports
1 10 services contract or an endorsement contract.
1 11 2. "Athlete agent" means an individual who enters into an
1 12 agency contract with a student athlete or, directly or
1 13 indirectly, recruits or solicits a student athlete to enter
1 14 into an agency contract. "Athlete agent" includes an
1 15 individual who represents to the public that the individual is
1 16 an athlete agent. "Athlete agent" does not include a spouse,
1 17 parent, sibling, grandparent, or guardian of the student
1 18 athlete or an individual acting solely on behalf of a
1 19 professional sports team or professional sports organization.
1 20 3. "Athletic director" means an individual responsible for
1 21 administering the overall athletic program of an educational
1 22 institution or, if an educational institution has separately
1 23 administered athletic programs for male students and female
1 24 students, the athletic program for males or the athletic
1 25 program for females, as appropriate.
1 26 4. "Contact" means a direct or indirect communication
1 27 between an athlete agent and a student athlete, to recruit or
1 28 solicit the student athlete to enter into an agency contract.
1 29 5. "Endorsement contract" means an agreement under which a
1 30 student athlete is employed or receives consideration to use
1 31 on behalf of the other party any value that the student
1 32 athlete may have because of publicity, reputation, following,
1 33 or fame obtained because of athletic ability or performance.
1 34 6. "Intercollegiate sport" means a sport played at the
1 35 collegiate level for which eligibility requirements for



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2 1 participation by a student athlete are established by a
2 2 national association for the promotion or regulation of
2 3 collegiate athletics.

2 4 7. "Person" means an individual, corporation, business
2 5 trust, estate, trust, partnership, limited liability company,
2 6 association, joint venture, government, governmental
2 7 subdivision, agency, or instrumentality, public corporation,
2 8 or any other legal or commercial entity.

2 9 8. "Professional sports services contract" means an
2 10 agreement under which an individual is employed, or agrees to
2 11 render services, as a player on a professional sports team,
2 12 with a professional sports organization, or as a professional
2 13 athlete.

2 14 9. "Record" means information that is inscribed on a
2 15 tangible medium or that is stored in an electronic or other
2 16 medium and is retrievable in perceivable form.

2 17 10. "Registration" means registration as an athlete agent
2 18 pursuant to this chapter.

2 19 11. "State" means a state of the United States, the
2 20 District of Columbia, Puerto Rico, the United States Virgin
2 21 Islands, or any territory or insular possession subject to the
2 22 jurisdiction of the United States.

2 23 12. "Student athlete" means an individual who engages in,
2 24 is eligible to engage in, or may be eligible in the future to
2 25 engage in, any intercollegiate sport. If an individual is
2 26 permanently ineligible to participate in a particular
2 27 intercollegiate sport, the individual is not a student athlete
2 28 for purposes of that sport.

2 29 Sec. 3. NEW SECTION. 9A.103 SERVICE OF PROCESS ==
2 30 SUBPOENAS.

2 31 1. By acting as an athlete agent in this state, a
2 32 nonresident individual appoints the secretary of state as the
2 33 individual's agent for service of process in any civil action
2 34 in this state related to the individual's acting as an athlete
2 35 agent in this state.



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3 1 2. The secretary of state may issue subpoenas for any
3 2 material that is relevant to the administration of this
3 3 chapter.
3 4 Sec. 4. NEW SECTION. 9A.104 ATHLETE AGENTS ==
3 5 REGISTRATION REQUIRED == VOID CONTRACTS.
3 6 1. Except as otherwise provided in subsection 2, an
3 7 individual shall not act as an athlete agent in this state
3 8 without holding a certificate of registration under section
3 9 9A.106 or 9A.108.
3 10 2. Before being issued a certificate of registration, an
3 11 individual may act as an athlete agent in this state for all
3 12 purposes except signing an agency contract, if all of the
3 13 following occur:
3 14 a. A student athlete or another person acting on behalf of
3 15 the student athlete initiates communication with the
3 16 individual.
3 17 b. Within seven days after an initial act as an athlete
3 18 agent, the individual submits an application for registration
3 19 as an athlete agent in this state.
3 20 3. An agency contract resulting from conduct in violation
3 21 of this section is void and the athlete agent shall return any
3 22 consideration received under the contract.
3 23 Sec. 5. NEW SECTION. 9A.105 REGISTRATION AS ATHLETE
3 24 AGENT == FORM == REQUIREMENTS.
3 25 1. An applicant for registration shall submit an
3 26 application for registration to the secretary of state in a
3 27 form prescribed by the secretary of state. An application
3 28 filed under this section is a public record. The application
3 29 shall be in the name of an individual and, except as otherwise
3 30 provided in subsection 2, signed or otherwise authenticated by
3 31 the applicant under penalty of perjury, and contain the
3 32 following information:
3 33 a. The name of the applicant and the address of the
3 34 applicant's principal place of business.
3 35 b. The name of the applicant's business or employer, if



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- 4 1 applicable.
- 4 2 c. Any business or occupation engaged in by the applicant
- 4 3 for the five years immediately preceding the date of
- 4 4 submission of the application.
- 4 5 d. A description of the applicant's qualifications,
- 4 6 including:
- 4 7 (1) Formal training as an athlete agent.
- 4 8 (2) Practical experience as an athlete agent.
- 4 9 (3) Educational background relating to the applicant's
- 4 10 activities as an athlete agent.
- 4 11 e. The names and addresses of three individuals not
- 4 12 related to the applicant who are willing to serve as
- 4 13 references.
- 4 14 f. The name, sport, and last known team of each individual
- 4 15 for whom the applicant acted as an athlete agent during the
- 4 16 five years immediately preceding the date of submission of the
- 4 17 application.
- 4 18 g. The names and addresses of all persons who have or
- 4 19 claim an ownership interest in the applicant's business,
- 4 20 including:
- 4 21 (1) The partners, members, officers, managers, associates,
- 4 22 or profit=sharers of the business if it is not a corporation.
- 4 23 (2) The officers, directors, and any shareholder of the
- 4 24 corporation having an interest of five percent or greater in a
- 4 25 corporation employing the athlete agent.
- 4 26 h. Whether the applicant or any person named pursuant to
- 4 27 paragraph "g" has been convicted of a crime that, if committed
- 4 28 in this state, would be a crime involving moral turpitude or
- 4 29 which is a felony, and identify the crime.
- 4 30 i. Whether there has been any administrative or judicial
- 4 31 determination that the applicant or any person named pursuant
- 4 32 to paragraph "g" has made a materially false, misleading,
- 4 33 deceptive, or fraudulent representation.
- 4 34 j. Any instance in which the conduct of the applicant or
- 4 35 any person named pursuant to paragraph "g" resulted in the



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5 1 imposition of a sanction, suspension, or declaration of
5 2 ineligibility to participate in an interscholastic or
5 3 intercollegiate athletic event on, of, or by a student athlete
5 4 or educational institution.

5 5 k. Any sanction, suspension, or disciplinary action taken
5 6 against the applicant or any person named pursuant to
5 7 paragraph "g" arising out of occupational or professional
5 8 conduct.

5 9 l. Whether there has been any denial of an application
5 10 for, suspension or revocation of, or refusal to renew, the
5 11 registration or licensure of the applicant or of any person
5 12 named pursuant to paragraph "g" as an athlete agent in any
5 13 state.

5 14 2. An individual who has submitted an application for, and
5 15 holds a certificate of, registration or licensure as an
5 16 athlete agent in another state may submit a copy of the
5 17 application and certificate in lieu of submitting an
5 18 application in the form prescribed pursuant to subsection 1.
5 19 The secretary of state shall accept the application and the
5 20 certificate from the other state as an application for
5 21 registration in this state if the application to the other
5 22 state complies with all of the following:

5 23 a. Was submitted in the other state within the six-month
5 24 period immediately preceding the submission of the application
5 25 in this state and the applicant certifies that the information
5 26 contained in the application in the other state is current.

5 27 b. Contains information substantially similar to or more
5 28 comprehensive than that required in an application submitted
5 29 in this state.

5 30 c. Was signed by the applicant under penalty of perjury.

5 31 Sec. 6. NEW SECTION. 9A.106 CERTIFICATE OF REGISTRATION
5 32 == ISSUANCE OR DENIAL == RENEWAL.

5 33 1. Except as otherwise provided in subsection 2, the
5 34 secretary of state shall issue a certificate of registration
5 35 to an individual who complies with section 9A.105, subsection



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6 1 1, or whose application has been accepted under section
6 2 9A.105, subsection 2.
6 3 2. The secretary of state may refuse to issue a
6 4 certificate of registration if the secretary of state
6 5 determines that the applicant has engaged in conduct that has
6 6 a significant adverse effect on the applicant's fitness to act
6 7 as an athlete agent. In making the determination, the
6 8 secretary of state may consider whether the applicant has done
6 9 the following:
6 10 a. Been convicted of a crime that, if committed in this
6 11 state, would be a crime involving moral turpitude or a felony.
6 12 b. Made a materially false, misleading, deceptive, or
6 13 fraudulent representation in the application or as an athlete
6 14 agent.
6 15 c. Engaged in conduct that would disqualify the applicant
6 16 from serving in a fiduciary capacity.
6 17 d. Engaged in conduct prohibited by section 9A.114.
6 18 e. Had a certificate of registration or licensure as an
6 19 athlete agent suspended, revoked, or denied or been refused
6 20 renewal of a certificate of registration or licensure as an
6 21 athlete agent in any state.
6 22 f. Engaged in conduct which resulted in the imposition of
6 23 a sanction, suspension, or declaration of ineligibility to
6 24 participate in an interscholastic or intercollegiate athletic
6 25 event on, of, or by a student athlete or educational
6 26 institution.
6 27 g. Engaged in conduct that significantly adversely
6 28 reflects on the applicant's credibility, honesty, or
6 29 integrity.
6 30 3. In making a determination under subsection 2, the
6 31 secretary of state shall consider the following:
6 32 a. How recently the conduct occurred.
6 33 b. The nature of the conduct and the context in which it
6 34 occurred.
6 35 c. Any other relevant conduct of the applicant.



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7 1 4. An athlete agent may apply to renew a certificate of
7 2 registration by submitting an application for renewal in a
7 3 form prescribed by the secretary of state. An application
7 4 filed under this section is a public record. The application
7 5 for renewal must be signed by the applicant under penalty of
7 6 perjury and must contain current information on all matters
7 7 required in an original application for registration.

7 8 5. An individual who has submitted an application for
7 9 renewal of a certificate of registration or licensure in
7 10 another state, in lieu of submitting an application for
7 11 renewal in the form prescribed pursuant to subsection 4, may
7 12 file a copy of the application for renewal and a valid
7 13 certificate of registration or licensure from the other state.
7 14 The secretary of state shall accept the application for
7 15 renewal from the other state as an application for renewal in
7 16 this state if the application to the other state complies with
7 17 all of the following:

7 18 a. Was submitted in the other state within the six-month
7 19 period immediately preceding the filing in this state and the
7 20 applicant certifies the information contained in the
7 21 application for renewal in the other state is current.

7 22 b. Contains information substantially similar to or more
7 23 comprehensive than that required in an application for renewal
7 24 submitted in this state.

7 25 c. Was signed by the applicant under penalty of perjury.

7 26 6. An original certificate of registration or a renewal of
7 27 a certificate of registration is valid for two years.

7 28 Sec. 7. NEW SECTION. 9A.107 SUSPENSION, REVOCATION, OR
7 29 REFUSAL TO RENEW REGISTRATION.

7 30 1. The secretary of state may suspend, revoke, or refuse
7 31 to renew a certificate of registration for conduct that would
7 32 have justified denial of a certificate of registration under
7 33 section 9A.106, subsection 2.

7 34 2. The secretary of state may deny, suspend, revoke, or
7 35 refuse to renew a certificate of registration or licensure



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8 1 only after proper notice and an opportunity for a hearing held
8 2 in accordance with chapter 17A.
8 3 Sec. 8. NEW SECTION. 9A.108 TEMPORARY REGISTRATION.
8 4 The secretary of state may issue a temporary certificate of
8 5 registration while an application for registration or renewal
8 6 of registration is pending.
8 7 Sec. 9. NEW SECTION. 9A.109 REGISTRATION AND RENEWAL
8 8 FEES.
8 9 An application for registration or renewal of registration
8 10 shall be accompanied by a reasonable registration or renewal
8 11 of registration fee sufficient to offset expenses incurred in
8 12 the administration of this chapter as established by the
8 13 secretary of state.
8 14 Sec. 10. NEW SECTION. 9A.110 REQUIRED FORM OF CONTRACT.
8 15 1. An agency contract shall be in a record, signed, or
8 16 otherwise authenticated by the parties.
8 17 2. An agency contract shall contain the following
8 18 information:
8 19 a. The amount and method of calculating the consideration
8 20 to be paid by the student athlete for services to be provided
8 21 by the athlete agent under the contract and any other
8 22 consideration the athlete agent has received or will receive
8 23 from any other source for entering into the contract or for
8 24 providing the services.
8 25 b. The name of any person not listed in the application
8 26 for registration or renewal of registration who will be
8 27 compensated because the student athlete signed the agency
8 28 contract.
8 29 c. The description of any expenses that the student
8 30 athlete agrees to reimburse.
8 31 d. The description of the services to be provided to the
8 32 student athlete.
8 33 e. The duration of the contract.
8 34 f. The date of execution of the contract.
8 35 3. An agency contract must contain, in close proximity to



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House File 714 - Introduced continued

9 1 the signature of the student athlete, a conspicuous notice in
9 2 boldface type in capital letters stating:

9 3 WARNING TO STUDENT ATHLETE

9 4 IF YOU SIGN THIS CONTRACT:

9 5 (1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT
9 6 ATHLETE IN YOUR SPORT;

9 7 (2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS
9 8 AFTER ENTERING INTO THIS CONTRACT, BOTH YOU AND YOUR ATHLETE
9 9 AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR; AND

9 10 (3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER
9 11 SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE
9 12 YOUR ELIGIBILITY.

9 13 4. An agency contract that does not conform to this
9 14 section is voidable by the student athlete. If a student
9 15 athlete voids an agency contract, the student athlete is not
9 16 required to pay any consideration under the contract or to
9 17 return any consideration received from the athlete agent to
9 18 induce the student athlete to enter into the contract.

9 19 5. The athlete agent shall give a record of the signed or
9 20 otherwise authenticated agency contract to the student athlete
9 21 at the time of execution of the contract.

9 22 Sec. 11. NEW SECTION. 9A.111 NOTICE TO EDUCATIONAL
9 23 INSTITUTION.

9 24 1. Within seventy-two hours after entering into an agency
9 25 contract or before the next scheduled athletic event in which
9 26 the student athlete may participate, whichever occurs first,
9 27 the athlete agent shall give notice in a record of the
9 28 existence of the contract to the athletic director of the
9 29 educational institution at which the student athlete is
9 30 enrolled or at which the athlete agent has reasonable grounds
9 31 to believe the student athlete intends to enroll.

9 32 2. Within seventy-two hours after entering into an agency
9 33 contract or before the next athletic event in which the
9 34 student athlete may participate, whichever occurs first, the
9 35 student athlete shall inform the athletic director of the



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10 1 educational institution at which the student athlete is
10 2 enrolled or intends to enroll that the student athlete has
10 3 entered into an agency contract.
10 4 Sec. 12. NEW SECTION. 9A.112 STUDENT ATHLETE'S RIGHT TO
10 5 CANCEL.
10 6 1. A student athlete may cancel an agency contract by
10 7 giving notice of the cancellation to the athlete agent in a
10 8 record within fourteen days after the contract is signed.
10 9 2. A student athlete shall not waive the right to cancel
10 10 an agency contract.
10 11 3. If a student athlete cancels an agency contract, the
10 12 student athlete is not required to pay any consideration under
10 13 the contract or to return any consideration received from the
10 14 athlete agent to induce the student athlete to enter into the
10 15 contract.
10 16 Sec. 13. NEW SECTION. 9A.113 REQUIRED RECORDS.
10 17 1. An athlete agent shall retain the following records for
10 18 a period of five years:
10 19 a. The name and address of each individual represented by
10 20 the athlete agent.
10 21 b. Any agency contract entered into by the athlete agent.
10 22 c. Any direct costs incurred by the athlete agent in the
10 23 recruitment or solicitation of a student athlete to enter into
10 24 an agency contract.
10 25 2. Records required to be retained pursuant to subsection
10 26 1 are open to inspection by the secretary of state during
10 27 normal business hours.
10 28 Sec. 14. NEW SECTION. 9A.114 PROHIBITED CONDUCT.
10 29 1. An athlete agent, with the intent to induce a student
10 30 athlete to enter into an agency contract, shall not do any of
10 31 the following:
10 32 a. Give any materially false, misleading, deceptive, or
10 33 fraudulent information or make a materially false promise or a
10 34 materially false, misleading, deceptive, or fraudulent
10 35 representation.



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11 1 b. Furnish anything of value to a student athlete before
11 2 the student athlete enters into the agency contract.
11 3 c. Furnish anything of value to any individual other than
11 4 the student athlete or another registered athlete agent.
11 5 2. An athlete agent shall not intentionally:
11 6 a. Initiate contact with a student athlete unless
11 7 registered under this chapter.
11 8 b. Refuse or fail to retain or permit inspection of the
11 9 records required to be retained by section 9A.113.
11 10 c. Fail to register when required by section 9A.104.
11 11 d. Provide materially false or misleading information in
11 12 an application for registration or renewal of registration.
11 13 e. Predate or postdate an agency contract.
11 14 f. Fail to notify a student athlete before the student
11 15 athlete signs or otherwise authenticates an agency contract
11 16 for a particular sport that the signing or authentication may
11 17 make the student athlete ineligible to participate as a
11 18 student athlete in that sport.
11 19 Sec. 15. NEW SECTION. 9A.115 CRIMINAL PENALTIES.
11 20 An athlete agent who violates section 9A.114 is guilty of a
11 21 serious misdemeanor.
11 22 Sec. 16. NEW SECTION. 9A.116 CIVIL REMEDIES.
11 23 1. An educational institution has a right of action
11 24 against an athlete agent or a former student athlete for
11 25 damages caused by a violation of this chapter. In an action
11 26 under this section, the court may award costs and reasonable
11 27 attorney fees to the prevailing party.
11 28 2. Damages to an educational institution under subsection
11 29 1 include losses and expenses incurred because, as a result of
11 30 the conduct of an athlete agent or former student athlete, the
11 31 educational institution was injured by a violation of this
11 32 chapter or was sanctioned, declared ineligible, or suspended
11 33 from participation in athletics by a national association for
11 34 the promotion and regulation of athletics, by an athletic
11 35 conference, or by reasonable self-imposed disciplinary action



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12 1 taken to mitigate sanctions likely to be imposed by such an
12 2 association.
12 3 3. A right of action under this section does not accrue
12 4 until the educational institution discovers or by the exercise
12 5 of reasonable diligence should have discovered the violation
12 6 by the athlete agent or former student athlete.
12 7 4. Any liability of the athlete agent or the former
12 8 student athlete under this section is several and not joint.
12 9 5. This chapter does not restrict rights, remedies, or
12 10 defenses of any person under law or equity.
12 11 Sec. 17. NEW SECTION. 9A.117 ADMINISTRATIVE PENALTY.
12 12 The secretary of state may assess a civil penalty against
12 13 an athlete agent not to exceed twenty=five thousand dollars
12 14 for a violation of this chapter.
12 15 Sec. 18. NEW SECTION. 9A.118 UNIFORMITY OF APPLICATION
12 16 AND CONSTRUCTION.
12 17 In applying and construing this chapter, consideration must
12 18 be given to the need to promote uniformity of the law with
12 19 respect to the subject matter of this chapter among states
12 20 that enact the uniform athlete agents Act.
12 21 Sec. 19. NEW SECTION. 9A.119 ELECTRONIC SIGNATURES IN
12 22 GLOBAL AND NATIONAL COMMERCE ACT.
12 23 The provisions of this chapter governing the legal effect,
12 24 validity, or enforceability of electronic records or
12 25 signatures, and of contracts formed or performed with the use
12 26 of such records or signatures, shall be construed as
12 27 conforming to the requirements of section 102 of the federal
12 28 Electronic Signatures in Global and National Commerce Act,
12 29 Pub. L. No. 106=229, 114 Stat. 464 (2000), codified at 15
12 30 U.S.C. } 7001 et seq., as amended.
12 31 Sec. 20. Code sections 9A.1 through 9A.12, Code 2009, are
12 32 repealed.
12 33 EXPLANATION
12 34 This bill repeals the existing provisions of Code chapter
12 35 9A, which relate to the registration of athlete agents and



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13 1 replaces them with the uniform athlete agents Act. The
13 2 uniform athlete agents Act provides for uniform registration,
13 3 certification, and background checks of sports agents seeking
13 4 to represent student athletes who are or may be eligible to
13 5 participate in intercollegiate sports, imposes specified
13 6 contract terms on agreements between student athletes and
13 7 athlete agents, and provides educational institutions with a
13 8 right to notice of the existence of a contract between an
13 9 athlete agent and a student athlete.

13 10 The bill also provides an educational institution with
13 11 civil remedies against an athlete agent or a student athlete
13 12 who violates the provisions of the chapter.

13 13 The bill also provides that an athlete agent that violates
13 14 the prohibited activities section of the Code chapter is
13 15 guilty of a serious misdemeanor. Prohibited activities
13 16 include providing materially false, misleading, deceptive, or
13 17 fraudulent information, making a materially false or
13 18 misleading promise or a materially false, misleading,
13 19 deceptive, or fraudulent representation, furnishing things of
13 20 value before a contract is made with an athlete, violating the
13 21 Code chapter's registration requirements, predating or
13 22 postdating an agency contract, or failing to notify a student
13 23 athlete prior to signing that signing an agency contract may
13 24 make the student athlete ineligible to participate as a
13 25 student athlete in that sport.

13 26 A serious misdemeanor is punishable by confinement for no
13 27 more than one year and a fine of at least \$315 but not more
13 28 than \$1,875.

13 29 LSB 1925HV 83

13 30 av/nh/8



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House File 715 - Introduced

HOUSE FILE
BY COMMITTEE ON ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HSB 193)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to storm water management plans.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2176HV 83
- 4 tm/nh/5



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1 1 Section 1. NEW SECTION. 161A.48A STORM WATER MANAGEMENT
1 2 PLANS.
1 3 A city shall adopt a storm water management plan, including
1 4 the use of water retention ponds, designed to control and
1 5 manage storm water runoff and mitigate flood damage in
1 6 residential or commercial development projects. The plan
1 7 shall be applicable to each residential or commercial
1 8 development project which begins site preparation activities
1 9 after January 1, 2010. A city may consult with the department
1 10 in the development of a storm water management plan. The city
1 11 may rely on a storm water management plan developed, in part,
1 12 by the department of agriculture and land stewardship or the
1 13 department of natural resources.

1 14 EXPLANATION

1 15 This bill relates to storm water management plans.
1 16 The bill requires a city to adopt a storm water management
1 17 plan designed to control and manage storm water runoff and
1 18 mitigate flood damage in residential or commercial development
1 19 projects. The plan shall be applicable to each residential or
1 20 commercial development project which begins site preparation
1 21 activities after January 1, 2010. The bill allows a city to
1 22 consult with the department of natural resources in the
1 23 development of a storm water management plan. The bill allows
1 24 a city to rely on a storm water management plan developed, in
1 25 part, by the department of agriculture and land stewardship or
1 26 the department of natural resources.

1 27 LSB 2176HV 83

1 28 tm/nh/5



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
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House Resolution 27 - Introduced

PAG LIN

H.R. _____ S.R. _____

1 1 HOUSE RESOLUTION NO.
 1 2 BY FORD and MURPHY
 1 3 A Resolution urging the government of Turkey to grant
 1 4 the Ecumenical Patriarch appropriate international
 1 5 recognition, ecclesiastical succession, and the right
 1 6 to train clergy of all nationalities and to respect
 1 7 the property rights and human rights of the Ecumenical
 1 8 Patriarchate.
 1 9 WHEREAS, the Ecumenical Patriarchate, located in
 1 10 Istanbul, Turkey, is the Sacred See that presides in a
 1 11 spirit of brotherhood over a communion of
 1 12 self-governing churches of the Orthodox Christian
 1 13 world; and
 1 14 WHEREAS, the See is led by Ecumenical Patriarch
 1 15 Bartholomew, who is the 269th in direct succession to
 1 16 the Apostle Andrew and holds titular primacy as primus
 1 17 inter pares, meaning "first among equals" in the
 1 18 community of Orthodox churches worldwide; and
 1 19 WHEREAS, in 1994, Ecumenical Patriarch Bartholomew,
 1 20 along with leaders of the Appeal of Conscience
 1 21 Foundation, cosponsored the Conference on Peace and
 1 22 Tolerance, which brought together Christian, Jewish,
 1 23 and Muslim religious leaders for an interfaith
 1 24 dialogue to help end the Balkan conflict and the
 1 25 ethnic conflict in the Caucasus region; and
 1 26 WHEREAS, in 1997, the Congress of the United States
 1 27 awarded Ecumenical Patriarch Bartholomew with the
 1 28 Congressional Gold Medal; and
 1 29 WHEREAS, following the terrorist attacks on our
 1 30 nation on September 11, 2001, Ecumenical Patriarch



**Iowa General Assembly
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March 12, 2009**

House Resolution 27 - Introduced continued

2 1 Bartholomew gathered a group of international
2 2 religious leaders to produce the first joint statement
2 3 with Muslim leaders that condemned the 9/11 attacks as
2 4 "antireligious"; and
2 5 WHEREAS, in October 2005, the Ecumenical Patriarch,
2 6 along with Christian, Jewish, and Muslim leaders,
2 7 cosponsored the Conference on Peace and Tolerance II
2 8 to further promote peace and stability in southeastern
2 9 Europe, the Caucasus region, and Central Asia via
2 10 religious leaders' interfaith dialogue, understanding,
2 11 and action; and
2 12 WHEREAS, the Orthodox Christian Church, in
2 13 existence for nearly 2,000 years, numbers
2 14 approximately 300 million members worldwide with more
2 15 than 2 million members in the United States; and
2 16 WHEREAS, since 1453, the continuing presence of the
2 17 Ecumenical Patriarchate in Turkey has been a living
2 18 testament to the religious coexistence of Christians
2 19 and Muslims; and
2 20 WHEREAS, this religious coexistence is in jeopardy
2 21 because the Ecumenical Patriarchate is considered a
2 22 minority religion by the Turkish government; and
2 23 WHEREAS, the government of Turkey has limited the
2 24 candidates available to hold the office of Ecumenical
2 25 Patriarch to only Turkish nationals, and from the
2 26 millions of Orthodox Christians living in Turkey at
2 27 the turn of the 20th century and due to the continued
2 28 policies during this period by the Turkish government,
2 29 there remain less than 3,000 of the Ecumenical
2 30 Patriarch's flock left in Turkey today; and



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House Resolution 27 - Introduced continued

3 1 WHEREAS, the government of Turkey closed the
3 2 Theological School on the island of Halki in 1971 and
3 3 has refused to allow it to reopen, thus impeding
3 4 training for Orthodox Christian clergy; and
3 5 WHEREAS, the Turkish government has confiscated
3 6 nearly 94 percent of the Ecumenical Patriarchate's
3 7 properties and has placed a 42 percent tax,
3 8 retroactive to 1999, on the Baloukli Hospital and Home
3 9 for the Aged, a charity hospital run by the Ecumenical
3 10 Patriarchate; and
3 11 WHEREAS, the European Union, a group of nations
3 12 with a common goal of promoting peace and the
3 13 well-being of its peoples, began accession
3 14 negotiations with Turkey on October 3, 2005; and
3 15 WHEREAS, the European Union defined membership
3 16 criteria for accession at the Copenhagen European
3 17 Council in 1993, obligating candidate countries to
3 18 achieve certain levels of reform, including stability
3 19 of institutions guaranteeing democracy, adherence to
3 20 the rule of law, and respect for and protection of
3 21 minorities and human rights; and
3 22 WHEREAS, the Turkish government's current treatment
3 23 of the Ecumenical Patriarchate is inconsistent with
3 24 the membership conditions and goals of the European
3 25 Union; and
3 26 WHEREAS, Orthodox Christians in this State and
3 27 throughout the United States stand to lose their
3 28 spiritual leader because of the continued actions of
3 29 the Turkish government; and
3 30 WHEREAS, the Archons of the Ecumenical Patriarchate



Iowa General Assembly
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House Resolution 27 - Introduced continued

4 1 of the Order of St. Andrew the Apostle, a group of
4 2 laymen who each have been honored with a patriarchal
4 3 title, or "offikion", by the Ecumenical Patriarch for
4 4 their outstanding service to the Orthodox Church, will
4 5 send an American delegation to Turkey to meet with
4 6 Turkish government officials, as well as the United
4 7 States Ambassador to the Republic of Turkey, regarding
4 8 the Turkish government's treatment of the Ecumenical
4 9 Patriarchate; NOW THEREFORE,
4 10 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
4 11 That the House of Representatives urges the government
4 12 of Turkey to uphold and safeguard religious and human
4 13 rights without compromise; cease its discrimination of
4 14 the Ecumenical Patriarchate; grant the Ecumenical
4 15 Patriarch appropriate international recognition,
4 16 ecclesiastic succession, and the right to train clergy
4 17 of all nationalities; and respect the property rights
4 18 and human rights of the Ecumenical Patriarchate; and
4 19 BE IT FURTHER RESOLVED, That the Clerk of the House
4 20 of Representatives is authorized and directed to
4 21 transmit appropriate copies of this resolution to the
4 22 President of the United States, the United States
4 23 Ambassador to the Republic of Turkey, the Ambassador
4 24 of the Republic of Turkey to the United States, and to
4 25 the members of Iowa's congressional delegation.
4 26 LSB 2120YH 83
4 27 jr/rj/14



Iowa General Assembly
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March 12, 2009

House Resolution 28 - Introduced

PAG LIN

H.R. _____ S.R. _____

1 1 HOUSE RESOLUTION NO.
1 2 BY FORD
1 3 A Resolution to honor Iowa's social workers.
1 4 WHEREAS, social workers play a central role in the
1 5 delivery of services necessary for the support and
1 6 well-being of individuals, children, and families in
1 7 Iowa; and
1 8 WHEREAS, social workers are part of the aging
1 9 workforce, with a significant number reaching
1 10 retirement age in the next 10 years; and
1 11 WHEREAS, the shortage of mental health
1 12 professionals is already evident in certain rural
1 13 areas of Iowa; and
1 14 WHEREAS, as the state's population ages, there is a
1 15 growing need for skilled geriatric social workers to
1 16 address the special needs of Iowa seniors; and
1 17 WHEREAS, Iowa's population is becoming more
1 18 diverse, while only 3 percent of social workers are
1 19 nonwhite and relatively few are bilingual; NOW
1 20 THEREFORE,
1 21 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
1 22 That the House of Representatives through this
1 23 resolution shows the appreciation of its members to
1 24 the social workers now working in Iowa, and thanks
1 25 them for all they do to help Iowans, despite the fact
1 26 that social worker incomes fall at the lower end of
1 27 the pay scale compared to other bachelor and
1 28 master-related professions; and
1 29 BE IT FURTHER RESOLVED, That the House of
1 30 Representatives requests high schools, colleges, and



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House Resolution 28 - Introduced continued

2 1 universities to encourage students in Iowa to become
2 2 social workers when they enter the workforce to help
2 3 address the need for more social workers in the coming
2 4 years.
2 5 LSB 2406HH 83
2 6 jr/rj/8



Iowa General Assembly
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House Study Bill 272

HOUSE FILE
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SHOMSHOR)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act excluding from the computation of net income capital gains
2 realized from the sale of all or substantially all of the
3 equity interests in certain businesses and including a
4 retroactive applicability date provision.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 2341HC 83
7 tw/mg:sc/5



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 12, 2009**

House Study Bill 272 continued

PAG LIN

1 1 Section 1. Section 422.7, subsection 21, paragraph a,
 1 2 subparagraph (1), Code 2009, is amended to read as follows:
 1 3 (1) (a) Net capital gain from the sale of real property
 1 4 used in a business, in which the taxpayer materially
 1 5 participated for ten years, as defined in section 469(h) of
 1 6 the Internal Revenue Code, and which has been held for a
 1 7 minimum of ten years, or from the sale of a business, as
 1 8 defined in section 423.1, in which the taxpayer materially
 1 9 participated for ten years, as defined in section 469(h) of
 1 10 the Internal Revenue Code, and which has been held for a
 1 11 minimum of ten years. The sale of a business means the sale
 1 12 of all or substantially all of the tangible personal property,
 1 13 intangible property, or service of the business. "Sale of a
 1 14 business" includes the sale of all or substantially all of the
 1 15 stock or equity interests in the business, whether the
 1 16 business is held as a proprietorship, corporation,
 1 17 partnership, joint venture, trust, limited liability company,
 1 18 or another business entity.

1 19 (b) ~~However, where~~ If the business is sold to individuals
 1 20 who are all lineal descendants of the taxpayer, the taxpayer
 1 21 does not have to have materially participated in the business
 1 22 in order for the net capital gain from the sale to be excluded
 1 23 from taxation.

1 24 (c) ~~However, in~~ In lieu of the net capital gain deduction
 1 25 in this paragraph and paragraphs "b", "c", and "d", ~~where~~ if
 1 26 the business is sold to individuals who are all lineal
 1 27 descendants of the taxpayer, the amount of capital gain from
 1 28 each capital asset may be subtracted in determining net
 1 29 income.

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 This bill relates to the taxation of capital gains on the
 1 35 sale of assets held in a business.



**Iowa General Assembly
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House Study Bill 272 continued

2 1 Current law provides an exclusion from the computation of
2 2 net income for any capital gains realized from the sale of all
2 3 or substantially all of the tangible personal property or
2 4 service of a business if the taxpayer materially participated
2 5 in the business and held the assets for at least 10 years.
2 6 This exclusion, however, does not extend to the sale of stock
2 7 or other equity interests in the business. The bill applies
2 8 the exclusion to the sale of intangible property of the
2 9 business, including stock or other equity interests in the
2 10 business.
2 11 The bill applies retroactively to January 1, 2009, for tax
2 12 years beginning on or after that date.
2 13 LSB 2341HC 83
2 14 tw/mg:sc/5



Iowa General Assembly
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House Study Bill 273

HOUSE FILE
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SHOMSHOR)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the forest reservation property tax exemption
- 2 and including effective and applicability date provisions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2116HC 83
- 5 sc/nh/5



Iowa General Assembly
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House Study Bill 273 continued

PAG LIN

1 1 Section 1. Section 159.6, subsection 1, Code 2009, is
1 2 amended to read as follows:
1 3 1. ~~Forest and fruit=tree~~ Fruit=tree reservations, chapter
1 4 427C.

1 5 Sec. 2. Section 427C.1, Code 2009, is amended to read as
1 6 follows:

1 7 427C.1 TAX EXEMPTION.

1 8 Any person who establishes a ~~forest or~~ fruit=tree
1 9 reservation as provided in this chapter shall be entitled to
1 10 the tax exemption provided by law.

1 11 Sec. 3. Section 427C.2, Code 2009, is amended to read as
1 12 follows:

1 13 427C.2 RESERVATIONS.

1 14 On any tract of land in the state of Iowa, the owner or
1 15 owners may select a ~~permanent forest reservation or~~
~~1 16 reservations, each not less than two acres in continuous area,~~
~~1 17 or~~ a fruit=tree reservation or reservations, not less than one
1 18 nor more than ten acres in total area, ~~or both,~~ and upon
1 19 compliance with the provisions of this chapter, such owner or
1 20 owners shall be entitled to the benefits provided by law.

1 21 Sec. 4. Section 427C.7, Code 2009, is amended to read as
1 22 follows:

1 23 427C.7 FRUIT-TREE RESERVATION == DURATION OF EXEMPTION.

1 24 A fruit=tree reservation shall contain on each acre, at
1 25 least forty apple trees, or seventy other fruit trees, growing
1 26 under proper care and annually pruned and sprayed. A
1 27 reservation may be claimed as a fruit=tree reservation, under
1 28 this chapter, for a period of eight years after planting
1 29 provided application is made or on file on or before February
1 30 1 of the exemption year. If any buildings are standing on an
1 31 area selected as a fruit=tree reservation under this section,
1 32 one acre of that area shall be excluded from the tax
1 33 exemption. However, the exclusion of that acre shall not
1 34 affect the area's meeting the acreage requirement of section
1 35 427C.2.



Iowa General Assembly
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House Study Bill 273 continued

2 1 Sec. 5. Section 427C.9, Code 2009, is amended to read as
2 2 follows:
2 3 427C.9 REPLACING TREES.
2 4 When any tree or trees on a fruit=tree ~~or forest~~
2 5 reservation ~~shall be~~ are removed or die, the owner or owners
2 6 of such reservation shall, within one year, plant and care for
2 7 other fruit ~~or forest~~ trees, in order that the number of such
2 8 trees may not fall below that required by this chapter.
2 9 Sec. 6. Section 427C.10, Code 2009, is amended to read as
2 10 follows:
2 11 427C.10 RESTRAINT OF LIVESTOCK AND LIMITATION ON USE.
2 12 Cattle, horses, mules, sheep, goats, ostriches, rheas,
2 13 emus, and swine shall not be permitted upon a fruit=tree ~~or~~
2 14 ~~forest~~ reservation. Fruit=tree ~~and forest~~ reservations shall
2 15 not be used for economic gain other than the gain from raising
2 16 fruit ~~or forest~~ trees.
2 17 Sec. 7. Section 427C.11, Code 2009, is amended to read as
2 18 follows:
2 19 427C.11 PENALTY.
2 20 If the owner or owners of a fruit=tree ~~or forest~~
2 21 reservation violate any provision of this chapter within the
2 22 two years preceding the making of an assessment, the assessor
2 23 shall not list any tract belonging to such owner or owners, as
2 24 a reservation within the meaning of this chapter, for the
2 25 ensuing two years.
2 26 Sec. 8. Section 427C.12, Code 2009, is amended to read as
2 27 follows:
2 28 427C.12 APPLICATION == INSPECTION == CONTINUATION OF
2 29 EXEMPTION == RECAPTURE OF TAX.
2 30 1. It shall be the duty of the assessor to secure the
2 31 facts relative to fruit=tree ~~and forest~~ reservations by taking
2 32 the sworn statement, or affirmation, of the owner or owners
2 33 making application under this chapter; and to make special
2 34 report to the county auditor of all reservations made in the
2 35 county under the provisions of this chapter.



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House Study Bill 273 continued

3 1 2. The board of supervisors shall designate the county
3 2 conservation board or the assessor who shall inspect the area
3 3 for which an application is filed for a fruit=tree ~~or forest~~
3 4 reservation tax exemption before the application is accepted.
3 5 Use of aerial photographs may be substituted for on=site
3 6 inspection when appropriate. The application can only be
3 7 accepted if it meets the criteria established by the natural
3 8 resource commission to be a fruit=tree ~~or forest~~ reservation.
3 9 Once the application has been accepted, the area shall
3 10 continue to receive the tax exemption during each year in
3 11 which the area is maintained as a fruit=tree ~~or forest~~
3 12 reservation without the owner having to refile. If the
3 13 property is sold or transferred, the seller shall notify the
3 14 buyer that all, or part of, the property is in fruit=tree ~~or~~
~~3 15 forest~~ reservation and subject to the recapture tax provisions
3 16 of this section. The tax exemption shall continue to be
3 17 granted for the remainder of the eight=year period for
3 18 fruit=tree reservation ~~and for the following years for forest~~
~~3 19 reservation~~ or until the property no longer qualifies as a
3 20 fruit=tree ~~or forest~~ reservation. The area may be inspected
3 21 each year by the county conservation board or the assessor to
3 22 determine if the area is maintained as a fruit=tree ~~or forest~~
3 23 reservation. If the area is not maintained or is used for
3 24 economic gain other than as a fruit=tree reservation during
3 25 any year of the eight=year exemption period and any year of
3 26 the following five years ~~or as a forest reservation during any~~
~~3 27 year for which the exemption is granted and any of the five~~
~~3 28 years following those exemption years~~, the assessor shall
3 29 assess the property for taxation at its fair market value as
3 30 of January 1 of that year and in addition the area shall be
3 31 subject to a recapture tax. However, the area shall not be
3 32 subject to the recapture tax if the owner, including one
3 33 possessing under a contract of sale, and the owner's direct
3 34 antecedents or descendants have owned the area for more than
3 35 ten years. The tax shall be computed by multiplying the



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House Study Bill 273 continued

4 1 consolidated levy for each of those years, if any, of the five
4 2 preceding years for which the area received the exemption for
4 3 fruit=tree ~~or forest~~ reservation times the assessed value of
4 4 the area that would have been taxed but for the tax exemption.
4 5 This tax shall be entered against the property on the tax list
4 6 for the current year and shall constitute a lien against the
4 7 property in the same manner as a lien for property taxes. The
4 8 tax when collected shall be apportioned in the manner provided
4 9 for the apportionment of the property taxes for the applicable
4 10 tax year.

4 11 Sec. 9. Section 427C.13, Code 2009, is amended to read as
4 12 follows:

4 13 427C.13 REPORT TO DEPARTMENT OF NATURAL RESOURCES.

4 14 The county assessor shall keep a record of all ~~forest and~~
4 15 fruit=tree reservations in the county and submit a report of
4 16 the reservations to the department of natural resources not
4 17 later than June 15 of each year.

4 18 Sec. 10. Section 441.22, Code 2009, is amended to read as
4 19 follows:

4 20 441.22 ~~FOREST AND~~ FRUIT=TREE RESERVATIONS.

4 21 ~~Forest and fruit=tree~~ Fruit=tree reservations fulfilling
4 22 the conditions of ~~sections 427C.1 to 427C.13~~ chapter 427C
4 23 shall be exempt from taxation. In all other cases where trees
4 24 are planted upon any tract of land, without regard to area,
4 25 for forest, fruit, shade, or ornamental purposes, or for
4 26 windbreaks, the assessor shall not increase the valuation of
4 27 the property because of such improvements.

4 28 Sec. 11. Sections 427C.3 through 427C.6, Code 2009, are
4 29 repealed.

4 30 Sec. 12. EFFECTIVE AND APPLICABILITY DATE == EXPIRATION OF
4 31 CURRENT EXEMPTIONS. This Act takes effect January 1, 2010,
4 32 and applies to assessment years beginning on or after that
4 33 date. Forest reservation exemptions granted prior to January
4 34 1, 2010, shall expire on January 1, 2010.

4 35 EXPLANATION



**Iowa General Assembly
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House Study Bill 273 continued

5 1 This bill strikes the forest reservation property tax
5 2 exemption. The bill takes effect January 1, 2010, and applies
5 3 to assessment years beginning on or after that date. The bill
5 4 provides that forest reservation exemptions granted prior to
5 5 January 1, 2010, shall expire on January 1, 2010.
5 6 LSB 2116HC 83
5 7 sc/nh/5



Iowa General Assembly
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Senate File 411 - Introduced

SENATE FILE
BY MCKINLEY

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

A BILL FOR

1 An Act establishing a new economy employment initiative by
2 providing for a partial deduction under the individual income
3 tax for the capital gain from the sale or exchange of capital
4 stock of a corporation which was acquired by an individual on
5 account of employment with the corporation, and including an
6 effective and retroactive applicability date provision.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
8 TL5B 2264XS 83
9 tw/mg:sc/5



Iowa General Assembly
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Senate File 411 - Introduced continued

PAG LIN

1 1 Section 1. Section 422.7, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 54. a. For purposes of this subsection:
1 4 (1) "Capital stock" means voting and nonvoting common and
1 5 preferred stock and stock options issued pursuant to an
1 6 incentive stock option plan. "Capital stock" does not include
1 7 stock rights, stock warrants, or debt securities, and does not
1 8 include stock or stock options issued by a corporation which
1 9 does not offer incentive stock options to all full-time
1 10 employees. A corporation does not offer incentive stock
1 11 options to all full-time employees unless each of those
1 12 employees is issued at least a number of incentive stock
1 13 options equal to twenty percent of all issued outstanding
1 14 incentive stock options divided by the number of full-time
1 15 employees.
1 16 (2) "Corporation" means any of the following:
1 17 (a) A corporation which at the time of the first sale or
1 18 exchange for which an election is made under paragraph "c" has
1 19 been in existence and actively doing business for at least
1 20 three years and is not a personal holding company as defined
1 21 in section 542(a) of the Internal Revenue Code.
1 22 (b) A corporation which is a member of an affiliated
1 23 group, as defined in section 1504(a) of the Internal Revenue
1 24 Code, which group includes a corporation described in
1 25 subparagraph division (a) and which group has been in
1 26 existence and actively doing business for at least three
1 27 years.
1 28 (c) A predecessor or successor corporation of a
1 29 corporation described in subparagraph division (a). A
1 30 corporation is a predecessor or successor corporation if the
1 31 corporation was a party to a reorganization that was entirely
1 32 or substantially income tax free and that occurred during or
1 33 after the employment of the taxpayer making an election under
1 34 paragraph "c".
1 35 (3) "Incentive stock option" means the same as defined in



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Senate File 411 - Introduced continued

2 1 section 422(b) of the Internal Revenue Code.

2 2 b. (1) For purposes of this subsection, the corporation
2 3 issuing capital stock for which an election under paragraph
2 4 "c" is made must, at the time of the first sale or exchange
2 5 for which the election is made, have at least five
2 6 shareholders and at least two shareholders or groups of
2 7 shareholders who are not related to each other and each of
2 8 which owns at least five percent of the capital stock.

2 9 (2) For purposes of this paragraph "b", two persons shall
2 10 be considered to be related when, under section 318 of the
2 11 Internal Revenue Code, one is a person who owns, directly or
2 12 indirectly, capital stock that if directly owned would be
2 13 attributed to the other person or is the spouse, child,
2 14 parent, grandparent, brother, sister, aunt, uncle, cousin,
2 15 niece, or nephew of the other person who owns capital stock
2 16 either directly or indirectly.

2 17 c. (1) In the manner provided in paragraph "d", an
2 18 individual may elect to subtract one-half of the capital gain
2 19 from the sale or exchange of capital stock of a corporation
2 20 acquired by the individual on account of employment with that
2 21 corporation. However, for tax years beginning in the 2009
2 22 calendar year, the amount that may be subtracted is one-fourth
2 23 of such capital gain.

2 24 (2) (a) Each individual shall be entitled to two
2 25 elections under subparagraph (1) during the individual's
2 26 lifetime for the capital stock of two different corporations.

2 27 (b) The election applies only to the tax year for which
2 28 the election was made and applies to all sales and exchanges
2 29 in the tax year for which the election was made of capital
2 30 stock in the same corporation which was acquired as provided
2 31 in subparagraph (1).

2 32 (c) After the individual makes an election for the tax
2 33 year, the election shall also apply to the sale or exchange in
2 34 that tax year of capital stock of the corporation which had
2 35 been transferred by inter vivos gift from the individual to



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Senate File 411 - Introduced continued

3 1 the individual's spouse if the capital stock was acquired as
3 2 provided in subparagraph (1). This provision applies in the
3 3 case of the spouse only if the spouse was married to such
3 4 individual on the date of sale or exchange or the date of
3 5 death of the individual and if the spouse and individual file
3 6 a joint Iowa income tax return on which the election is made.
3 7 If the individual dies without making an election, the
3 8 surviving spouse may make the election for capital stock that
3 9 would have qualified under this subparagraph division.
3 10 However, if there is no surviving spouse, the oldest surviving
3 11 issue who owns capital stock that would have qualified under
3 12 this subparagraph division may make the election.

3 13 d. An election under paragraph "c" shall be made by
3 14 including a written statement with the taxpayer's Iowa income
3 15 tax return for the tax year for which the election is made.
3 16 The written statement shall identify the corporation that
3 17 issued the capital stock, the grounds for the election under
3 18 this subsection, and that the taxpayer elects to have this
3 19 subsection apply to sales and exchanges in that tax year.

3 20 e. The deduction under this subsection is in lieu of any
3 21 deduction allowable under section 1202 of the Internal Revenue
3 22 Code for the capital gain from the sale or exchange of the
3 23 same capital stock.

3 24 Sec. 2. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.
3 25 This Act, being deemed of immediate importance, takes effect
3 26 upon enactment and applies retroactively to January 1, 2009,
3 27 for tax years beginning on or after that date.

3 28 EXPLANATION

3 29 This bill provides for a partial deduction from the
3 30 computation of the individual income tax for capital gains
3 31 from the sale or exchange of capital stock of a corporation
3 32 where the capital stock was acquired by an individual through
3 33 employment with the corporation. In general, capital stock
3 34 means voting and nonvoting common and preferred stock and
3 35 stock options issued pursuant to an incentive stock option



Iowa General Assembly
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Senate File 411 - Introduced continued

4 1 plan.

4 2 The bill allows an individual to elect to subtract one-half
4 3 of the capital gain from the sale or exchange of such capital
4 4 stock. However, for tax years beginning in the 2009 calendar
4 5 year, the amount that may be subtracted is limited to
4 6 one-fourth of the amount of the capital gain.

4 7 The bill provides that an individual is allowed to make
4 8 such an election two times during that individual's lifetime
4 9 for the sale of capital stock of two different corporations.
4 10 Such an election must be made by including a written statement
4 11 with the taxpayer's Iowa income tax return for the tax year
4 12 for which the election is made. The written statement must
4 13 identify the corporation that issued the capital stock, the
4 14 grounds for the election, and an indication that the taxpayer
4 15 elects to take the deduction in that tax year.

4 16 The bill provides that a deduction for the sale of capital
4 17 stock is in lieu of any similar deduction allowable under
4 18 section 1202 of the Internal Revenue Code.

4 19 The bill takes effect upon enactment and applies
4 20 retroactively to January 1, 2009, for tax years beginning on
4 21 or after that date.

4 22 LSB 2264XS 83

4 23 tw/mg:sc/5



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Senate File 412 - Introduced

SENATE FILE
BY MCKINLEY

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

A BILL FOR

1 An Act providing for a special education alternative reading
2 instruction pilot project and including a contingency clause
3 and an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1660XS 83
6 ak/rj/24



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Senate File 412 - Introduced continued

PAG LIN

1 1 Section 1. SPECIAL EDUCATION PILOT PROGRAM == READING
1 2 LABORATORY.
1 3 1. Recognizing the state's desire to assist children to
1 4 grow, develop, and learn to their fullest extent and empower
1 5 young readers in grades kindergarten through three, and to
1 6 support student achievement and overall academic performance,
1 7 and recognizing that instructional methodologies and
1 8 strategies are important considerations in determining the
1 9 appropriate education for a child with a learning disability,
1 10 a reading laboratory pilot program is established. The
1 11 objective of the program shall be to evaluate methodologies
1 12 and strategies used to teach reading that could be implemented
1 13 to ensure that the state is meeting the unique needs of
1 14 individual children; and to assist with student placement
1 15 decisions in education programs, including placement in the
1 16 special education program.
1 17 2. The program shall be administered by the department of
1 18 education, and shall afford a private education provider the
1 19 opportunity to demonstrate effective methodologies and
1 20 strategies in teaching reading for students in grades
1 21 kindergarten through three identified with special needs. A
1 22 private education provider shall be selected by the
1 23 department, which meets the following criteria from among
1 24 those submitting an application for consideration:
1 25 a. The provider shall be doing business in at least two
1 26 locations in a county which contains a school district with an
1 27 enrollment of at least twenty-five thousand pupils in grades
1 28 kindergarten through twelve.
1 29 b. The provider shall possess at least fifteen years of
1 30 business experience in the application of methodologies and
1 31 strategies designed to improve reading skills for students in
1 32 grades kindergarten through twelve.
1 33 c. The provider shall employ at least forty trained staff,
1 34 including at least one staff member who is a licensed special
1 35 education consultant.



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Senate File 412 - Introduced continued

2 1 d. The provider shall be able to document success in
2 2 improving student achievement in reading skills in grades
2 3 kindergarten through three.

2 4 3. The department shall develop private provider
2 5 application forms, and shall publish notice and provide
2 6 information on the department's internet site regarding the
2 7 existence of the pilot program, application procedures, and
2 8 program participation. The private education provider which
2 9 meets all of the eligibility criteria set forth in this
2 10 subsection shall be selected by the department, and the
2 11 selection process shall be conducted without bidding.

2 12 4. Students in grades kindergarten through three, residing
2 13 in a county which contains a school district with an
2 14 enrollment of at least twenty-five thousand students in grades
2 15 kindergarten through twelve, and who have been identified by
2 16 the school district as qualifying for special education
2 17 services with mild or moderate learning disabilities involving
2 18 difficulty in reading, shall be eligible to participate in the
2 19 program. School districts shall be responsible in
2 20 coordination with the local area education agency for
2 21 determining the students who meet the eligibility
2 22 requirements, for notifying parents and guardians regarding
2 23 the existence of the program and providing an application form
2 24 and any other necessary information, and for submitting
2 25 applications to the department. The department shall select a
2 26 maximum of fifty students from those students submitting an
2 27 application. Selection of students shall be done randomly in
2 28 the event that more than fifty students submit applications,
2 29 beginning with students in the third grade, then second, then
2 30 first, and finally kindergarten, with students eligible for
2 31 free and reduced-price meals under the federal National School
2 32 Lunch Act and the federal Child Nutrition Act of 1966, 42
2 33 U.S.C. } 1751-1785, given priority. Additional eligibility
2 34 requirements may be established by the private education
2 35 provider, including intelligence quotient testing scores, in



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Senate File 412 - Introduced continued

3 1 order to provide reliable and beneficial program results.
3 2 Students submitting an application shall be provided with an
3 3 intelligence test selected by the department and administered
3 4 by the local area education agency. The results of the test
3 5 shall remain confidential and shall only be used by the area
3 6 education agency to determine eligibility and participation in
3 7 the pilot program.

3 8 5. Pilot program instruction shall be provided on the
3 9 premises of the private education provider. Student
3 10 instruction shall be provided over a nine-week period during
3 11 the months of June, July, and August 2009. The private
3 12 education provider shall ensure that each student receives
3 13 reading instruction appropriate for the child, for a minimum
3 14 of seven hours per week, with the instruction received
3 15 considered separate and distinct from the student's current
3 16 individual education plan. The school district shall provide
3 17 transportation for the student to the private education
3 18 provider's location, or shall provide reimbursement for
3 19 transportation to parents or guardians in an amount determined
3 20 by the school district board of directors.

3 21 6. The private education provider shall gather performance
3 22 data to provide for program accountability, including but not
3 23 limited to pretesting and posttesting, to measure improvement
3 24 by each student during instruction, and upon the conclusion of
3 25 the program. The private education provider shall consult
3 26 with the local area education agency for assistance with
3 27 pretesting and posttesting, and the area education agency
3 28 shall approve the tests utilized. The private education
3 29 provider shall provide progress reports to the parents or
3 30 guardians of participating students, to the school district in
3 31 which the participating students are enrolled, and to the
3 32 department. The department, in conjunction with the
3 33 legislative services agency and the private provider, shall
3 34 review and analyze the data collected and submitted by the
3 35 private education provider. Full assurance relating to



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Senate File 412 - Introduced continued

4 1 confidentiality of identification of individual students'
4 2 scores shall be provided. The department shall submit a cost=
4 3 benefit analysis report to the members of the general assembly
4 4 by January 1, 2010, summarizing the results of the pilot
4 5 program. The report shall include an analysis of the student
4 6 improvement as measured through test scores, and a short-term
4 7 and long-term cost savings analysis for implementing the
4 8 private education provider's instruction methodology and
4 9 strategies. The analysis of the cost savings shall include
4 10 savings due to a reduction in the statewide average length of
4 11 participation in the special education program. The report
4 12 shall also include recommendations relating to statewide
4 13 implementation of the pilot program. The legislative services
4 14 agency shall conduct a survey of other reading studies
4 15 conducted in the state and shall include in the report results
4 16 relating to public school reading initiatives. The department
4 17 shall submit a follow-up report by January 1, 2011, tracking
4 18 continued improvement by students who participated in the
4 19 program, and including the number of students who are no
4 20 longer identified as requiring special education instruction.

4 21 7. The establishment of the pilot program pursuant to this
4 22 section shall be contingent upon the appropriation of an
4 23 amount sufficient to fund the costs of the program for the
4 24 fiscal year beginning July 1, 2009, and ending June 30, 2010.

4 25 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
4 26 immediate importance, takes effect upon enactment.

4 27 EXPLANATION

4 28 This bill provides for the establishment of a special
4 29 education alternative instruction pilot program focusing on
4 30 improving reading skills in grades kindergarten through three.

4 31 The bill provides intent language supporting the
4 32 establishment of the program. The bill states that the
4 33 objective of the program shall be to evaluate methodologies
4 34 and strategies used to teach reading that could be implemented
4 35 to ensure that the state is meeting the unique needs of



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Senate File 412 - Introduced continued

5 1 individual children, and to assist with student placement
5 2 decisions in education programs, including placement in the
5 3 special education program.
5 4 The program shall be administered by the department of
5 5 education, and shall involve instruction by a private
5 6 education provider intended to demonstrate effective
5 7 methodologies and strategies in teaching reading for students
5 8 in grades kindergarten through three identified with special
5 9 needs. The bill provides that a private provider shall be
5 10 selected by the department which meets specified criteria.
5 11 The department shall develop private provider application
5 12 forms and shall publish notice regarding the program, and the
5 13 selection process shall be conducted without bidding.
5 14 The bill provides that eligible students shall be in grades
5 15 kindergarten through three, residing in a county containing a
5 16 school district with an enrollment of at least 25,000 students
5 17 in grades kindergarten through 12, and shall have been
5 18 identified as qualifying for special education services with
5 19 mild or moderate learning disabilities involving difficulty in
5 20 reading. The bill provides that school districts shall be
5 21 responsible for determining the students who meet the
5 22 eligibility requirements, in coordination with the local area
5 23 education agency. The bill provides that the department shall
5 24 select a maximum of 50 students from those students submitting
5 25 an application. The bill provides that additional eligibility
5 26 requirements may be established by the private provider, and
5 27 that students submitting an application shall be provided with
5 28 an intelligence test selected by the department and
5 29 administered by the local area education agency. The bill
5 30 provides that the results of the test shall remain
5 31 confidential and shall only be used by the area education
5 32 agency to determine eligibility and participation in the pilot
5 33 program.
5 34 The bill provides that instruction shall be provided on the
5 35 premises of the private provider over a nine-week period



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Senate File 412 - Introduced continued

6 1 during the months of June, July, and August 2009, for a
6 2 minimum of seven hours per week, with the instruction received
6 3 considered separate and distinct from the student's current
6 4 individual education plan. The bill provides that the school
6 5 district shall provide transportation for the student to the
6 6 private provider's location, or reimbursement to parents or
6 7 guardians for transportation expenses.

6 8 The bill provides that the private provider shall gather
6 9 performance data to provide for program accountability, with
6 10 the assistance of the local area education agency, and shall
6 11 provide progress reports to the parents or guardians of
6 12 participating students, to the school district in which the
6 13 participating students are enrolled, and to the department.
6 14 The bill provides that the department, in conjunction with the
6 15 legislative services agency and the private provider, shall
6 16 review and analyze the data, with full assurance relating to
6 17 confidentiality of identification of individual students'
6 18 scores, and that the department shall submit a cost-benefit
6 19 analysis report to the members of the general assembly by
6 20 January 1, 2010, summarizing the results of the pilot program.
6 21 The bill provides that the report shall include an analysis of
6 22 the student improvement as measured through test scores, a
6 23 short-term and long-term cost savings analysis for
6 24 implementing the provider's instruction methodology and
6 25 strategies, recommendations relating to statewide
6 26 implementation of the program, and results relating to public
6 27 school reading initiatives surveyed by the legislative
6 28 services agency. The bill provides for a follow-up progress
6 29 report regarding students who had participated in the program
6 30 by January 1, 2011.

6 31 The bill provides that establishment of the program shall
6 32 be contingent upon an appropriation to fund the costs of the
6 33 program for the fiscal year beginning July 1, 2009, and ending
6 34 June 30, 2010.

6 35 The bill takes effect upon enactment.



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Senate File 412 - Introduced continued

7 1 LSB 1660XS 83
7 2 ak/rj/24.1



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Senate File 413 - Introduced

SENATE FILE
BY COMMITTEE ON LABOR AND
BUSINESS RELATIONS

(SUCCESSOR TO SF 157)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to wage payment collection issues arising between
2 employers and individuals who provide services to employers,
3 providing penalties, and including an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2067SV 83
6 ak/rj/8



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Senate File 413 - Introduced continued

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1 1 Section 1. Section 91A.2, subsection 6, Code 2009, is
1 2 amended to read as follows:

1 3 6. "Liquidated damages" means the sum of five percent
1 4 multiplied by the amount of any wages that were not paid or of
1 5 any authorized expenses that were not reimbursed on a regular
1 6 payday or on another day pursuant to section 91A.3 multiplied
1 7 by the total number of days, excluding Sundays, legal
1 8 holidays, and the first seven days after the regular payday on
1 9 which wages were not paid or expenses were not reimbursed.
1 10 However, such sum shall not exceed twice the amount of the
1 11 unpaid wages ~~and shall not accumulate when an employer is~~
1 12 ~~subject to a petition filed in bankruptcy.~~

1 13 Sec. 2. Section 91A.5, subsection 1, unnumbered paragraph
1 14 1, Code 2009, is amended to read as follows:

1 15 An employer shall have the burden to establish that a
1 16 deduction from employee wages is lawful. An employer shall
1 17 not withhold or divert any portion of an employee's wages
1 18 unless:

1 19 Sec. 3. Section 91A.5, subsection 1, paragraph b, Code
1 20 2009, is amended to read as follows:

1 21 b. The employer ~~has~~ obtains advance written authorization
1 22 from the employee to so deduct for any lawful purpose accruing
1 23 to the benefit of the employee.

1 24 Sec. 4. Section 91A.6, subsection 1, Code 2009, is amended
1 25 to read as follows:

1 26 1. An employer shall ~~after being notified by the~~
1 27 ~~commissioner pursuant to subsection 2~~ do the following:

1 28 a. Notify its employees in writing at the time of hiring
1 29 what wages and regular paydays are designated by the employer.

1 30 b. Notify its employees in writing whose wages are
1 31 determined based on a task, piece, mile, or load basis about
1 32 the method used to calculate wages and when the wages are
1 33 earned by the employees.

1 34 c. Notify, at least one pay period prior to the initiation
1 35 of any changes, its employees of any changes in the



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2 1 arrangements specified in this subsection † that reduce wages
2 2 or alter the regular paydays. The notice shall either be in
2 3 writing or posted at a place where employee notices are
2 4 routinely posted.

2 5 ~~e.~~ d. Make available to its employees upon written
2 6 request, a written statement enumerating employment agreements
2 7 and policies with regard to vacation pay, sick leave,
2 8 reimbursement for expenses, retirement benefits, severance
2 9 pay, or other comparable matters with respect to wages.
2 10 Notice of such availability shall be given to each employee in
2 11 writing or by a notice posted at a place where employee
2 12 notices are routinely posted.

2 13 ~~d.~~ e. Establish, maintain, and preserve for three
2 14 calendar years the payroll records showing the hours worked,
2 15 wages earned, and deductions made for each employee and any
2 16 employment agreements entered into between an employer and
2 17 employee. Failure to do so shall raise a rebuttable
2 18 presumption that the employer did not pay the required minimum
2 19 wage under section 91D.1.

2 20 Sec. 5. Section 91A.6, subsection 2, Code 2009, is amended
2 21 by striking the subsection.

2 22 Sec. 6. Section 91A.6, subsection 4, Code 2009, is amended
2 23 by striking the subsection and inserting in lieu thereof the
2 24 following:

2 25 4. a. On each regular payday, the employer shall send to
2 26 each employee by mail or shall provide at the employee's
2 27 normal place of employment during normal employment hours a
2 28 statement showing the wages earned by the employee, the
2 29 deductions made for the employee, and the following
2 30 information, as applicable:

2 31 (1) For each employee paid in whole or in part on an
2 32 hourly basis, the statement shall show the hours the employee
2 33 worked.

2 34 (2) For each employee paid based on a percentage of sales
2 35 or based on a percentage of revenue generated for the



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3 1 employer, the statement shall include a list of the amount of
3 2 each sale or the amount of revenue during the pay period.

3 3 (3) For each employee whose pay is based on the number of
3 4 tasks, pieces, miles, or loads performed, the statement shall
3 5 include the applicable number performed during the pay period.

3 6 b. An employer who provides each employee access to view
3 7 an electronic statement of the employee's earnings and
3 8 provides the employee free and unrestricted access to a
3 9 printer to print the employee's statement of earnings, if the
3 10 employee chooses, is in compliance with this subsection.

3 11 Sec. 7. Section 91A.8, Code 2009, is amended to read as
3 12 follows:

3 13 91A.8 DAMAGES RECOVERABLE BY AN EMPLOYEE.

3 14 When it has been shown that an employer has ~~intentionally~~
3 15 failed to pay an employee wages or reimburse expenses pursuant
3 16 to section 91A.3, whether as the result of a wage dispute or
3 17 otherwise, the employer shall be liable to the employee for
3 18 ~~any the unpaid wages or expenses that are so intentionally~~
~~3 19 failed to be paid or reimbursed~~, plus liquidated damages,
3 20 court costs, and any ~~attorney's~~ attorney fees incurred in
3 21 recovering the unpaid wages and determined to have been usual
3 22 and necessary. ~~In other instances the employer shall be~~
~~3 23 liable only for unpaid wages or expenses, court costs and~~
~~3 24 usual and necessary attorney's fees incurred in recovering the~~
~~3 25 unpaid wages or expenses.~~

3 26 Sec. 8. Section 91A.10, subsection 5, Code 2009, is
3 27 amended to read as follows:

3 28 ~~5. An employer shall not discharge or in any other manner~~
~~3 29 discriminate against any employee because the employee has~~
~~3 30 filed a complaint, assigned a claim, or brought an action~~
~~3 31 under this section or has cooperated in bringing any action~~
~~3 32 against an employer.~~

3 33 5. a. An employer or other person shall not discharge or
3 34 in any other manner discriminate or retaliate against any of
3 35 the following:



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Senate File 413 - Introduced continued

4 1 (1) An employee or other person for exercising any right
4 2 provided under this chapter or any rules adopted pursuant to
4 3 this chapter.

4 4 (2) Another employee or person for providing assistance to
4 5 an employee or providing information regarding the employee or
4 6 person.

4 7 (3) Another employee or person for testifying or planning
4 8 to testify in any investigation or proceeding regarding the
4 9 employee or person.

4 10 b. Taking adverse action against an employee or other
4 11 person within ninety days of an employee's or other person's
4 12 engaging in any of the activities in paragraph "a" raises a
4 13 presumption that such action was retaliation, which may be
4 14 rebutted by clear and convincing evidence that such action was
4 15 taken for other permissible reasons.

4 16 c. Any employee may file a complaint with the commissioner
4 17 alleging discharge, ~~or~~ discrimination, or retaliation within
4 18 thirty days after such violation occurs. Upon receipt of the
4 19 complaint, the commissioner shall cause an investigation to be
4 20 made to the extent deemed appropriate. If the commissioner
4 21 determines from the investigation that the provisions of this
4 22 subsection have been violated, the commissioner shall bring an
4 23 action in the appropriate district court against such person.
4 24 The district court shall have jurisdiction, for cause shown,
4 25 to restrain violations of this subsection and order all
4 26 appropriate relief including rehiring or reinstatement of the
4 27 employee to the former position with back pay.

4 28 Sec. 9. Section 91A.10, Code 2009, is amended by adding
4 29 the following new subsection:

4 30 NEW SUBSECTION. 6. A civil action to enforce subsection 5
4 31 may also be maintained in any court of competent jurisdiction
4 32 by the commissioner or by any party injured by a violation in
4 33 subsection 5. An employer or other person who retaliates
4 34 against an employee or other person in violation of subsection
4 35 5 shall be required to pay the employee or other person an



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5 1 amount set by the commissioner or a court sufficient to
5 2 compensate the employee or other person and to deter future
5 3 violations, but not less than one hundred fifty dollars for
5 4 each day that the violation occurred.

5 5 Sec. 10. NEW SECTION. 91A.15 PERSONAL LIABILITY
5 6 JUDGMENTS.

5 7 1. An officer of a corporation, an officer of an
5 8 association, a member of a limited liability company, a
5 9 manager of a limited liability company, or a partner of a
5 10 partnership is personally liable for a judgment obtained
5 11 against an employer for failure to pay wages due pursuant to
5 12 this chapter or chapter 91D, notwithstanding sections
5 13 490A.601, 490A.602, 497.33, 498.21, 498.35, 499.59, or any
5 14 other provision of law. The dissolution of a corporation,
5 15 association, limited liability company, or partnership shall
5 16 not discharge a person's liability for payment of a judgment
5 17 under this section.

5 18 2. No person shall be held personally liable for payment
5 19 of a judgment under this section unless the person meets the
5 20 following criteria:

5 21 a. The person has control, supervision of, or authority
5 22 for remitting wage payments.

5 23 b. The person has a substantial legal or equitable
5 24 interest in ownership of the employer.

5 25 3. No person shall be held personally liable under this
5 26 section for payment of a judgment based on civil penalties.

5 27 4. No person shall be held personally liable under this
5 28 section for payment of the portion of a judgment based on
5 29 attorney fees or court cases.

5 30 Sec. 11. NEW SECTION. 91A.16 COMMISSIONS EARNED DATE.

5 31 An employer shall not require that a person be a current
5 32 employee to be paid a commission that the person otherwise
5 33 earned.

5 34 Sec. 12. EFFECTIVE DATE. This Act takes effect January 1,
5 35 2010.



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Senate File 413 - Introduced continued

6 1 EXPLANATION
6 2 This bill relates to employers and individuals who perform
6 3 labor and wage payment collection.
6 4 In Code section 91A.2(6), "liquidated damages" is defined
6 5 as not to exceed twice the amount of unpaid wages.
6 6 Code section 91A.5 is amended to add that the employer has
6 7 the burden to establish a deduction from employees' wages is
6 8 lawful.
6 9 Code section 91A.6(1) is amended to remove the requirement
6 10 that an employer be notified by the division of labor services
6 11 of the department of workforce development before the employer
6 12 is required to fulfill the requirements in subsection 1
6 13 relating to employee wage and benefit information. In Code
6 14 section 91A.6(1)(b), the employer must notify employees in
6 15 writing whose wages are determined based on a task, piece,
6 16 mile, or load basis about the method to calculate wages, when
6 17 wages are earned. Code section 91A.6(1)(e) is amended to
6 18 establish a rebuttable presumption that an employer did not
6 19 pay the minimum wage if the employer does not maintain proper
6 20 payroll records.
6 21 Code section 91A.6(4) is amended so that the employer must
6 22 send to each employee by mail, or at the place of business
6 23 during the employee's working hours a statement of the
6 24 employee's earnings, deductions made, and as applicable the
6 25 following: for an employee paid hourly, the number of hours
6 26 worked during the pay period; for an employee paid on a
6 27 percentage of sales or revenue generated, a list of sales or
6 28 amount of revenue during the pay period; and for an employee
6 29 paid based on the number of tasks, pieces, miles, or loads
6 30 performed, the applicable number performed during the pay
6 31 period. An employer who provides an electronic statement and
6 32 gives employees free and unrestricted access to the statement
6 33 is in compliance with the Code section.
6 34 In Code section 91A.8, when any specified violation of this
6 35 Code chapter occurs an employer shall be liable for unpaid



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7 1 wages or expenses plus liquidated damages, court costs, and
7 2 attorney fees incurred in recovering wages.
7 3 Code section 91A.10(5), which is the subsection covering
7 4 retaliatory actions by employers or others, is expanded to
7 5 cover persons other than employees who act under this Code
7 6 chapter with respect to an employee. A 90-day period is
7 7 established during which any action against an employee or
7 8 other person is rebuttably presumed to be retaliatory. New
7 9 subsection 6 is created in Code section 91A.10 to allow the
7 10 commissioner or any injured party to maintain a civil action
7 11 in any court of proper jurisdiction. An employer who
7 12 retaliates against an employee or other person shall
7 13 compensate the injured party an amount set by the commissioner
7 14 or the court, but not less than \$150 for each day of the
7 15 violation.

7 16 In new Code section 91A.15, officers of companies,
7 17 associations, limited liability companies, and partners in
7 18 partnerships are held personally liable, notwithstanding any
7 19 other Code section, to employees for failing to pay wages.
7 20 Such an individual must have some control over wage payments
7 21 and a substantial legal or equitable interest in the ownership
7 22 of the employer.

7 23 In new Code section 91A.16, an employer shall not require
7 24 that an individual be a current employee to be paid an earned
7 25 commission.

7 26 The bill takes effect January 1, 2010.

7 27 LSB 2067SV 83

7 28 ak/rj/8



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Senate File 414 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SF 179)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for a pilot project supporting high-quality
- 2 child care for low-income children.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1976SV 83
- 5 jp/nh/8



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Senate File 414 - Introduced continued

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1 1 Section 1. Section 237A.13, Code 2009, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 7A. a. The department shall implement a
1 4 pilot project to support high-quality child care for
1 5 low-income children. The implementation shall be limited to
1 6 the extent of the funding designated for the pilot program.
1 7 b. To participate in the pilot project, a child care
1 8 facility must comply with all of the following:
1 9 (1) The facility is accredited by the national association
1 10 for the education of young children or the national
1 11 association for family child care, meets or exceeds the Iowa
1 12 quality preschool program standards adopted by the department
1 13 of education, has demonstrated a high degree of quality under
1 14 the voluntary child care quality rating system under section
1 15 237A.30, or is a federally funded head start program that
1 16 meets or exceeds head start performance standards.
1 17 (2) At least sixty percent of the children receiving child
1 18 care from the facility are participating in the state child
1 19 care assistance program.
1 20 (3) The facility offers a comprehensive set of services in
1 21 addition to child care for the parents and other family
1 22 members of the children receiving child care from the
1 23 facility.
1 24 c. The components of the pilot project may include but are
1 25 not limited to the following:
1 26 (1) Income eligibility for participating families is
1 27 redetermined twelve months from the date of the initial
1 28 eligibility determination and every twelve months thereafter.
1 29 (2) Participating families are exempt from any waiting
1 30 list applied under this section during the period of
1 31 participation.
1 32 (3) Participating families thought to be eligible for
1 33 state child care assistance based upon prima facie review have
1 34 a period of presumptive eligibility of not more than thirty
1 35 days while eligibility is being determined.



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2 1 (4) Participating families who are also participating in
2 2 the family investment, food assistance, or medical assistance
2 3 programs or whose children are receiving free or reduced price
2 4 meals under the federal National School Lunch Act and the
2 5 federal Child Nutrition Act of 1966, 42 U.S.C. } 1751=1785,
2 6 have twelve months of continuous, categorical eligibility for
2 7 the state child care assistance program.

2 8 (5) The reimbursement methodology for facilities utilizes
2 9 a tiered approach based upon the quality rating of a facility
2 10 and allows reimbursement rates above the usual rate paid under
2 11 the state child care assistance program.

2 12 d. The pilot project design shall incorporate outcome
2 13 measures for assessing and annually reporting on the results
2 14 of the pilot project. To the extent feasible, the unique
2 15 student identifier system developed by the department of
2 16 education may be utilized for the assessment process.

2 17 EXPLANATION

2 18 This bill provides for a pilot project supporting
2 19 high=quality child care for low=income children under the
2 20 state child care assistance program in Code section 237A.13.
2 21 The state child care assistance program is funded through a
2 22 federal block grant and state funds.

2 23 To participate in the pilot project, a child care facility
2 24 (defined by Code chapter 237A as a child care center,
2 25 preschool, or a registered child development home) must meet
2 26 certain existing quality standards, have at least 60 percent
2 27 of the children receiving child care participating in the
2 28 state child care assistance program, and provide comprehensive
2 29 services to the families of the children receiving child care.

2 30 The pilot project components may include an annual
2 31 eligibility redetermination period, exemption from waiting
2 32 list requirements under the state child care assistance
2 33 program, a 30=day period of presumptive eligibility, state
2 34 child care assistance program continuous, categorical
2 35 eligibility based on family eligibility for other public



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3 1 programs, and tiered reimbursement based on a facility's
3 2 quality rating.
3 3 The pilot project design is required to incorporate outcome
3 4 measures for assessing and annually reporting on the pilot
3 5 program results.
3 6 LSB 1976SV 83
3 7 jp/nh/8



Iowa General Assembly
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Senate File 415 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1301)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the acquisition of title to abandoned property
- 2 by cities.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2678SV 83
- 5 md/sc/14



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1 1 Section 1. Section 657A.10A, Code 2009, is amended to read
1 2 as follows:

1 3 657A.10A PETITION BY CITY FOR TITLE TO ABANDONED PROPERTY.

1 4 1. In lieu of the procedures in sections 657A.2 through
1 5 657A.10, a city in which an abandoned building is located may
1 6 petition the court to enter judgment awarding title to the
1 7 abandoned property to the city.

1 8 2. At least thirty days prior to filing a petition for
1 9 title to abandoned property under this section, the city shall
1 10 attempt to notify the owner of the property of the city's
1 11 intent to acquire the property. The city shall mail the
1 12 notice by certified mail to the owner at the owner's last
1 13 known address, to any contract purchaser of record of the
1 14 property, to any tenant known to be occupying the property,
1 15 and to any record lienholder or encumbrancer of the property
1 16 at the lienholder's or encumbrancer's last known address. The
1 17 city shall also cause the notice to be posted in a conspicuous
1 18 place on the building.

1 19 3. a. If more than one abandoned building is located on a
1 20 parcel of real estate, the city may combine the actions into
1 21 one petition. The owner of the building and grounds,
1 22 mortgagees of record, lienholders or encumbrancers of record,
1 23 ~~or~~ the county in which the property is located if delinquent
1 24 property taxes are owing, the holder of tax sale certificates,
1 25 and other known persons who hold an interest in the property
1 26 shall be named as respondents on the petition.

1 27 b. The petition shall be filed in the district court of
1 28 the county in which the property is located. ~~Service on the~~
1 29 ~~owner and any other named respondents shall be by certified~~
1 30 ~~mail and by posting the notice in a conspicuous place on the~~
1 31 ~~building.~~ The action shall be in equity.

1 32 4. a. Service on the owner and any other named
1 33 respondents shall be by certified mail. The petition shall be
1 34 mailed to each respondent at the respondent's last known
1 35 address as reflected in county records. The city shall also



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2 1 cause the petition to be published once in a newspaper of
2 2 general circulation in the county within ten days of the
2 3 petition being filed. Service of the petition shall be deemed
2 4 complete on the date of publication.

2 5 b. In lieu of mailing and publishing the petition, the
2 6 city may cause the petition to be served upon such persons in
2 7 the manner provided by the Iowa rules of civil procedure for
2 8 the personal service of original notice.

2 9 c. In addition to notice provided under paragraph "a" or
2 10 paragraph "b", the city shall also cause notice of the
2 11 petition to be posted in a conspicuous place on the building.

2 12 5. The city shall set forth in the petition the fair
2 13 market value of the property in the property's condition
2 14 existing on the date the petition is filed as determined by an
2 15 appraisal prepared for the city, the amount of delinquent
2 16 property taxes or special assessments on the property, and
2 17 evidence that the city has attempted to provide notice under
2 18 subsection 2. A copy of the appraisal shall be attached to
2 19 the petition.

2 20 ~~2. 6. Not~~ The city may request a hearing on the petition
2 21 not sooner than sixty days after the filing of the petition,
2 22 the city may request a hearing on the petition. Notice of the
2 23 hearing shall be provided to all respondents in the manner
2 24 provided in subsection 4. Notice of the hearing shall be
2 25 given not less than thirty days prior to the date of the
2 26 hearing.

2 27 ~~3. 7.~~ In determining whether a property has been
2 28 abandoned, the court shall consider the following for each
2 29 building that is located on the property and named in the
2 30 petition and the building grounds:

2 31 a. Whether any property taxes or special assessments on
2 32 the property were delinquent at the time the petition was
2 33 filed.

2 34 b. Whether any utilities are currently being provided to
2 35 the property.



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3 1 c. Whether the building is unoccupied by the owner or
3 2 lessees or licensees of the owner.

3 3 d. Whether the building meets the city's housing code for
3 4 being fit for human habitation, occupancy, or use.

3 5 e. Whether the building is exposed to the elements such
3 6 that deterioration of the building is occurring.

3 7 f. Whether the building is boarded up.

3 8 g. Past efforts to rehabilitate the building and grounds.

3 9 h. The presence of vermin, accumulation of debris, and
3 10 uncut vegetation.

3 11 i. The effort expended by the petitioning city to maintain
3 12 the building and grounds.

3 13 j. Past and current compliance with orders of the local
3 14 housing official.

3 15 k. Any other evidence the court deems relevant.

3 16 ~~4.~~ 8. In lieu of the considerations in subsection ~~3 7~~, if
3 17 the city can establish to the court's satisfaction that all
3 18 parties with an interest in the property have received proper
3 19 notice and ~~either~~ consented to the entry of an order awarding
3 20 title to the property to the city ~~or did not make a good faith~~
~~3 21 effort to comply with the order of the local housing official~~
~~3 22 within sixty days after the filing of the petition~~, the court
3 23 shall enter judgment against the respondents granting the city
3 24 title to the property.

3 25 ~~5.~~ 9. If the court determines that the property has been
3 26 abandoned or that subsection ~~4 8~~ applies, the court shall
3 27 enter judgment awarding title to the city and shall determine
3 28 an award of damages pursuant to subsection 10. The title
3 29 awarded to the city shall be free and clear of any claims,
3 30 liens, or encumbrances held by the respondents.

3 31 10. a. If the court awards title of the property to the
3 32 city, the court shall award to the respondents the fair market
3 33 value of the property and shall give consideration to the
3 34 value of the property in its current condition and the costs
3 35 that may be incurred in cleaning up or repairing the property.



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5 1 if a hearing is requested.

5 2 The bill requires the city to pay an award of damages to
5 3 the respondents if the city is awarded title to the property.
5 4 An award is required to be equal to the fair market value of
5 5 the property in its current condition, including consideration
5 6 of the costs that may be incurred in cleaning up or repairing
5 7 the property. The bill authorizes the city to take possession
5 8 of the property upon deposit of the award with the clerk of
5 9 the district court. Notice of the deposit with the clerk of
5 10 the district court must be provided to all respondents. Under
5 11 the bill, if the amount deposited with the clerk of the
5 12 district court is not claimed within two years of the date of
5 13 deposit, the clerk of the district court is required to
5 14 transfer the money to the city for deposit in the city's
5 15 general fund.

5 16 LSB 2678SV 83

5 17 md/sc/14



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Senate File 416 - Introduced

SENATE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SF 326)

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 TLSB 2525SV 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~~
~~named in the reorganization petition whether a school district~~
~~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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Senate File 416 - Introduced continued

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 2525SV 83
13 8 ak/sc/5



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SENATE FILE
BY COMMITTEE ON ENVIRONMENT
AND ENERGY INDEPENDENCE

(SUCCESSOR TO SSB 1192)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing a task force on regional watershed, land use,
- 2 and floodplain management policies.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1725SV 83
- 5 da/rj/8



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1 1 Section 1. TASK FORCE ON REGIONAL WATERSHED, LAND USE, AND
1 2 FLOODPLAIN MANAGEMENT POLICIES. A task force on regional
1 3 watershed, land use, and floodplain management policies is
1 4 created.
1 5 1. The members of the task force include all of the
1 6 following:
1 7 a. Fifteen members appointed by the governor who may
1 8 include persons interested in agriculture, natural habitat,
1 9 natural resources, hydrology and geography, floodplain
1 10 management, water quality, land use planning, urban
1 11 development, utilities, and related areas as determined
1 12 appropriate by the governor.
1 13 b. Four members of the general assembly, two senators
1 14 appointed by the majority leader and minority leader in the
1 15 senate and two members of the house of representatives
1 16 appointed by the speaker of the house and the house minority
1 17 leader as provided in sections 2.32A and 69.16B.
1 18 2. The task force shall develop comprehensive policies
1 19 that whenever practical address regional watershed management,
1 20 floodplain management, and associated land uses based on all
1 21 of the following principles:
1 22 a. The preservation or enhancement of natural resources,
1 23 including by providing for soil and water conservation
1 24 practices and environmental protection.
1 25 b. Sustainable development that includes smart growth
1 26 strategies and green design and construction approaches.
1 27 c. The mitigation of losses that could occur as a result
1 28 of natural disasters, including losses occurring within
1 29 floodplains.
1 30 3. The comprehensive policies developed by the task force
1 31 shall be used by state and local governments in preparing
1 32 plans for watershed management, floodplain management, and
1 33 associated land uses.
1 34 4. a. The rebuild Iowa office shall provide staff and
1 35 resources to the task force.



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3 1 da/rj/8



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SENATE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 1002)

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

A BILL FOR

1 An Act requiring health insurance coverage for costs relating to
2 mental health conditions, including alcohol or substance abuse
3 treatment services, and creating a mental health insurance
4 advisory committee.

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

6 TL5B 1524SV 83

7 av/nh/8



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1 1 Section 1. NEW SECTION. 514C.24 MANDATED COVERAGE FOR
1 2 MENTAL HEALTH CONDITIONS == MENTAL HEALTH INSURANCE ADVISORY
1 3 COMMITTEE.
1 4 1. For purposes of this section, unless the context
1 5 otherwise requires:
1 6 a. "Mental health condition" means a condition or disorder
1 7 involving mental illness or alcohol or substance abuse as
1 8 defined by the commissioner of insurance by rule, consistent
1 9 with the diagnostic categories listed in the mental disorders
1 10 section of the most recent version of the diagnostic and
1 11 statistical manual of mental disorders.
1 12 b. "Rates, terms, and conditions" means any lifetime
1 13 payment limits, deductibles, copayments, coinsurance, and any
1 14 other cost-sharing requirements, out-of-pocket limits, visit
1 15 limitations, and any other financial component of benefits
1 16 coverage that affects the covered individual.
1 17 2. a. Notwithstanding section 514C.6, a policy, contract,
1 18 or plan providing for third-party payment or prepayment of
1 19 health or medical expenses shall provide coverage benefits for
1 20 mental health conditions based on rates, terms, and conditions
1 21 which are no more restrictive than the rates, terms, and
1 22 conditions for coverage benefits provided for other health or
1 23 medical conditions under the policy, contract, or plan.
1 24 Additionally, any rates, terms, and conditions involving
1 25 deductibles, copayments, coinsurance, and any other cost=
1 26 sharing requirements shall be cumulative for coverage of both
1 27 mental health conditions and other health or medical
1 28 conditions under the policy, contract, or plan.
1 29 b. Coverage required under this subsection shall be as
1 30 follows:
1 31 (1) For the treatment of mental illness, coverage shall be
1 32 for services provided by a licensed mental health professional
1 33 or services provided in a licensed hospital or health
1 34 facility.
1 35 (2) For the treatment of alcohol or substance abuse,



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2 1 coverage shall be for services provided by a substance abuse
2 2 counselor, as approved by the department of human services; a
2 3 licensed health facility providing a program for the treatment
2 4 of alcohol or substance abuse approved by the department of
2 5 human services; or a substance abuse treatment and
2 6 rehabilitation facility, as licensed by the department of
2 7 public health pursuant to chapter 125.
2 8 3. This section applies to the following classes of third=
2 9 party payment provider policies, contracts, or plans
2 10 delivered, issued for delivery, continued, or renewed in this
2 11 state on or after January 1, 2010:
2 12 a. Individual or group accident and sickness insurance
2 13 providing coverage on an expense-incurred basis.
2 14 b. An individual or group hospital or medical service
2 15 contract issued pursuant to chapter 509, 514, or 514A.
2 16 c. A plan established pursuant to chapter 509A for public
2 17 employees.
2 18 d. An individual or group health maintenance organization
2 19 contract regulated under chapter 514B.
2 20 e. An individual or group Medicare supplemental policy,
2 21 unless coverage pursuant to such policy is preempted by
2 22 federal law.
2 23 f. Any other entity engaged in the business of insurance,
2 24 risk transfer, or risk retention, which is subject to the
2 25 jurisdiction of the commissioner.
2 26 g. An organized delivery system licensed by the director
2 27 of public health.
2 28 4. The commissioner shall adopt rules to administer this
2 29 section after consultation with the mental health insurance
2 30 advisory committee.
2 31 a. The commissioner shall appoint members to a mental
2 32 health insurance advisory committee. Members shall include
2 33 all sectors of society impacted by issues associated with
2 34 coverage of mental health treatment by third-party payors
2 35 including but not limited to representatives of the insurance



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3 1 industry, small and large employers, employee representatives
3 2 including labor, individual consumers, health care providers,
3 3 and other groups and individuals that may be identified by the
3 4 insurance division of the department of commerce.

3 5 b. The committee shall meet upon the request of the
3 6 commissioner to review rules proposed under this section by
3 7 the commissioner, and to make suggestions as appropriate.

3 8 Sec. 2. Section 514C.22, Code 2009, is repealed effective
3 9 January 1, 2010.

3 10 EXPLANATION

3 11 This bill creates new Code section 514C.24 and provides
3 12 that, effective January 1, 2010, a policy, contract, or plan
3 13 providing for third-party payment or prepayment of health or
3 14 medical expenses must provide coverage benefits for mental
3 15 health conditions based on rates, terms, and conditions which
3 16 are no more restrictive than the rates, terms, and conditions
3 17 associated with coverage benefits provided for other
3 18 conditions under the policy, contract, or plan. "Mental
3 19 health condition" means a condition or disorder involving
3 20 mental illness or alcohol or substance abuse as defined by the
3 21 commissioner of insurance, by rule, consistent with the
3 22 diagnostic categories listed in the mental disorders section
3 23 of the most recent version of the diagnostic and statistical
3 24 manual of mental disorders.

3 25 The bill also requires the insurance commissioner to adopt
3 26 rules to administer the new Code section, after consultation
3 27 with the new mental health insurance advisory committee, whose
3 28 members are appointed by the commissioner including
3 29 representatives from business, insurance, consumer, and health
3 30 groups.

3 31 Code section 514C.22, which currently mandates coverage for
3 32 certain biologically based mental illnesses, is repealed
3 33 effective January 1, 2010.

3 34 LSB 1524SV 83

3 35 av/nh/8



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Senate Study Bill 1304

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON APPEL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning the department of human rights.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2681XC 83
- 4 ec/rj/8



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1 1 Section 1. Section 216A.1, Code 2009, is amended to read
1 2 as follows:
1 3 216A.1 DEPARTMENT OF HUMAN RIGHTS.
1 4 A department of human rights is created, ~~with~~ consisting of
1 5 the following divisions ~~division of ethnic minorities and~~
1 6 women and the division of disabilities, and comprised of the
1 7 following offices:
1 8 1. ~~Division~~ Office of Latino affairs.
1 9 2. ~~Division~~ Office on the status of women.
1 10 3. ~~Division~~ Office of persons with disabilities.
1 11 4. ~~Division~~ Office of community action agencies.
1 12 5. ~~Division~~ Office of deaf services.
1 13 6. ~~Division~~ Office of criminal and juvenile justice
1 14 planning.
1 15 7. ~~Division~~ Office on the status of African-Americans.
1 16 8. ~~Division~~ Office on the status of Iowans of Asian and
1 17 Pacific Islander heritage.
1 18 9. ~~Division~~ Office on Native American affairs.
1 19 Sec. 2. Section 216A.2, Code 2009, is amended by striking
1 20 the section and inserting in lieu thereof the following:
1 21 216A.2 APPOINTMENT OF DEPARTMENT DIRECTOR, DEPUTY
1 22 DIRECTOR, AND ADMINISTRATORS == DUTIES.
1 23 1. The governor shall appoint a director of the department
1 24 of human rights, subject to confirmation by the senate
1 25 pursuant to section 2.32. The department director shall serve
1 26 at the pleasure of the governor and is exempt from the merit
1 27 system provisions of chapter 8A, subchapter IV. The governor
1 28 shall set the salary of the department director within the
1 29 ranges set by the general assembly.
1 30 2. The director is the chief administrative officer of the
1 31 department and in that capacity administers the programs and
1 32 services of the department in compliance with applicable
1 33 federal and state laws and regulations. The duties of the
1 34 director include preparing a budget, establishing an internal
1 35 administrative structure, and employing personnel.



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2 1 3. The department director shall appoint a deputy
2 2 director, the administrators of the divisions within the
2 3 department, and all other personnel deemed necessary for the
2 4 administration of this chapter. The deputy director shall
2 5 direct and administer the department in the absence of the
2 6 department director. The department director shall establish
2 7 the duties of the deputy director and the administrators of
2 8 the divisions within the department.

2 9 4. The department director shall do all of the following:

2 10 a. Establish general operating policies for the department
2 11 to provide general uniformity among the offices while
2 12 providing for necessary benefits.

2 13 b. Submit a budget for the department, subject to the
2 14 budget requirements pursuant to chapter 8.

2 15 c. Coordinate and supervise personnel services and shared
2 16 administrative support services to assure maximum support and
2 17 assistance to the divisions.

2 18 d. Identify and facilitate the opportunities for
2 19 consolidation and efficiencies within the department.

2 20 e. Serve as an ex officio member of all commissions or
2 21 councils within the department.

2 22 f. Serve as chairperson of the human rights
2 23 administrative=coordinating council.

2 24 g. Solicit and accept gifts and grants on behalf of the
2 25 department and each commission or council and administer such
2 26 gifts and grants in accordance with the terms thereof.

2 27 h. Enter into contracts with public and private
2 28 individuals and entities to conduct the business and achieve
2 29 the objectives of the department and each commission or
2 30 council.

2 31 i. Issue an annual report to the governor and general
2 32 assembly no later than November 1 of each year concerning the
2 33 operations of the department. However, the office of criminal
2 34 and juvenile justice planning and the office of community
2 35 action agencies shall submit annual reports as specified in



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3 1 this chapter.

3 2 Sec. 3. Section 216A.3, Code 2009, is amended to read as
3 3 follows:

3 4 216A.3 HUMAN RIGHTS ADMINISTRATIVE=COORDINATING COUNCIL.

3 5 1. A human rights administrative=coordinating council
3 6 composed of ~~nine~~ ten members is created within the department
3 7 of human rights. The council is composed of the director, who
3 8 shall act as the chairperson of the council, and ~~the~~
~~3 9 administrators within the department a representative from~~
3 10 each office within the department as designated by the
3 11 commission or council for each office.

3 12 2. The coordinating council shall meet periodically to:

3 13 a. Identify areas where the ~~divisions~~ offices within the
3 14 department might coordinate efforts or share administrative or
3 15 other support functions to provide greater efficiencies in
3 16 operation including, but not limited to, accounting, clerical,
3 17 and recordkeeping, and ~~administrative support functions.~~

3 18 b. Develop cooperative arrangements and shared services
3 19 among the ~~divisions~~ offices to achieve greater efficiencies,
3 20 and may establish contracts and agreements between or among
3 21 two or more of the divisions offices to provide for shared
3 22 services.

3 23 c. Transfer funds ~~within~~ between the ~~divisions~~ offices
3 24 agreeing to shared services for the implementation of the
3 25 contracts or agreements between ~~divisions~~ offices.

3 26 d. Make recommendations to the governor and general
3 27 assembly regarding additional consolidation and coordination
3 28 that would require legislative action.

3 29 e. Advise the department director regarding actions by and
3 30 for the department.

3 31 f. Establish goals and objectives for the department.

3 32 Sec. 4. NEW SECTION. 216A.7 ACCESS TO INFORMATION.

3 33 Upon request of the director, deputy director, or an
3 34 administrator of a division of the department, all boards,
3 35 agencies, departments, and offices of the state shall make



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4 1 available nonconfidential information, records, data, and
4 2 statistics which are relevant to the populations served by the
4 3 offices, councils, and commissions of the department.

4 4 Sec. 5. Section 216A.11, subsection 1, Code 2009, is
4 5 amended by striking the subsection.

4 6 Sec. 6. Section 216A.11, subsection 3, Code 2009, is
4 7 amended to read as follows:

4 8 3. ~~"Division"~~ "Office" means the ~~division~~ office of Latino
4 9 affairs of the department of human rights.

4 10 Sec. 7. Section 216A.12, Code 2009, is amended to read as
4 11 follows:

4 12 216A.12 COMMISSION OF LATINO AFFAIRS == TERMS ==
4 13 COMPENSATION.

4 14 1. The commission of Latino affairs consists of nine
4 15 members, appointed by the governor, and subject to
4 16 confirmation by the senate pursuant to section 2.32.

4 17 Commission members shall be appointed in compliance with
4 18 sections 69.16 and 69.16A and with consideration given to
4 19 geographic residence in the state and density of Latino
4 20 population ~~represented by each member~~ in the area of
4 21 geographic residence. Commission members shall reside in the
4 22 state.

4 23 2. The members of the commission shall be appointed during
4 24 the month of June and shall serve for terms of two years
4 25 commencing July 1 of each odd-numbered year. Members
4 26 appointed shall continue to serve until their respective
4 27 successors are appointed. Vacancies in the membership of the
4 28 commission shall be filled by the original appointing
4 29 authority and in the manner of the original appointments.
4 30 Members shall receive actual expenses incurred while serving
4 31 in their official capacity. Members may also be eligible to
4 32 receive compensation as provided in section 7E.6.

4 33 3. The commission shall select from its membership a
4 34 chairperson and other officers as it deems necessary and shall
4 35 meet at least quarterly each fiscal year. A majority of the



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5 1 members currently appointed to the commission shall constitute
5 2 a quorum and the affirmative vote of a majority of the
5 3 currently appointed members is necessary for any substantive
5 4 action taken by the commission. A member shall not vote on
5 5 any action if the member has a conflict of interest on the
5 6 matter and a statement by the member of a conflict of interest
5 7 shall be conclusive for this purpose.

5 8 Sec. 8. Section 216A.14, Code 2009, is amended by striking
5 9 the section and inserting in lieu thereof the following:

5 10 216A.14 OFFICE OF LATINO AFFAIRS == DUTIES.

5 11 The office of Latino affairs is established and shall do
5 12 the following:

5 13 1. Coordinate, assist, and cooperate with the efforts of
5 14 state departments and agencies to serve the needs of Latino
5 15 persons in the fields of education, employment, health,
5 16 housing, welfare, and recreation.

5 17 2. Develop, coordinate, and assist other public
5 18 organizations which serve Latino persons.

5 19 3. Conduct training programs for Latino persons to enable
5 20 them to assume leadership positions on the community level.

5 21 4. Work to establish a Latino information center in the
5 22 state of Iowa.

5 23 Sec. 9. Section 216A.15, subsections 1 through 9, Code
5 24 2009, are amended by striking the subsections and inserting in
5 25 lieu thereof the following:

5 26 1. Study the opportunities for and changing needs of the
5 27 Latino population of this state.

5 28 2. Provide input to the department director in the
5 29 development of budget recommendations for the office.

5 30 3. Serve as liaison between the office and the public,
5 31 sharing information and gathering constituency input.

5 32 4. Adopt rules pursuant to chapter 17A as it deems
5 33 necessary for the commission and office.

5 34 5. Recommend to the department director policies and
5 35 programs for the office.



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6 1 6. Recommend executive and legislative action to the
6 2 governor and general assembly.
6 3 Sec. 10. Section 216A.51, subsection 1, Code 2009, is
6 4 amended by striking the subsection.
6 5 Sec. 11. Section 216A.51, subsection 3, Code 2009, is
6 6 amended to read as follows:
6 7 3. ~~"Division"~~ "Office" means the ~~division~~ office on the
6 8 status of women of the department of human rights.
6 9 Sec. 12. Section 216A.52, Code 2009, is amended by
6 10 striking the section and inserting in lieu thereof the
6 11 following:
6 12 216A.52 OFFICE ON THE STATUS OF WOMEN.
6 13 The office on the status of women is established, and shall
6 14 do all of the following:
6 15 1. Serve as the central permanent agency to advocate for
6 16 women and girls.
6 17 2. Increase the ability of governmental agencies to
6 18 effectively respond to women and girls for better outcomes in
6 19 the state's interests, and assist public and private agencies
6 20 in joint efforts to improve the well-being and success of
6 21 women and girls.
6 22 3. Serve as a clearinghouse on programs and agencies
6 23 operating to assist women and girls.
6 24 4. Study and disseminate information relating to women and
6 25 girls.
6 26 5. Provide assistance to organized efforts by communities,
6 27 organizations, associations, and other groups working toward
6 28 better outcomes for women and girls.
6 29 Sec. 13. Section 216A.53, Code 2009, is amended by
6 30 striking the section and inserting in lieu thereof the
6 31 following:
6 32 216A.53 COMMISSION ON THE STATUS OF WOMEN ESTABLISHED.
6 33 1. The commission on the status of women is established
6 34 and shall consist of thirteen members. Four members of the
6 35 general assembly shall serve as ex officio, nonvoting members:



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7 1 one to be appointed by the speaker of the house; one to be
7 2 appointed by the minority leader of the house; one to be
7 3 appointed by the president of the senate, after consultation
7 4 with the majority leader of the senate; and one to be
7 5 appointed by the minority leader of the senate, after
7 6 consultation with the president of the senate. Nine voting
7 7 members shall be appointed by the governor, subject to
7 8 confirmation by the senate pursuant to section 2.32, and shall
7 9 represent a cross section of the citizens of the state. No
7 10 more than a simple majority of the commission members shall be
7 11 from the same political party. All members shall reside in
7 12 the state.

7 13 2. a. The term of office for voting members is four
7 14 years. Members whose terms expire may be reappointed.
7 15 Vacancies in voting membership positions on the commission
7 16 shall be filled for the unexpired term in the same manner as
7 17 the original appointment. Voting members of the commission
7 18 shall receive a per diem as specified in section 7E.6 and
7 19 shall be reimbursed for actual expenses incurred while serving
7 20 in their official capacity, subject to statutory limits.

7 21 b. The legislative members of the commission shall be
7 22 appointed to terms of office as provided in section 69.16B.
7 23 Legislative members of the commission shall receive payment
7 24 pursuant to sections 2.10 and 2.12.

7 25 3. Members of the commission shall appoint a chairperson
7 26 and vice chairperson and any other officers as the commission
7 27 deems necessary. The commission shall meet at least quarterly
7 28 during each fiscal year. A majority of the voting members
7 29 currently appointed to the commission shall constitute a
7 30 quorum. A quorum of the members shall be required for the
7 31 conduct of business of the commission and the affirmative vote
7 32 of a majority of the currently appointed voting members is
7 33 necessary for any substantive action taken by the commission.
7 34 A member shall not vote on any action if the member has a
7 35 conflict of interest on the matter and a statement by the



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8 1 member of a conflict of interest shall be conclusive for this
8 2 purpose.

8 3 Sec. 14. Section 216A.54, Code 2009, is amended by
8 4 striking the section and inserting in lieu thereof the
8 5 following:

8 6 216A.54 COMMISSION POWERS AND DUTIES.

8 7 1. The commission shall have the following powers and
8 8 duties:

8 9 a. Study the opportunities for and changing needs of the
8 10 women and girls of this state.

8 11 b. Serve as liaison between the office and the public,
8 12 sharing information and gathering constituency input.

8 13 c. Adopt rules pursuant to chapter 17A as it deems
8 14 necessary for the commission and office.

8 15 d. Provide input to the department director in the
8 16 development of budget recommendations for the office.

8 17 e. Recommend to the department director policies and
8 18 programs for the office.

8 19 f. Recommend legislative and executive action to the
8 20 governor and general assembly.

8 21 g. Establish advisory committees, work groups, or other
8 22 coalitions as appropriate.

8 23 Sec. 15. Section 216A.71, subsection 1, Code 2009, is
8 24 amended by striking the subsection.

8 25 Sec. 16. Section 216A.71, subsection 3, Code 2009, is
8 26 amended to read as follows:

8 27 3. ~~"Division"~~ "Office" means the ~~division~~ office of
8 28 persons with disabilities of the department of human rights.

8 29 Sec. 17. Section 216A.72, Code 2009, is amended by
8 30 striking the section and inserting in lieu thereof the
8 31 following:

8 32 216A.72 OFFICE OF PERSONS WITH DISABILITIES.

8 33 The office of persons with disabilities is established, and
8 34 shall do all of the following:

8 35 1. Carry on a continuing program to promote the employment



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9 1 of persons with disabilities.

9 2 2. Cooperate with all public and private agencies
9 3 interested in the employment of persons with disabilities.

9 4 3. Cooperate with all agencies responsible for or
9 5 interested in the rehabilitation and placement of persons with
9 6 disabilities.

9 7 4. Encourage the organization of committees at the
9 8 community level and work closely with such committees in
9 9 promoting the employment of persons with disabilities.

9 10 5. Assist in developing employer acceptance of qualified
9 11 workers who are persons with disabilities.

9 12 6. Inform persons with disabilities of specific services
9 13 available in seeking employment.

9 14 Sec. 18. Section 216A.73, subsection 2, Code 2009, is
9 15 amended to read as follows:

9 16 2. The director of the department of human services and
9 17 any administrators or coordinators of that department so
9 18 assigned by the director.

9 19 Sec. 19. Section 216A.74, Code 2009, is amended by
9 20 striking the section and inserting in lieu thereof the
9 21 following:

9 22 216A.74 COMMISSION OF PERSONS WITH DISABILITIES
9 23 ESTABLISHED.

9 24 1. The commission of persons with disabilities is
9 25 established and shall consist of nine ex officio members as
9 26 provided in section 216A.73, and nine voting members appointed
9 27 by the governor subject to confirmation by the senate pursuant
9 28 to section 2.32. Insofar as practicable, the commission shall
9 29 consist of persons with disabilities; family members of
9 30 persons with disabilities; representatives of industry, labor,
9 31 business, and agriculture; representatives of federal, state,
9 32 and local government; and representatives of religious,
9 33 charitable, fraternal, civic, educational, medical, legal,
9 34 veteran, welfare, and other professional groups and
9 35 organizations. Members of the commission shall be appointed



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10 1 with consideration given to geographic residence of the state.
10 2 All members shall reside in the state.

10 3 2. Terms of office are three years and shall begin and end
10 4 pursuant to section 69.19. Members whose terms expire may be
10 5 reappointed. Vacancies on the commission shall be filled for
10 6 the unexpired term in the same manner as the original
10 7 appointment. Voting members shall receive actual expenses
10 8 incurred while serving in their official capacity, subject to
10 9 statutory limits. Voting members may also be eligible to
10 10 receive compensation as provided in section 7E.6.

10 11 3. Members of the commission shall appoint a chairperson
10 12 and vice chairperson and other officers as the commission
10 13 deems necessary. The commission shall meet at least quarterly
10 14 during each fiscal year. A majority of the voting members
10 15 currently appointed to the commission shall constitute a
10 16 quorum. A quorum shall be required for the conduct of
10 17 business of the commission and the affirmative vote of a
10 18 majority of the currently appointed voting members is
10 19 necessary for any substantive action taken by the commission.
10 20 A member shall not vote on any action if the member has a
10 21 conflict of interest on the matter and a statement by the
10 22 member of a conflict of interest shall be conclusive for this
10 23 purpose.

10 24 Sec. 20. Section 216A.75, Code 2009, is amended by
10 25 striking the section and inserting in lieu thereof the
10 26 following:

10 27 216A.75 COMMISSION POWERS AND DUTIES.

10 28 The commission shall have the following powers and duties:

10 29 1. Study the opportunities for and changing needs of
10 30 persons with disabilities in this state.

10 31 2. Serve as liaisons between the office and the public,
10 32 sharing information and gathering constituency input.

10 33 3. Adopt rules pursuant to chapter 17A as it deems
10 34 necessary for the commission and office.

10 35 4. Provide input to the department director in the



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11 1 development of budget recommendations for the office.

11 2 5. Recommend to the department director policies and
11 3 programs for the office.

11 4 6. Recommend legislative and executive action to the
11 5 governor and general assembly.

11 6 7. Establish advisory committees, work groups, or other
11 7 coalitions as appropriate.

11 8 Sec. 21. Section 216A.91, subsections 1 and 6, Code 2009,
11 9 are amended to read as follows:

11 10 1. ~~"Administrator"~~ "Coordinator" means the ~~administrator~~
~~11 11 of the division of community action agencies deputy director~~
11 12 of the department of human rights.

11 13 6. ~~"Division"~~ "Office" means the ~~division~~ office of
11 14 community action agencies of the department of human rights.

11 15 Sec. 22. Section 216A.92, Code 2009, is amended by
11 16 striking the section and inserting in lieu thereof the
11 17 following:

11 18 216A.92 OFFICE OF COMMUNITY ACTION AGENCIES.

11 19 1. The office of community action agencies is established.
11 20 The purpose of the office of community action agencies is to
11 21 strengthen, supplement, and coordinate efforts to develop the
11 22 full potential of each citizen by recognizing certain
11 23 community action agencies and supporting certain
11 24 community-based programs delivered by community action
11 25 agencies.

11 26 2. The office shall do all of the following:

11 27 a. Provide financial assistance for community action
11 28 agencies to implement community action programs, as permitted
11 29 by the community service block grant and subject to the
11 30 funding made available for the program.

11 31 b. Administer the low-income energy assistance block
11 32 grants, department of energy funds for weatherization, and
11 33 other possible funding sources. If a political subdivision is
11 34 the community action agency, the financial assistance shall be
11 35 allocated to the political subdivision.



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12 1 c. Implement accountability measures for its programs and
12 2 require regular reporting on the measures by the community
12 3 action agencies.

12 4 d. Issue an annual report to the governor and general
12 5 assembly by July 1 of each year.

12 6 Sec. 23. Section 216A.92A, subsections 2 and 3, Code 2009,
12 7 are amended to read as follows:

12 8 2. Commission members shall serve three-year terms which
12 9 shall begin and end pursuant to section 69.19, and shall serve
12 10 the entire term even if the member experiences a change in the
12 11 status which resulted in their appointment under subsection 1.
12 12 Vacancies on the commission shall be filled for the remainder
12 13 of the term of the original appointment. Members whose terms
12 14 expire may be reappointed. Members of the commission shall
12 15 receive actual expenses for their services. Members may also
12 16 be eligible to receive compensation as provided in section
12 17 7E.6. Members as specified under subsection 1, paragraph "c",
12 18 however, shall receive per diem compensation as provided in
12 19 section 7E.6 and actual expenses. The membership of the
12 20 commission shall also comply with the political party
12 21 affiliation and gender balance requirements of sections 69.16
12 22 and 69.16A. All members shall reside in the state.

12 23 3. The commission shall select from its membership a
12 24 chairperson, vice chairperson, and other officers as it deems
12 25 necessary. The commission shall meet at least quarterly per
12 26 fiscal year. A majority of the voting members ~~of~~ currently
12 27 appointed to the commission shall constitute a quorum. A
12 28 quorum shall be required for the conduct of business of the
12 29 commission and the affirmative vote of a majority of the
12 30 currently appointed voting members is necessary for any
12 31 substantive action taken by the commission. A member shall
12 32 not vote on any action if the member has a conflict of
12 33 interest on the matter and a statement by the member of a
12 34 conflict of interest shall be conclusive for this purpose.

12 35 Sec. 24. Section 216A.92B, Code 2009, is amended by



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13 1 striking the section and inserting in lieu thereof the
13 2 following:
13 3 216A.92B COMMISSION POWERS AND DUTIES.
13 4 The commission shall have the following powers and duties:
13 5 1. Adopt rules pursuant to chapter 17A as it deems
13 6 necessary for the commission and office, including rules
13 7 concerning programs and policies for all bureaus of the
13 8 office.
13 9 2. Supervise the collection of data regarding the scope of
13 10 services provided by the community action agencies.
13 11 3. Serve as liaisons between the office and the public,
13 12 sharing information and gathering constituency input.
13 13 4. Make recommendations to the governor and the general
13 14 assembly for executive and legislative action designed to
13 15 improve the status of low-income persons in the state.
13 16 5. Establish advisory committees, work groups, or other
13 17 coalitions as appropriate.
13 18 6. Provide input to the department director in the
13 19 development of budget recommendations for the office.
13 20 7. Recommend to the department director policies and
13 21 programs for the office.
13 22 Sec. 25. Section 216A.93, Code 2009, is amended to read as
13 23 follows:
13 24 216A.93 ESTABLISHMENT OF COMMUNITY ACTION AGENCIES.
13 25 The ~~division~~ office shall recognize and assist in the
13 26 designation of certain community action agencies to assist in
13 27 the delivery of community action programs. These programs
13 28 shall include, but not be limited to, outreach, low-income
13 29 energy assistance, and weatherization programs. If a
13 30 community action agency is in effect and currently serving an
13 31 area, that community action agency shall become the designated
13 32 community action agency for that area. ~~If there is not a~~
~~13 33 designated community action agency in the area a city council~~
~~13 34 or county board of supervisors or any combination of one or~~
~~13 35 more councils or boards may establish a community action~~



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~~14 1 agency and may apply to the division for recognition. The~~
~~14 2 council or board or the combination may adopt an ordinance or~~
~~14 3 resolution establishing a community action agency if a~~
~~14 4 community action agency has not been designated. It is the~~
~~14 5 purpose of the division of community action agencies to~~
~~14 6 strengthen, supplement, and coordinate efforts to develop the~~
~~14 7 full potential of each citizen by recognizing certain~~
~~14 8 community action agencies and the continuation of certain~~
~~14 9 community-based programs delivered by community action~~
~~14 10 agencies. If any geographic area of the state ceases to be~~
~~14 11 served by a designated community action agency, the~~
~~14 12 coordinator may solicit applications and assist the governor~~
~~14 13 in designating a community action agency for that area in~~
~~14 14 accordance with current community services block grant~~
~~14 15 requirements.~~

14 16 Sec. 26. Section 216A.95, subsection 1, Code 2009, is
14 17 amended by striking the subsection and inserting in lieu
14 18 thereof the following:

14 19 1. The governing board or advisory board shall fully
14 20 participate in the development, planning, implementation, and
14 21 evaluation of programs to serve low-income communities.

14 22 Sec. 27. Section 216A.96, subsection 4, Code 2009, is
14 23 amended by striking the subsection and inserting in lieu
14 24 thereof the following:

14 25 4. Encourage and provide support to self-help, volunteer,
14 26 business, labor, and other groups and organizations to assist
14 27 public officials and agencies in supporting a community action
14 28 program by providing private resources, developing new
14 29 employment opportunities, encouraging investments in areas of
14 30 concentrated poverty, and providing methods by which
14 31 low-income persons can work with private organizations,
14 32 businesses, and institutions in seeking solutions to problems
14 33 of common concern.

14 34 Sec. 28. Section 216A.98, Code 2009, is amended to read as
14 35 follows:



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15 1 216A.98 AUDIT.

15 2 Each community action agency shall be audited annually but
15 3 shall not be required to obtain a duplicate audit to meet the
15 4 requirements of this section. In lieu of an audit by the
15 5 auditor of state, the community action agency may contract
15 6 with or employ a certified public accountant to conduct the
15 7 audit, pursuant to the applicable terms and conditions
15 8 prescribed by sections 11.6 and 11.19 and an audit format
15 9 prescribed by the auditor of state. Copies of each audit
15 10 shall be furnished to the ~~division within three months~~
~~15 11 following the annual audit~~ office in a manner prescribed by
15 12 the office.

15 13 Sec. 29. Section 216A.99, unnumbered paragraph 1, Code
15 14 2009, is amended to read as follows:

15 15 The ~~administrator~~ coordinator shall provide financial
15 16 assistance for community action agencies to implement
15 17 community action programs, as permitted by the community
15 18 service block grant, administer the low-income energy
15 19 assistance block grants, department of energy funds for
15 20 weatherization received in Iowa, and other possible funding
15 21 sources.

15 22 Sec. 30. Section 216A.102, subsection 3, Code 2009, is
15 23 amended to read as follows:

15 24 3. Under rules developed by the ~~division~~ office of
15 25 community action agencies of the department of human rights,
15 26 the fund may be used to negotiate reconnection of essential
15 27 utility services with the energy provider.

15 28 Sec. 31. Section 216A.104, subsection 1, unnumbered
15 29 paragraph 1, Code 2009, is amended to read as follows:

15 30 The general assembly finds that provision of assistance to
15 31 prevent utility disconnections will also prevent the
15 32 development of public health risks due to such disconnections.
15 33 The ~~division~~ office shall establish an energy utility
15 34 assessment and resolution program administered by each
15 35 community action agency for persons with low incomes who have



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16 1 or need a deferred payment agreement or are in need of an
16 2 emergency fuel delivery to address home energy utility costs.

16 3 Sec. 32. Section 216A.104, subsection 2, paragraphs b and
16 4 f, Code 2009, are amended to read as follows:

16 5 b. The person is a residential customer of an energy
16 6 utility approved for the program by the ~~division~~ office.

16 7 f. The person complies with other eligibility requirements
16 8 adopted in rules by the ~~division~~ office.

16 9 Sec. 33. Section 216A.104, subsections 4 and 5, Code 2009,
16 10 are amended by striking the subsections.

16 11 Sec. 34. Section 216A.107, subsection 1, paragraph c, Code
16 12 2009, is amended to read as follows:

16 13 c. The ~~administrator~~ coordinator of the ~~division~~ office of
16 14 community action agencies of the department of human rights or
16 15 the ~~administrator's~~ coordinator's designee.

16 16 Sec. 35. Section 216A.107, subsection 2, Code 2009, is
16 17 amended to read as follows:

16 18 2. Unless otherwise provided by law, terms of members,
16 19 election of officers, and other procedural matters shall be as
16 20 determined by the council. A quorum shall be required for the
16 21 conduct of business of the council and the affirmative vote of

16 22 a majority of the currently appointed voting members is
16 23 necessary for any substantive action taken by the council. A
16 24 member shall not vote on any action if the member has a
16 25 conflict of interest on the matter and a statement by the
16 26 member of a conflict of interest shall be conclusive for this
16 27 purpose.

16 28 Sec. 36. Section 216A.107, subsection 4, paragraph a,
16 29 unnumbered paragraph 1, Code 2009, is amended to read as
16 30 follows:

16 31 The ~~division~~ office shall administer the family development
16 32 and self-sufficiency grant program. The department of human
16 33 services shall disclose to the ~~division~~ office confidential
16 34 information pertaining to individuals receiving services under
16 35 the grant program, as authorized under section 217.30. The



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17 1 ~~division~~ office and the department of human services shall
17 2 share information and data necessary for tracking performance
17 3 measures of the family development and self=sufficiency grant
17 4 program, for referring families participating in the promoting
17 5 independence and self=sufficiency through employment job
17 6 opportunities and basic skills (PROMISE JOBS) program under
17 7 section 239B.17 and related activities and programs to the
17 8 grant program, and for meeting federal reporting requirements.
17 9 The ~~division~~ office and the department of human services may
17 10 by mutual agreement, as specified in the memorandum of
17 11 agreement entered into in accordance with paragraph "b", add
17 12 to or delete from the initial shared information items listed
17 13 in this lettered paragraph. The initial shared information
17 14 shall include but is not limited to all of the following:
17 15 Sec. 37. Section 216A.107, subsection 4, paragraphs b, c,
17 16 d, and f, Code 2009, are amended to read as follows:
17 17 b. The ~~division~~ office shall develop a memorandum of
17 18 agreement with the department of human services to share
17 19 outcome data and coordinate referrals and delivery of services
17 20 to participants in the family investment program under chapter
17 21 239B and the grant program and other shared clients and shall
17 22 provide the department of human services with information
17 23 necessary for compliance with federal temporary assistance for
17 24 needy families block grant state plan and reporting
17 25 requirements, including but not limited to financial and data
17 26 reports.
17 27 c. To the extent that the family development and
17 28 self=sufficiency grant program is funded by the federal
17 29 temporary assistance for needy families block grant and by the
17 30 state maintenance of efforts funds appropriated in connection
17 31 with the block grant, the ~~division~~ office shall comply with
17 32 all federal requirements for the block grant. The ~~division~~
17 33 office is responsible for payment of any federal penalty
17 34 imposed that is attributable to the grant program and shall
17 35 receive any federal bonus payment attributable to the grant



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18 1 program.

18 2 d. The ~~division~~ office shall ensure that expenditures of
18 3 moneys appropriated to the department of human services from
18 4 the general fund of the state for the family development and
18 5 self-sufficiency grant program are eligible to be considered
18 6 as state maintenance of effort expenditures under federal
18 7 temporary assistance for needy families block grant
18 8 requirements.

18 9 f. The ~~division~~ office shall submit to the governor and
18 10 general assembly on or before November 30 following the end of
18 11 each state fiscal year, a report detailing performance measure
18 12 and outcome data evaluating the family development and
18 13 self-sufficiency grant program for the fiscal year that just
18 14 ended.

18 15 Sec. 38. Section 216A.111, subsection 1, Code 2009, is
18 16 amended by striking the subsection.

18 17 Sec. 39. Section 216A.111, subsection 3, Code 2009, is
18 18 amended to read as follows:

18 19 3. ~~"Division"~~ "Office" means the ~~division~~ office of deaf
18 20 services of the department of human rights.

18 21 Sec. 40. Section 216A.112, Code 2009, is amended by
18 22 striking the section and inserting in lieu thereof the
18 23 following:

18 24 216A.112 OFFICE OF DEAF SERVICES.

18 25 The office of deaf services is established, and shall do
18 26 all of the following:

18 27 1. Interpret to communities and to interested persons the
18 28 needs of the deaf and hard-of-hearing.

18 29 2. Establish service projects for deaf and hard-of-hearing
18 30 persons throughout the state.

18 31 3. Identify agencies, both public and private, which
18 32 provide community services, evaluate the extent to which they
18 33 make services available to deaf and hard-of-hearing persons,
18 34 and cooperate with the agencies in coordinating and extending
18 35 these services.



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19 1 4. Collect information concerning deafness or hearing loss
19 2 and provide for the dissemination of the information.

19 3 5. Provide for the mutual exchange of ideas and
19 4 information on services for deaf and hard-of-hearing persons
19 5 between federal, state, and local governmental agencies and
19 6 private organizations and individuals.

19 7 Sec. 41. Section 216A.113, Code 2009, is amended by
19 8 striking the section and inserting in lieu thereof the
19 9 following:

19 10 216A.113 DEAF SERVICES COMMISSION ESTABLISHED.

19 11 1. The commission on the deaf is established, and shall
19 12 consist of seven voting members appointed by the governor,
19 13 subject to confirmation by the senate pursuant to section
19 14 2.32. Lists of nominees for appointment to membership on the
19 15 commission may be submitted by the Iowa association of the
19 16 deaf, the Iowa state registry of interpreters for the deaf,
19 17 the Iowa school for the deaf, and the commission of persons
19 18 with disabilities. Membership of the commission shall include
19 19 at least four members who are deaf and who cannot hear human
19 20 speech with or without use of amplification and at least one
19 21 member who is hard of hearing. All members shall reside in
19 22 Iowa.

19 23 2. Terms of office are three years and shall begin and end
19 24 pursuant to section 69.19. Members whose terms expire may be
19 25 reappointed. Vacancies on the commission may be filled for
19 26 the remainder of the term in the same manner as the original
19 27 appointment. Members shall receive actual expenses incurred
19 28 while serving in their official capacity, subject to statutory
19 29 limits. Members may also be eligible to receive compensation
19 30 as provided in section 7E.6.

19 31 3. Members of the commission shall appoint a chairperson
19 32 and vice chairperson and other officers as the commission
19 33 deems necessary. The commission shall meet at least quarterly
19 34 during each fiscal year. A majority of the members currently
19 35 appointed to the commission shall constitute a quorum. A



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20 1 quorum shall be required for the conduct of business of the
20 2 commission and the affirmative vote of a majority of the
20 3 currently appointed members is necessary for any substantive
20 4 action taken by the commission. A member shall not vote on
20 5 any action if the member has a conflict of interest on the
20 6 matter and a statement by the member of a conflict of interest
20 7 shall be conclusive for this purpose.

20 8 Sec. 42. Section 216A.114, Code 2009, is amended by
20 9 striking the section and inserting in lieu thereof the
20 10 following:

20 11 216A.114 COMMISSION POWERS AND DUTIES.

20 12 The commission shall have the following powers and duties:

20 13 1. Study the changing needs and aspirations of the deaf
20 14 and hard-of-hearing people in this state.

20 15 2. Provide input to the department director in the
20 16 development of budget recommendations for the office.

20 17 3. Serve as a liaison between the office and the public,
20 18 sharing information and gathering constituency input.

20 19 4. Adopt rules pursuant to chapter 17A as it deems
20 20 necessary for the commission and office.

20 21 5. Recommend legislative and executive action to the
20 22 governor and general assembly.

20 23 6. Establish advisory committees, work groups, or other
20 24 coalitions as appropriate.

20 25 7. Recommend to the department director policies and
20 26 programs for the office.

20 27 Sec. 43. Section 216A.131, subsection 1, Code 2009, is
20 28 amended by striking the subsection.

20 29 Sec. 44. Section 216A.131, subsection 3, Code 2009, is
20 30 amended to read as follows:

20 31 3. ~~"Division"~~ "Office" means the ~~division~~ office of
20 32 criminal and juvenile justice planning.

20 33 Sec. 45. NEW SECTION. 216A.131A OFFICE OF CRIMINAL AND
20 34 JUVENILE JUSTICE PLANNING.

20 35 The office of criminal and juvenile justice planning is



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21 1 established to fulfill the responsibilities of this
21 2 subchapter, including the duties specified in sections
21 3 216A.135, 216A.136, 216A.137, 216A.138, and 216A.139.
21 4 Sec. 46. Section 216A.132, subsection 1, unnumbered
21 5 paragraph 1, Code 2009, is amended to read as follows:
21 6 A criminal and juvenile justice planning advisory council
21 7 is established consisting of twenty=three members who shall
21 8 all reside in the state.

21 9 Sec. 47. Section 216A.132, subsection 1, paragraph b, Code
21 10 2009, is amended to read as follows:
21 11 b. The departments of human services, corrections, and
21 12 public safety, the ~~division~~ office on the status of
21 13 African=Americans, the Iowa department of public health, the
21 14 chairperson of the board of parole, the attorney general, the
21 15 state public defender, the governor's office of drug control
21 16 policy, and the chief justice of the supreme court shall each
21 17 designate a person to serve on the council. The person
21 18 appointed by the Iowa department of public health shall be
21 19 from the departmental staff who administer the comprehensive
21 20 substance abuse program under chapter 125.

21 21 Sec. 48. Section 216A.132, Code 2009, is amended by adding
21 22 the following new subsection:
21 23 NEW SUBSECTION. 3. Members of the council shall appoint a
21 24 chairperson and vice chairperson and other officers as the
21 25 council deems necessary. A majority of the voting members
21 26 currently appointed to the council shall constitute a quorum.
21 27 A quorum shall be required for the conduct of business of the
21 28 council and the affirmative vote of a majority of the
21 29 currently appointed members is necessary for any substantive
21 30 action taken by the commission. A member shall not vote on
21 31 any action if the member has a conflict of interest on the
21 32 matter and a statement by the member of a conflict of interest
21 33 shall be conclusive for this purpose.

21 34 Sec. 49. Section 216A.133, subsection 5, Code 2009, is
21 35 amended to read as follows:



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22 1 5. Administer federal funds and funds appropriated by the
22 2 state or that are otherwise available in compliance with
22 3 applicable laws, regulations, and other requirements for
22 4 purposes of study, research, investigation, planning, and
22 5 implementation in the areas of criminal and juvenile justice.
22 6 Sec. 50. Section 216A.133, Code 2009, is amended by adding
22 7 the following new subsections:
22 8 NEW SUBSECTION. 8. Assist agencies in the use of criminal
22 9 and juvenile justice data.
22 10 NEW SUBSECTION. 9. Provide input to the department
22 11 director in the development of budget recommendations for the
22 12 office.
22 13 NEW SUBSECTION. 10. Serve as liaison between the office
22 14 and the public, sharing information and gathering constituency
22 15 input.
22 16 NEW SUBSECTION. 11. Adopt rules pursuant to chapter 17A
22 17 as it deems necessary for the council and office.
22 18 NEW SUBSECTION. 12. Recommend legislative and executive
22 19 action to the governor and general assembly.
22 20 NEW SUBSECTION. 13. Establish advisory committees, work
22 21 groups, or other coalitions as appropriate.
22 22 NEW SUBSECTION. 14. Recommend to the administrator
22 23 policies and programs for the office.
22 24 Sec. 51. Section 216A.135, Code 2009, is amended to read
22 25 as follows:
22 26 216A.135 PLAN AND REPORT.
22 27 Beginning in 1989, and every five years thereafter, the
22 28 ~~division~~ office shall develop a twenty-year criminal and
22 29 juvenile justice plan for the state which shall include
22 30 ten-year, fifteen-year, and twenty-year goals and a
22 31 comprehensive five-year plan for criminal and juvenile justice
22 32 programs. The five-year plan shall be updated annually and
22 33 each twenty-year plan and annual updates of the five-year plan
22 34 shall be submitted to the governor and the general assembly by
22 35 February 1.



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23 1 Beginning in 1992, the ~~division~~ office shall include in the
23 2 plans, updates, and reports required by this section an
23 3 identification and evaluation of existing juvenile treatment
23 4 programs based upon quantifiable goals established by the
23 5 ~~division~~ office, utilizing its existing computer capacity and
23 6 access.

23 7 Sec. 52. Section 216A.136, unnumbered paragraph 1, Code
23 8 2009, is amended to read as follows:

23 9 The ~~division~~ office shall maintain an Iowa statistical
23 10 analysis center for the purpose of coordinating with data
23 11 resource agencies to provide data and analytical information
23 12 to federal, state, and local governments, and assist agencies
23 13 in the use of criminal and juvenile justice data.

23 14 Notwithstanding any other provision of state law, unless
23 15 prohibited by federal law or regulation, the ~~division~~ office
23 16 shall be granted access, for purposes of research and
23 17 evaluation, to criminal history records, official juvenile
23 18 court records, juvenile court social records, and any other
23 19 data collected or under control of the board of parole,
23 20 department of corrections, department of workforce
23 21 development, district departments of correctional services,
23 22 department of human services, judicial branch, and department
23 23 of public safety. However, intelligence data and peace
23 24 officer investigative reports maintained by the department of
23 25 public safety shall not be considered data for the purposes of
23 26 this section. Any record, data, or information obtained by
23 27 the ~~division~~ office under this section and the ~~division~~ office
23 28 itself is subject to the federal and state confidentiality
23 29 laws and regulations which are applicable to the original
23 30 record, data, or information obtained by the ~~division~~ office
23 31 and to the original custodian of the record, data, or
23 32 information. The access shall include but is not limited to
23 33 all of the following:

23 34 Sec. 53. Section 216A.137, Code 2009, is amended to read
23 35 as follows:



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24 1 216A.137 CORRECTIONAL POLICY PROJECT.
24 2 The ~~division~~ office shall maintain an Iowa correctional
24 3 policy project for the purpose of conducting analyses of major
24 4 correctional issues affecting the criminal and juvenile
24 5 justice system. The council shall identify and prioritize the
24 6 issues and studies to be addressed by the ~~division~~ office
24 7 through this project and shall report project plans and
24 8 findings annually along with the report required in section
24 9 216A.135. Issues and studies to be considered by the council
24 10 shall include, but are not limited to a review of the
24 11 information systems available to assess corrections trends and
24 12 program effectiveness, the development of an evaluation plan
24 13 for assessing the impact of corrections expenditures, a study
24 14 of the desirability and feasibility of changing the state's
24 15 sentencing practices, a public opinion survey to assess the
24 16 public's view of possible changes in current corrections
24 17 practices, and the development of parole guidelines.
24 18 The ~~division~~ office may form subcommittees for the purpose
24 19 of addressing major correctional issues affecting the criminal
24 20 and juvenile justice system. The ~~division~~ office shall
24 21 establish a subcommittee to address issues specifically
24 22 affecting the juvenile justice system.
24 23 Sec. 54. Section 216A.138, subsections 1, 2, 4, 7, and 8,
24 24 Code 2009, are amended to read as follows:
24 25 1. The ~~division~~ office shall coordinate the development of
24 26 a multiagency database to track the progress of juveniles
24 27 through various state and local agencies and programs. The
24 28 ~~division~~ office shall develop a plan which utilizes existing
24 29 databases, including the Iowa court information system, the
24 30 federally mandated national adoption and foster care
24 31 information system, and the other state and local databases
24 32 pertaining to juveniles, to the extent possible.
24 33 2. The department of human services, department of
24 34 corrections, judicial branch, department of public safety,
24 35 department of education, local school districts, and other



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25 1 state agencies and political subdivisions shall cooperate with
25 2 the ~~division~~ office in the development of the plan.

25 3 4. The ~~division~~ office shall develop the plan within the
25 4 context of existing federal privacy and confidentiality
25 5 requirements. The plan shall build upon existing resources
25 6 and facilities to the extent possible.

25 7 7. If the ~~division~~ office has insufficient funds and
25 8 resources to implement this section, the ~~division~~ office shall
25 9 determine what, if any, portion of this section may be
25 10 implemented, and the remainder of this section shall not
25 11 apply.

~~25 12 8. The division shall submit a report on the plan required
25 13 by this section to the general assembly on or before January
25 14 15, 1994.~~

25 15 Sec. 55. Section 216A.139, subsections 1 and 5, Code 2009,
25 16 are amended to read as follows:

25 17 1. The ~~division~~ office shall establish and maintain a
25 18 council to study and make recommendations for treating and
25 19 supervising adult and juvenile sex offenders in institutions,
25 20 community-based programs, and in the community.

25 21 5. Members of the council shall receive actual and
25 22 necessary expenses incurred while attending any meeting of the
25 23 council and may also be eligible to receive compensation as
25 24 provided in section 7E.6. All expense moneys paid to the
25 25 nonlegislative members shall be paid from funds appropriated
25 26 to the ~~division~~ office. Legislative members shall receive
25 27 compensation as provided in sections 2.10 and 2.12.

25 28 Sec. 56. Section 216A.141, subsection 1, Code 2009, is
25 29 amended by striking the subsection.

25 30 Sec. 57. Section 216A.141, subsection 3, Code 2009, is
25 31 amended to read as follows:

25 32 3. "~~Division~~" "Office" means the ~~division~~ office on the
25 33 status of African-Americans of the department of human rights.

25 34 Sec. 58. Section 216A.142, Code 2009, is amended by
25 35 striking the section and inserting in lieu thereof the



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26 1 following:

26 2 216A.142 COMMISSION ON THE STATUS OF AFRICAN=AMERICANS
26 3 ESTABLISHED.

26 4 1. The commission on the status of African=Americans is
26 5 established and shall consist of nine members appointed by the
26 6 governor, subject to confirmation by the senate. Commission
26 7 members shall be appointed with consideration given to
26 8 geographic residence. All members shall reside in Iowa. At
26 9 least five members shall be individuals who are
26 10 African=American.

26 11 2. Terms of office are staggered four=year terms. Members
26 12 whose terms expire may be reappointed. Vacancies on the
26 13 commission shall be filled for the remainder of the term of
26 14 and in the same manner as the original appointment. The
26 15 commission shall meet quarterly and may hold special meetings
26 16 on the call of the chairperson. The members of the commission
26 17 shall be reimbursed for actual expenses while engaged in their
26 18 official duties. Members may also be eligible to receive
26 19 compensation as provided in section 7E.6.

26 20 3. Members of the commission shall appoint a chairperson
26 21 and vice chairperson and other officers as the commission
26 22 deems necessary. A majority of members of the commission
26 23 shall constitute a quorum. A quorum shall be required for the
26 24 conduct of business of the commission and the affirmative vote
26 25 of a majority of the currently appointed members is necessary
26 26 for any substantive action taken by the commission. A member
26 27 shall not vote on any action if the member has a conflict of
26 28 interest on the matter and a statement by the member of a
26 29 conflict of interest shall be conclusive for this purpose.

26 30 Sec. 59. Section 216A.143, Code 2009, is amended by
26 31 striking the section and inserting in lieu thereof the
26 32 following:

26 33 216A.143 COMMISSION POWERS AND DUTIES.

26 34 The commission shall have the following powers and duties:

26 35 1. Study the opportunities for and changing needs of the



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27 1 African-American community in this state.
27 2 2. Provide input to the department director in the
27 3 development of budget recommendations for the office.
27 4 3. Serve as liaison between the office and the public,
27 5 sharing information and gathering constituency input.
27 6 4. Adopt rules pursuant to chapter 17A as it deems
27 7 necessary for the commission and office.
27 8 5. Recommend to the department director policies and
27 9 programs for the office.
27 10 6. Recommend executive and legislative action to the
27 11 governor and general assembly.
27 12 7. Establish advisory committees, work groups, or other
27 13 coalitions as appropriate.
27 14 Sec. 60. Section 216A.145, Code 2009, is amended by
27 15 striking the section and inserting in lieu thereof the
27 16 following:
27 17 216A.145 OFFICE ON THE STATUS OF AFRICAN-AMERICANS.
27 18 The office on the status of African-Americans is
27 19 established to fulfill the responsibilities of this
27 20 subchapter.
27 21 Sec. 61. Section 216A.146, unnumbered paragraph 1, Code
27 22 2009, is amended to read as follows:
27 23 The ~~commission~~ office shall do all of the following:
27 24 Sec. 62. Section 216A.151, subsection 1, Code 2009, is
27 25 amended by striking the subsection.
27 26 Sec. 63. Section 216A.151, subsection 4, Code 2009, is
27 27 amended to read as follows:
27 28 4. "~~Division~~" "Office" means the ~~division~~ office on the
27 29 status of Iowans of Asian and Pacific Islander heritage of the
27 30 department of human rights.
27 31 Sec. 64. Section 216A.152, Code 2009, is amended by
27 32 striking the section and inserting in lieu thereof the
27 33 following:
27 34 216A.152 COMMISSION ON ASIAN AND PACIFIC ISLANDER AFFAIRS
27 35 ESTABLISHED.



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28 1 1. The commission on Asian and Pacific Islander affairs is
28 2 established and shall consist of nine members appointed by the
28 3 governor, subject to confirmation by the senate. Members
28 4 shall be appointed representing every geographical area of the
28 5 state and ethnic groups of Asian and Pacific Islander
28 6 heritage. All members shall reside in Iowa.

28 7 2. Terms of office are four years and shall begin and end
28 8 pursuant to section 69.19. Members whose terms expire may be
28 9 reappointed. Vacancies on the commission may be filled for
28 10 the remainder of the term of and in the same manner as the
28 11 original appointment. Members shall receive actual expenses
28 12 incurred while serving in their official capacity, subject to
28 13 statutory limits. Members may also be eligible to receive
28 14 compensation as provided in section 7E.6.

28 15 3. Members of the commission shall appoint a chairperson
28 16 and vice chairperson and other officers as the commission
28 17 deems necessary. The commission shall meet at least quarterly
28 18 during each fiscal year. A majority of the members of the
28 19 commission shall constitute a quorum. A quorum shall be
28 20 required for the conduct of business of the commission and the
28 21 affirmative vote of a majority of the currently appointed
28 22 members is necessary for any substantive action taken by the
28 23 commission. A member shall not vote on any action if the
28 24 member has a conflict of interest on the matter and a
28 25 statement by the member of a conflict of interest shall be
28 26 conclusive for this purpose.

28 27 Sec. 65. Section 216A.153, Code 2009, is amended by
28 28 striking the section and inserting in lieu thereof the
28 29 following:

28 30 216A.153 COMMISSION POWERS AND DUTIES.

28 31 The commission shall have the following powers and duties:

28 32 1. Study the opportunities for and changing needs of the
28 33 Asian and Pacific Islander persons in this state.

28 34 2. Provide input to the department director in the
28 35 development of budget recommendations for the office.



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29 1 3. Serve as liaison between the office and the public,
29 2 sharing information and gathering constituency input.

29 3 4. Adopt rules pursuant to chapter 17A as it deems
29 4 necessary for the commission and office.

29 5 5. Recommend legislative and executive action to the
29 6 governor and general assembly.

29 7 6. Establish advisory committees, work groups, or other
29 8 coalitions as appropriate.

29 9 7. Adopt rules, with stakeholder input, pursuant to
29 10 chapter 17A, to develop a mechanism to ensure the
29 11 qualifications of interpreters for Asian and Pacific Islander
29 12 persons and maintain and provide a list of those deemed
29 13 qualified to Iowa courts, administrative agencies, social
29 14 service agencies, and health agencies, as requested.

29 15 Sec. 66. Section 216A.154, Code 2009, is amended by
29 16 striking the section and inserting in lieu thereof the
29 17 following:

29 18 216A.154 OFFICE ON THE STATUS OF IOWANS OF ASIAN AND
29 19 PACIFIC ISLANDER HERITAGE.

29 20 The office on the status of Iowans of Asian and Pacific
29 21 Islander Heritage is established to fulfill the
29 22 responsibilities of this subchapter.

29 23 Sec. 67. Section 216A.155, unnumbered paragraph 1, Code
29 24 2009, is amended to read as follows:

29 25 The ~~commission~~ office shall have the following duties:

29 26 Sec. 68. Section 216A.155, subsection 1, Code 2009, is
29 27 amended to read as follows:

29 28 1. Advise the governor and the general assembly on issues
29 29 confronting, and legislative changes necessary, concerning the
29 30 welfare of Asian and Pacific Islander persons in this state,
29 31 including the unique problems of non-English-speaking
29 32 immigrants and refugees.

29 33 Sec. 69. Section 216A.155, subsections 2 through 14, Code
29 34 2009, are amended by striking the subsections and inserting in
29 35 lieu thereof the following:



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30 1 2. Recommend to the governor and the general assembly
30 2 revisions in the affirmative action program and other
30 3 proposals and programs to improve the utilization and social
30 4 and economic status of Iowans of Asian and Pacific Islander
30 5 heritage.

30 6 3. Assist Iowans of Asian and Pacific Islander heritage to
30 7 access services provided by the federal and state governmental
30 8 agencies.

30 9 4. Publicize the accomplishments of Iowans of Asian and
30 10 Pacific Islander heritage and their contributions to Iowa.

30 11 5. Work with public and private agencies and organizations
30 12 to address the needs of and develop opportunities for Iowans
30 13 of Asian and Pacific Islander heritage in the areas of
30 14 employment, economic development, education, housing, health,
30 15 social welfare, and recreation.

30 16 6. Cooperate with public and private agencies and
30 17 organizations to develop trade primers to facilitate trade and
30 18 improve state trade relations with Asian and Pacific Islander
30 19 countries.

30 20 7. Work with other state and federal agencies and
30 21 organizations to develop small business opportunities and
30 22 promote social, educational, and economic development for
30 23 Iowans of Asian and Pacific Islander heritage.

30 24 Sec. 70. Section 216A.161, subsection 1, Code 2009, is
30 25 amended by striking the subsection.

30 26 Sec. 71. Section 216A.161, subsection 3, Code 2009, is
30 27 amended to read as follows:

30 28 3. ~~"Division"~~ "Office" means the ~~division~~ office on Native
30 29 American affairs of the department of human rights.

30 30 Sec. 72. Section 216A.162, subsection 1, Code 2009, is
30 31 amended to read as follows:

30 32 1. A commission on Native American affairs is established
30 33 consisting of eleven voting members appointed by the governor,
30 34 subject to confirmation by the senate. ~~The members of the~~
~~30 35 commission shall appoint one of the members to serve as~~



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~~31 1 chairperson of the commission.~~

31 2 Sec. 73. Section 216A.162, Code 2009, is amended by adding
31 3 the following new subsection:

31 4 NEW SUBSECTION. 4. Members of the commission shall
31 5 appoint one of their members to serve as chairperson and may
31 6 appoint such other officers as the commission deems necessary.
31 7 The commission shall meet at least four times per year and
31 8 shall hold special meetings on the call of the chairperson.
31 9 The members of the commission shall be reimbursed for actual
31 10 expenses while engaged in their official duties. A member may
31 11 also be eligible to receive compensation as provided in
31 12 section 7E.6. A majority of the members of the commission
31 13 shall constitute a quorum. A quorum shall be required for the
31 14 conduct of business of the commission and the affirmative vote
31 15 of a majority of the currently appointed members is necessary
31 16 for any substantive action taken by the commission. A member
31 17 shall not vote on any action if the member has a conflict of
31 18 interest on the matter and a statement by the member of a
31 19 conflict of interest shall be conclusive for this purpose.

31 20 Sec. 74. Section 216A.165, subsections 1 through 9, Code
31 21 2009, are amended by striking the subsections and inserting in
31 22 lieu thereof the following:

31 23 1. Advise the governor and the general assembly on issues
31 24 confronting tribal governments and Native American persons in
31 25 this state.

31 26 2. Promote legislation beneficial to tribal governments
31 27 and Native American persons in this state.

31 28 3. Study the opportunities for and changing needs of
31 29 Native American persons in this state.

31 30 4. Serve as a conduit to state government for Native
31 31 American persons in this state.

31 32 5. Serve as an advocate for Native American persons and a
31 33 referral agency to assist Native American persons in securing
31 34 access to justice and state agencies and programs.

31 35 6. Provide input to the department director in the



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32 1 development of budget recommendations for the office.
32 2 7. Serve as a liaison between the office and the public,
32 3 sharing information and gathering constituency input.
32 4 8. Serve as a liaison with federal, state, and local
32 5 governmental units, and private organizations with information
32 6 on matters relating to Native American persons in this state.
32 7 9. Adopt rules pursuant to chapter 17A as it deems
32 8 necessary for the commission and office.
32 9 10. Establish advisory committees, work groups, or other
32 10 coalitions as appropriate.
32 11 11. Recommend to the governor and the general assembly any
32 12 revisions in the state's affirmative action program and other
32 13 steps necessary to eliminate discrimination against and the
32 14 underutilization of Native Americans in the state's workforce.
32 15 12. Shall conduct studies, make recommendations, and
32 16 implement programs designed to solve the problems of Native
32 17 Americans in this state in the areas of human rights, housing,
32 18 education, welfare, employment, health care, access to
32 19 justice, and any other related problems.
32 20 13. Work with other state, tribal, and federal agencies
32 21 and organizations to develop small business opportunities and
32 22 promote economic development for Native American persons.
32 23 14. Publicize the accomplishments of Native American
32 24 persons and their contributions to this state.
32 25 Sec. 75. Section 216A.166, Code 2009, is amended to read
32 26 as follows:
32 27 216A.166 REVIEW OF GRANT APPLICATIONS AND BUDGET REQUESTS.
32 28 Before the submission of an application, a state department
32 29 or agency shall consult with the commission concerning an
32 30 application for federal funding that will have its primary
32 31 effect on Native Americans. The commission shall advise the
32 32 governor, the director of the department of human rights, and
32 33 the director of revenue concerning any state agency budget
32 34 request that will have its primary effect on tribal
32 35 governments or Native Americans.



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34 1 bill also provides that the department director is responsible
34 2 for appointing a deputy director and the administrators of the
34 3 two new divisions of the department, as well as other
34 4 personnel of the department. The rewritten Code section also
34 5 provides that the department director has the authority to
34 6 solicit gifts on behalf of the department, commissions, or
34 7 offices, and can enter into contracts, and issue reports on
34 8 behalf of the department.

34 9 Code section 216A.3, concerning the human rights
34 10 administrative=coordinating council, is amended to increase
34 11 the membership of the council from nine members to 10 and to
34 12 provide that the council representative from each office of
34 13 the department shall be selected by the applicable commission
34 14 or council. Current law provides that the administrator of
34 15 each division of the department is a member of the commission.

34 16 New Code section 216A.7 provides that the director, deputy
34 17 director, or an administrator of one of the two new divisions
34 18 created by this bill shall have access to nonconfidential
34 19 information of state entities that is relevant to the
34 20 department upon request.

34 21 DIVISION OF LATINO AFFAIRS:

34 22 The bill renames the division of Latino affairs as the
34 23 office of Latino affairs and eliminates the administrator
34 24 position.

34 25 Code section 216A.12, concerning the commission of Latino
34 26 affairs, is amended by the bill. The bill provides that the
34 27 commission shall meet at least quarterly each year and
34 28 establishes a mechanism for a member to not vote on a matter
34 29 in which the person has a conflict of interest. Code section
34 30 216A.13, concerning the organization of the commission, is
34 31 repealed and the substance of that Code section is moved to
34 32 the rewritten Code section 216A.12.

34 33 Code section 216A.14, concerning commission employees, is
34 34 stricken and rewritten by the bill. Current law granting
34 35 authority to the commission to employ personnel is stricken as



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35 1 this authority is provided to the department director in the
35 2 bill. The rewritten Code section provides for the duties of
35 3 the office of Latino affairs. The bill transfers to the
35 4 office current duties of the commission concerning assistance
35 5 to state agencies and other public organizations relative to
35 6 Latino persons, training, and work to establish a Latino
35 7 information center.

35 8 Code section 216A.15, concerning the duties of the
35 9 commission on Latino affairs, is amended to strike those
35 10 duties transferred to the office of Latino affairs. In
35 11 addition, the Code section is amended to provide that the
35 12 commission shall only provide input regarding budgetary and
35 13 personnel decisions instead of being responsible as it relates
35 14 to the office and commission.

35 15 Code section 216A.16, concerning commission powers to
35 16 accept gifts, solicit grants, and enter into contracts, and
35 17 Code section 216A.17, concerning a commission biennial report,
35 18 are repealed by the bill.

35 19 DIVISION ON THE STATUS OF WOMEN:

35 20 The bill renames the division on the status of women as the
35 21 office on the status of women and eliminates the administrator
35 22 position.

35 23 Code section 216A.52, creating the commission on the status
35 24 of women, Code section 216A.53, concerning commission terms of
35 25 office, and Code section 216A.54, concerning the meetings of
35 26 the commission, are stricken and the Code sections rewritten
35 27 by the bill.

35 28 Rewritten Code section 216A.52 establishes the duties of
35 29 the office on the status of women which include some duties
35 30 currently assigned to the commission. The bill provides that
35 31 the office shall serve as the primary advocate for, and shall
35 32 provide assistance and information relative to, women and
35 33 girls.

35 34 Rewritten Code section 216A.53 establishes the commission.
35 35 Provisions of current Code sections 216A.52, 216A.53, and



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36 1 216A.54, are modified and included in this rewritten Code
36 2 section. The bill changes current law by providing that all
36 3 members reside in Iowa and that the commission meet at least
36 4 quarterly, instead of at least six times per year. The
36 5 rewritten Code section also specifies what constitutes a
36 6 quorum, what vote is necessary for substantive action, and
36 7 includes a conflict of interest provision for members.
36 8 Rewritten Code section 216A.54 establishes the powers and
36 9 duties of the commission. The Code section provides that the
36 10 commission shall study opportunities for and changing needs of
36 11 women and girls, serve as a liaison between the office and the
36 12 public, adopt rules for the commission and office, provide
36 13 input to the department director concerning the budget, and
36 14 recommend proposed policies and legislation.
36 15 Code section 216A.55, concerning the objectives of the
36 16 commission, and Code section 216A.56, concerning the authority
36 17 of the commission to employ personnel and set the budget, are
36 18 repealed by the bill.
36 19 Code sections 216A.57 and 216A.58, concerning the duties
36 20 and authority of the commission, are repealed. Current law
36 21 allowed the commission to hold hearings, enter into contracts,
36 22 and accept grants of money or property.
36 23 Code section 216A.59, concerning access to information, is
36 24 repealed. The authority granted in this Code section is
36 25 provided to the department director, deputy director, and
36 26 administrators of the department, in new Code section 216A.7.
36 27 Code section 216A.60, concerning a commission annual
36 28 report, is repealed.
36 29 DIVISION OF PERSONS WITH DISABILITIES:
36 30 The bill renames the division of persons with disabilities
36 31 as the office of persons with disabilities and eliminates the
36 32 administrator position.
36 33 Code section 216A.72 is stricken and rewritten by the bill
36 34 to establish the duties of the office of persons with
36 35 disabilities. The duties currently assigned to the commission



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37 1 of persons with disabilities and specified in current Code
37 2 section 216A.77, subsections 1 through 6, are transferred to
37 3 the office.

37 4 Code section 216A.74, concerning the membership of the
37 5 commission, is stricken and rewritten by the bill to include
37 6 the membership of the commission, the terms of office, and
37 7 officers of the commission, currently provided in Code
37 8 sections 216A.74 through 216A.76. The rewritten Code section
37 9 also specifies that the commission meet at least quarterly,
37 10 what constitutes a quorum, what vote is necessary for
37 11 substantive action, and includes a conflict of interest
37 12 provision for members.

37 13 Code section 216A.75, is stricken and rewritten by the
37 14 bill, to provide for the duties of the commission. The Code
37 15 section provides that the commission shall study opportunities
37 16 for and changing needs of persons with disabilities, serve as
37 17 a liaison between the office and the public, adopt rules for
37 18 the commission and office, provide input to the department
37 19 director concerning the budget, and recommend proposed
37 20 policies and legislation.

37 21 Code section 216A.76, concerning officers of the
37 22 commission, and Code Code section 216A.77, concerning duties
37 23 of the commission, are repealed.

37 24 Code section 216A.78, concerning the administrator, and
37 25 Code section 216A.79, concerning acceptance of gifts and
37 26 grants, are repealed.

37 27 DIVISION OF COMMUNITY ACTION AGENCIES:

37 28 The bill renames the division of community action agencies
37 29 as the office of community action agencies and eliminates the
37 30 administrator position. However, the bill provides that the
37 31 coordinator of the office shall be the deputy director of the
37 32 department.

37 33 Code section 216A.92, concerning duties of the
37 34 administrator, is stricken and rewritten to establish the
37 35 duties of the office of community action agencies. The



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38 1 rewritten Code section provides that the office shall provide
38 2 assistance to implement community action programs, administer
38 3 low-income energy assistance block grants, administer
38 4 department of energy funds for weatherization, implement
38 5 accountability measures, and issue an annual report.

38 6 Code section 216A.92A, concerning the commission of
38 7 community action agencies, is amended. The bill specifies
38 8 that the commission meet at least quarterly, what constitutes
38 9 a quorum, what vote is necessary for substantive action, and
38 10 includes a conflict of interest provision for members.

38 11 Code section 216A.92B, concerning the duties of the
38 12 commission, is rewritten by the bill. The bill provides that
38 13 the commission shall supervise collection of data on services
38 14 provided by community action agencies, serve as a liaison
38 15 between the office and the public, adopt rules for the
38 16 commission and office, provide input to the department
38 17 director concerning the budget, and recommend proposed
38 18 policies and legislation.

38 19 Code section 216A.93, concerning establishment of community
38 20 action agencies, is amended to provide that if any geographic
38 21 area in the state ceases to be served by a community action
38 22 agency, the coordinator may assist the governor in designating
38 23 an agency for that area.

38 24 Code section 216A.101, concerning an emergency
38 25 weatherization fund, and Code section 216A.103, establishing
38 26 an Iowa affordable heating program, are repealed.

38 27 Code section 216A.107, concerning the family development
38 28 and self-sufficiency council, is amended to specify what
38 29 constitutes a quorum, what vote is necessary for substantive
38 30 action, and includes a conflict of interest provision for
38 31 members.

38 32 DIVISION OF DEAF SERVICES:

38 33 The bill renames the division of deaf services as the
38 34 office of deaf services and eliminates the administrator
38 35 position.



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39 1 Code section 216A.112, creating the commission of deaf
39 2 services, and Code section 216A.113, granting authority to the
39 3 commission to employ staff, are stricken and the Code sections
39 4 rewritten.

39 5 Rewritten Code section 216A.112 establishes the duties of
39 6 the office of deaf services. The rewritten Code section
39 7 transfers, in substance, current duties of the commission that
39 8 are provided in current Code section 216A.114, subsections 1,
39 9 3, 4, 5, and 6, to the office.

39 10 Rewritten Code section 216A.113 creates the commission.
39 11 Current provisions of Code section 216A.112 are transferred to
39 12 this Code section and specifies that the commission meet at
39 13 least quarterly, what constitutes a quorum, what vote is
39 14 necessary for substantive action, and includes a conflict of
39 15 interest provision for members.

39 16 Code section 216A.114, concerning the powers and duties of
39 17 the commission, is rewritten by the bill. The bill provides
39 18 that the commission shall study the needs of deaf and
39 19 hard-of-hearing people, serve as a liaison between the office
39 20 and the public, adopt rules for the commission and office,
39 21 provide input to the department director concerning the
39 22 budget, and recommend proposed policies and legislation.

39 23 Code section 216A.115, concerning the powers of the
39 24 commission that include the ability to accept grants and enter
39 25 into contracts, is repealed by the bill.

39 26 Code section 216A.116, concerning a report of the
39 27 commission, is repealed by the bill.

39 28 Code section 216A.117, which creates the interpretation
39 29 services account, is repealed by the bill. The account
39 30 provides moneys to deaf services for continued and expanded
39 31 interpretation services.

39 32 DIVISION OF CRIMINAL AND JUVENILE JUSTICE PLANNING:

39 33 The bill renames the division of criminal and juvenile
39 34 justice planning as the office of criminal and juvenile
39 35 justice planning and eliminates the administrator position.



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40 1 New Code section 216A.131A establishes the office to
40 2 perform the duties required in this subchapter.
40 3 Code section 216A.132, concerning the criminal and juvenile
40 4 justice planning council, is amended to provide that the
40 5 council appoint a chairperson and vice chairperson, establish
40 6 what constitutes a quorum and a majority to take affirmative
40 7 action, and establishes a conflict of interest provision for
40 8 members.
40 9 Code section 216A.133, concerning duties of the council, is
40 10 amended by adding additional duties. The additional duties
40 11 include assisting agencies in using criminal juvenile justice
40 12 data, serving as a liaison between the office and the public,
40 13 adopting rules for the council and office, providing input to
40 14 the department director concerning the budget, and
40 15 recommending proposed policies and legislation.
40 16 DIVISION ON THE STATUS OF AFRICAN-AMERICANS:
40 17 The bill renames the division on the status of
40 18 African-Americans as the office on the status of
40 19 African-Americans and eliminates the administrator position.
40 20 Code section 216A.142, concerning the commission on the
40 21 status of African-Americans, is rewritten by the bill. The
40 22 rewritten Code section provides that the members must reside
40 23 in Iowa, provides for the terms of office, requires the
40 24 appointment of a chairperson and vice chairperson, establishes
40 25 quorum and majority vote requirements, and establishes a
40 26 conflict of interest provision for members.
40 27 Code section 216A.143, concerning meetings of the
40 28 commission, is stricken and rewritten by the bill to establish
40 29 the powers and duties of the commission. The bill provides
40 30 that the commission shall study the needs of the
40 31 African-American community, serve as a liaison between the
40 32 office and the public, adopt rules for the commission and
40 33 office, provide input to the department director concerning
40 34 the budget, establish advisory committees, and recommend
40 35 proposed policies and legislation.



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41 1 Code section 216A.144, concerning objectives of the
41 2 commission, is repealed by the bill.
41 3 Code section 216A.145, concerning the authority of the
41 4 administrator, is stricken and rewritten to provide that an
41 5 office on the status of African-Americans be established.
41 6 Code section 216A.146, concerning the duties of the
41 7 commission, is amended by the bill to provide that the duties
41 8 in this Code section apply to the office. The Code section is
41 9 also amended to eliminate the current duty of the commission
41 10 to act as an information clearinghouse on programs concerning
41 11 African-Americans.
41 12 Code section 216A.147, concerning additional authority for
41 13 the commission, Code section 216A.148, concerning access to
41 14 information, and Code section 216A.149, concerning an annual
41 15 report, are repealed by the bill.
41 16 DIVISION ON THE STATUS OF IOWANS OF ASIAN AND PACIFIC
41 17 ISLANDER HERITAGE:
41 18 The bill renames the division on the status of Iowans of
41 19 Asian and Pacific Islander heritage as the office on the
41 20 status of Iowans of Asian and Pacific Islander heritage and
41 21 eliminates the administrator position.
41 22 Code sections 216A.152, 216A.153, and 216A.154, concerning
41 23 the commission on the status of Iowans of Asian and Pacific
41 24 Islander heritage, are stricken and included in rewritten Code
41 25 section 216A.152. The rewritten Code section also specifies
41 26 that the members reside in Iowa, the commission meet at least
41 27 quarterly, what constitutes a quorum, what vote is necessary
41 28 for substantive action, and includes a conflict of interest
41 29 provision for members.
41 30 Rewritten Code section 216A.153 provides for the powers and
41 31 duties of the commission. The bill provides that the
41 32 commission shall study the needs of Asian and Pacific
41 33 Islanders in this state, serve as a liaison between the office
41 34 and the public, adopt rules for the commission and office,
41 35 provide input to the department director concerning the



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42 1 budget, establish advisory committees, and recommend proposed
42 2 policies and legislation.

42 3 Rewritten Code section 216A.154 establishes the office on
42 4 the status of Iowans of Asian and Pacific Islander heritage.

42 5 Code section 216A.155, concerning the duties of the
42 6 commission, is amended to provide for the duties of the
42 7 office. Most of the duties of the commission not retained by
42 8 the commission under the bill are transferred to the office.

42 9 Code section 216A.156, concerning review of grant
42 10 applications and budget requests, Code section 216A.157,
42 11 concerning additional commission authority, Code section
42 12 216A.158, concerning employees and responsibility, Code
42 13 section 216A.159, concerning state agency assistance, and Code
42 14 section 216A.160, concerning an annual report, are repealed by
42 15 the bill.

42 16 DIVISION ON NATIVE AMERICAN AFFAIRS:

42 17 The bill renames the division on Native American affairs as
42 18 the office on Native American affairs and eliminates the
42 19 administrator position.

42 20 Code section 216A.162, concerning the commission on Native
42 21 American affairs, is amended to provide for the appointment of
42 22 a chairperson, quarterly meetings, compensation, what
42 23 constitutes a quorum, what vote is necessary for substantive
42 24 action, and includes a conflict of interest provision for
42 25 members. Code section 216A.164, concerning meetings of the
42 26 commission, is repealed and the substance of these Code
42 27 sections incorporated in Code section 216A.162.

42 28 Code section 216A.165, concerning duties of the commission,
42 29 is rewritten to include as duties, studying opportunities for
42 30 and changing needs of Native American persons, serving as a
42 31 liaison between the office and the public, adopting rules for
42 32 the commission and office, providing input to the department
42 33 director concerning the budget, establishing advisory
42 34 committees, and recommending proposed policies and
42 35 legislation.



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43 1 Code section 216A.167, concerning additional duties of the
43 2 commission, is amended by striking the authority of the
43 3 commission concerning the budget of the commission and office
43 4 and the ability to enter into contracts and accept gifts.
43 5 Code section 216A.168, concerning the administrator, Code
43 6 section 216A.169, concerning state agency assistance, and Code
43 7 section 216A.170, concerning an annual report, are repealed by
43 8 the bill.
43 9 LSB 2681XC 83
43 10 ec/rj/8.1



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Senate Study Bill 1305

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

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

A BILL FOR

1 An Act creating an Iowa jobs bond program, an Iowa jobs board, an
2 Iowa jobs bond fund, authorizing the issuance of tax-exempt
3 bonds, making and revising appropriations, and providing an
4 effective date.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1692XL 83
7 rh/rj/8



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PAG LIN

1 1 Section 1. Section 8.57, subsection 6, paragraph e,
1 2 subparagraph (1), Code 2009, is amended to read as follows:
1 3 (1) Notwithstanding provisions to the contrary in sections
1 4 99D.17 and 99F.11, for the fiscal year beginning July 1, 2000,
1 5 and for each fiscal year thereafter, not more than a total of
1 6 sixty million dollars shall be deposited in the general fund
1 7 of the state in any fiscal year pursuant to sections 99D.17
1 8 and 99F.11. The next fifteen million dollars of the moneys
1 9 directed to be deposited in the general fund of the state in a
1 10 fiscal year pursuant to sections 99D.17 and 99F.11 shall be
1 11 deposited in the vision Iowa fund created in section 12.72 for
1 12 the fiscal year beginning July 1, 2000, and for each fiscal
1 13 year through the fiscal year beginning July 1, 2019. The next
1 14 five million dollars of the moneys directed to be deposited in
1 15 the general fund of the state in a fiscal year pursuant to
1 16 sections 99D.17 and 99F.11 shall be deposited in the school
1 17 infrastructure fund created in section 12.82 for the fiscal
1 18 year beginning July 1, 2000, and for each fiscal year
1 19 thereafter until the principal and interest on all bonds
1 20 issued by the treasurer of state pursuant to section 12.81 are
1 21 paid, as determined by the treasurer of state. The next
1 22 fifty-six million dollars of the moneys directed to be
1 23 deposited in the general fund of the state in a fiscal year
1 24 pursuant to sections 99D.17 and 99F.11 shall be deposited in
1 25 the Iowa jobs bond fund created in section 12.88 for the
1 26 fiscal year beginning July 1, 2009, and for each fiscal year
1 27 through the fiscal year beginning July 1, 2028. The total
1 28 moneys in excess of the moneys deposited in the general fund
1 29 of the state, the vision Iowa fund, ~~and~~ the school
1 30 infrastructure fund, and the Iowa jobs bond fund in a fiscal
1 31 year shall be deposited in the rebuild Iowa infrastructure
1 32 fund and shall be used as provided in this section,
1 33 notwithstanding section 8.60.
1 34 Sec. 2. NEW SECTION. 12.87 GENERAL AND SPECIFIC BONDING
1 35 POWERS == PUBLIC CONSTRUCTION PROJECTS == IOWA JOBS BOND



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2 1 PROGRAM.

2 2 1. The treasurer of state shall issue bonds to be used in
2 3 the development and completion of public construction projects
2 4 in the state including multimodal transportation projects
2 5 including trails, transit, rail, and aviation projects,
2 6 housing projects, water quality and wastewater improvement
2 7 projects, road and highway projects with an emphasis on public
2 8 safety and rehabilitation of deficient bridges, and for
2 9 purposes of the Iowa jobs bond program established in section
2 10 16.192. The treasurer of state shall have all of the powers
2 11 which are necessary to issue and secure bonds and carry out
2 12 the purposes of the Iowa jobs bond fund created in section
2 13 12.88. The treasurer of state shall issue bonds in principal
2 14 amounts which are necessary to provide sufficient funds for
2 15 the Iowa jobs bond fund, the payment of interest on the bonds,
2 16 the establishment of reserves to secure the bonds, the costs
2 17 of issuance of the bonds, other expenditures of the treasurer
2 18 of state incident to and necessary or convenient to carry out
2 19 the bond issues for the fund, and all other expenditures of
2 20 the treasurer of state necessary or convenient to administer
2 21 the fund; provided, however, excluding the issuance of
2 22 refunding bonds, bonds issued pursuant to this section shall
2 23 be issued in two or three phases in amounts which provide
2 24 aggregate net proceeds of not more than seven hundred fifty
2 25 million dollars.

2 26 2. The moneys set aside in a fund or funds pledged for any
2 27 series or issue of bonds or notes shall be held for the sole
2 28 benefit of the series or issue separate and apart from moneys
2 29 pledged for another series or issue of bonds or notes of the
2 30 treasurer of state.

2 31 3. The bonds are investment securities and negotiable
2 32 instruments within the meaning of and for purposes of the
2 33 uniform commercial code, chapter 554.

2 34 4. Bonds issued under this section are payable solely and
2 35 only out of the moneys, assets, or revenues of the Iowa jobs



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3 1 bond fund and any bond reserve funds established pursuant to
3 2 section 12.88, all of which may be deposited with trustees or
3 3 depositories in accordance with bond or security documents and
3 4 pledged by the treasurer of state to the payment thereof.
3 5 Bonds issued under this section shall contain on their face a
3 6 statement that the bonds do not constitute an indebtedness of
3 7 the state. The treasurer of state shall not pledge the credit
3 8 or taxing power of this state or any political subdivision of
3 9 this state or make bonds issued pursuant to this section
3 10 payable out of any moneys except those in the Iowa jobs bond
3 11 fund.

3 12 5. The proceeds of bonds issued by the treasurer of state
3 13 and not required for immediate disbursement may be deposited
3 14 with a trustee or depository as provided in the bond documents
3 15 and invested or reinvested in any investment as directed by
3 16 the treasurer of state and specified in the trust indenture,
3 17 resolution, or other instrument pursuant to which the bonds
3 18 are issued without regard to any limitation otherwise provided
3 19 by law.

3 20 6. The bonds shall be:

3 21 a. In a form, issued in denominations, executed in a
3 22 manner, and payable over terms and with rights of redemption,
3 23 and be subject to such other terms and conditions as
3 24 prescribed in the trust indenture, resolution, or other
3 25 instrument authorizing their issuance.

3 26 b. Negotiable instruments under the laws of the state and
3 27 may be sold at prices, at public or private sale, and in a
3 28 manner, as prescribed by the treasurer of state. Chapters
3 29 73A, 74, 74A, and 75 do not apply to the sale or issuance of
3 30 the bonds.

3 31 c. Subject to the terms, conditions, and covenants
3 32 providing for the payment of the principal, redemption
3 33 premiums, if any, interest, and other terms, conditions,
3 34 covenants, and protective provisions safeguarding payment, not
3 35 inconsistent with this section and as determined by the trust



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4 1 indenture, resolution, or other instrument authorizing their
4 2 issuance.

4 3 7. The bonds are securities in which public officers and
4 4 bodies of this state; political subdivisions of this state;
4 5 insurance companies and associations and other persons
4 6 carrying on an insurance business; banks, trust companies,
4 7 savings associations, savings and loan associations, and
4 8 investment companies; administrators, guardians, executors,
4 9 trustees, and other fiduciaries; and other persons authorized
4 10 to invest in bonds or other obligations of the state, may
4 11 properly and legally invest funds, including capital, in their
4 12 control or belonging to them.

4 13 8. Bonds must be authorized by a trust indenture,
4 14 resolution, or other instrument of the treasurer of state.

4 15 9. Neither the resolution, trust agreement, nor any other
4 16 instrument by which a pledge is created needs to be recorded
4 17 or filed under the Iowa uniform commercial code, chapter 554,
4 18 to be valid, binding, or effective.

4 19 10. Bonds issued under the provisions of this section are
4 20 declared to be issued for a general public and governmental
4 21 purpose and all bonds issued under this section shall be
4 22 exempt from taxation by the state of Iowa and the interest on
4 23 the bonds shall be exempt from the state income tax and the
4 24 state inheritance tax.

4 25 11. Subject to the terms of any bond documents, moneys in
4 26 the Iowa jobs bond fund may be expended for administration
4 27 expenses.

4 28 12. The treasurer of state shall issue bonds for the
4 29 purpose of refunding any bonds or notes issued pursuant to
4 30 this section then outstanding, including the payment of any
4 31 redemption premiums thereon and any interest accrued or to
4 32 accrue to the date of redemption of the outstanding bonds or
4 33 notes. Until the proceeds of bonds issued for the purpose of
4 34 refunding outstanding bonds or notes are applied to the
4 35 purchase or retirement of outstanding bonds or notes or the



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5 1 redemption of outstanding bonds or notes, the proceeds may be
5 2 placed in escrow and be invested and reinvested in accordance
5 3 with the provisions of this section. The interest, income,
5 4 and profits earned or realized on an investment may also be
5 5 applied to the payment of the outstanding bonds or notes to be
5 6 refunded by purchase, retirement, or redemption. After the
5 7 terms of the escrow have been fully satisfied and carried out,
5 8 any balance of proceeds and interest earned or realized on the
5 9 investments may be returned to the treasurer of state for
5 10 deposit in the Iowa jobs bond fund established in section
5 11 12.88. All refunding bonds shall be issued and secured and
5 12 subject to the provisions of this chapter in the same manner
5 13 and to the same extent as other bonds issued pursuant to this
5 14 section.

5 15 13. Bonds or notes issued pursuant to this section are not
5 16 debts of the state, nor of any political subdivision of the
5 17 state, and do not constitute a pledge of the faith and credit
5 18 of the state or a charge against the general credit or general
5 19 fund of the state. The issuance of any bonds or notes
5 20 pursuant to this section by the treasurer of state does not
5 21 directly, indirectly, or contingently obligate the state or a
5 22 political subdivision of the state to apply moneys from, or to
5 23 levy or pledge any form of taxation whatever to, the payment
5 24 of the bonds or notes. Bonds and notes issued under this
5 25 section are payable solely and only from the sources and
5 26 special fund provided in section 12.88.

5 27 Sec. 3. NEW SECTION. 12.88 IOWA JOBS BOND FUND.

5 28 1. An Iowa jobs bond fund is created and established as a
5 29 separate and distinct fund in the state treasury. The moneys
5 30 in the fund are appropriated, as provided in this Act, to the
5 31 departments of administrative services, corrections,
5 32 education, natural resources, transportation, and veterans
5 33 affairs, the department for the blind, Iowa finance authority,
5 34 Iowa state fair, and the state board of regents and to the
5 35 Iowa jobs board for purposes of the Iowa jobs bond program



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6 1 established in section 8A.382. The treasurer of state shall
6 2 act as custodian of the fund and disburse moneys contained in
6 3 the fund, including automatic disbursements of funds received
6 4 pursuant to the terms of bond indentures and documents and
6 5 security provisions to trustees.

6 6 2. Revenue for the Iowa jobs bond fund shall include but
6 7 is not limited to the following, which shall be deposited with
6 8 the treasurer of state or the treasurer of state's designee as
6 9 provided by any bond or security documents and credited to the
6 10 fund:

6 11 a. The proceeds of bonds issued to capitalize and pay the
6 12 costs of the fund and investment earnings on the proceeds.

6 13 b. Interest attributable to investment of moneys in the
6 14 fund or an account of the fund.

6 15 c. Moneys in the form of a devise, gift, bequest,
6 16 donation, federal or other grant, reimbursement, repayment,
6 17 judgment, transfer, payment, or appropriation from any source
6 18 intended to be used for the purposes of the fund.

6 19 3. Moneys in the Iowa jobs bond fund are not subject to
6 20 section 8.33. Notwithstanding section 12C.7, subsection 2,
6 21 interest or earnings on moneys in the fund shall be credited
6 22 to the fund.

6 23 4. a. The treasurer of state may create and establish one
6 24 or more special funds, to be known as bond reserve funds, to
6 25 secure one or more issues of bonds or notes issued pursuant to
6 26 section 12.87. The treasurer of state shall pay into each
6 27 bond reserve fund any moneys appropriated and made available
6 28 by the state or the treasurer of state for the purpose of the
6 29 fund, any proceeds of sale of notes or bonds to the extent
6 30 provided in the resolutions authorizing their issuance, and
6 31 any other moneys which may be available to the treasurer of
6 32 state for the purpose of the fund from any other sources. All
6 33 moneys held in a bond reserve fund, except as otherwise
6 34 provided in this chapter, shall be used as required solely for
6 35 the payment of the principal of bonds secured in whole or in



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7 1 part by the fund or of the sinking fund payments with respect
7 2 to the bonds, the purchase or redemption of the bonds, the
7 3 payment of interest on the bonds, or the payments of any
7 4 redemption premium required to be paid when the bonds are
7 5 redeemed prior to maturity.

7 6 b. Moneys in a bond reserve fund shall not be withdrawn
7 7 from the fund at any time in an amount that will reduce the
7 8 amount of the fund to less than the bond reserve fund
7 9 requirement established for the fund, as provided in this
7 10 subsection, except for the purpose of making, with respect to
7 11 bonds secured in whole or in part by the fund, payment when
7 12 due of principal, interest, redemption premiums, and the
7 13 sinking fund payments with respect to the bonds for the
7 14 payment of which other moneys of the treasurer of state are
7 15 not available. Any income or interest earned by, or
7 16 incremental to, a bond reserve fund due to the investment of
7 17 moneys in the bond reserve fund may be transferred by the
7 18 treasurer of state to other funds or accounts to the extent
7 19 the transfer does not reduce the amount of that bond reserve
7 20 fund below the established bond reserve fund requirement.

7 21 c. The treasurer of state shall not at any time issue
7 22 bonds, secured in whole or in part by a bond reserve fund if,
7 23 upon the issuance of the bonds, the amount in the bond reserve
7 24 fund will be less than the bond reserve fund requirement for
7 25 the fund, unless the treasurer of state at the time of
7 26 issuance of the bonds deposits in the fund from the proceeds
7 27 of the bonds issued or from other sources an amount which,
7 28 together with the amount then in the fund, will not be less
7 29 than the bond reserve fund requirement for the fund. For the
7 30 purposes of this subsection, the term "bond reserve fund
7 31 requirement" means, as of any particular date of computation,
7 32 an amount of moneys, as provided in the resolutions
7 33 authorizing the bonds with respect to which the fund is
7 34 established.

7 35 d. To assure the continued solvency of any bonds secured



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8 1 by the bond reserve fund, provision is made in paragraph "c"
8 2 for the accumulation in each bond reserve fund of an amount
8 3 equal to the bond reserve fund requirement for the fund. In
8 4 order further to assure maintenance of the bond reserve funds,
8 5 the treasurer of state shall, on or before January 1 of each
8 6 calendar year, make and deliver to the governor the treasurer
8 7 of state's certificate stating the sum, if any, required to
8 8 restore each bond reserve fund to the bond reserve fund
8 9 requirement for that fund. Within thirty days after the
8 10 beginning of the session of the general assembly next
8 11 following the delivery of the certificate, the governor shall
8 12 submit to both houses printed copies of a budget including the
8 13 sum, if any, required to restore each bond reserve fund to the
8 14 bond reserve fund requirement for that fund. Any sums
8 15 appropriated by the general assembly and paid to the treasurer
8 16 of state pursuant to this subsection shall be deposited by the
8 17 treasurer of state in the applicable bond reserve fund.

8 18 5. If the revenue source identified in section 8.57,
8 19 subsection 6, is determined to be insufficient to secure the
8 20 bonds issued pursuant to section 12.87, the treasurer of
8 21 state, after consultation with the governor, is authorized to
8 22 issue and sell annual appropriation bonds on behalf of the
8 23 state to provide funds for the development and completion of
8 24 the public construction projects specified in section 12.87,
8 25 subsection 1.

8 26 Sec. 4. NEW SECTION. 12.89 PLEDGES.

8 27 It is the intention of the general assembly that a pledge
8 28 made in respect of bonds or notes shall be valid and binding
8 29 from the time the pledge is made, that the money or property
8 30 so pledged and received after the pledge by the treasurer of
8 31 state shall immediately be subject to the lien of the pledge
8 32 without physical delivery or further act, and that the lien of
8 33 the pledge shall be valid and binding as against all parties
8 34 having claims of any kind in tort, contract, or otherwise
8 35 against the treasurer of state whether or not the parties have



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9 1 notice of the lien.

9 2 Sec. 5. NEW SECTION. 12.90 CONSTRUCTION.

9 3 Sections 12.87 through 12.89, being necessary for the
9 4 welfare of this state and its inhabitants, shall be liberally
9 5 construed to effect its purposes.

9 6 Sec. 6. Section 16.26, Code 2009, is amended by adding the
9 7 following new subsection:

9 8 NEW SUBSECTION. 10. All bonds or notes issued by the
9 9 authority in connection with the authority's single-family and
9 10 multi-family programs shall be exempt from taxation by the
9 11 state of Iowa and the interest on the bonds shall be exempt
9 12 from the state income tax.

9 13 Sec. 7. NEW SECTION. 16.191 IOWA JOBS BOARD.

9 14 1. An Iowa jobs board is established consisting of eleven
9 15 members and is located for administrative purposes within the
9 16 Iowa finance authority. The executive director of the Iowa
9 17 finance authority shall provide office space, staff
9 18 assistance, and necessary supplies and equipment for the
9 19 board. The executive director shall budget funds to pay the
9 20 compensation and expenses of the board. In performing its
9 21 functions, the board is performing a public function on behalf
9 22 of the state and is a public instrumentality of the state.

9 23 2. The membership of the board shall be appointed as
9 24 follows:

9 25 a. Five members of the general public.

9 26 b. The director of the department of economic development
9 27 or the director's designee.

9 28 c. The executive director of the rebuild Iowa office or
9 29 the director's designee.

9 30 d. The executive director of the Iowa finance authority or
9 31 the director's designee.

9 32 e. The director of the department of workforce development
9 33 or the director's designee.

9 34 f. The director of the office of energy independence or
9 35 the director's designee.



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10 1 g. The director of transportation or the director's
10 2 designee.
10 3 3. All public member appointments, shall comply with
10 4 sections 69.16 and 69.16A, and shall be subject to
10 5 confirmation by the senate. All appointed members of the
10 6 board shall have demonstrable experience or expertise in the
10 7 field of public financing, architecture, engineering, or major
10 8 facility development or construction.
10 9 4. All public members of the board shall be from
10 10 geographically diverse areas of this state.
10 11 5. The chairperson and vice chairperson of the board shall
10 12 be designated by the governor from the board members listed in
10 13 subsection 2, paragraph "a". In case of the absence or
10 14 disability of the chairperson and vice chairperson, the
10 15 members of the board shall elect a temporary chairperson by a
10 16 majority vote of those members who are present and voting.
10 17 6. The public members shall be appointed to three-year
10 18 staggered terms and the terms shall commence and end as
10 19 provided by section 69.19. If a vacancy occurs, a successor
10 20 shall be appointed to serve the unexpired term. A successor
10 21 shall be appointed in the same manner and subject to the same
10 22 qualifications as the original appointment to serve the
10 23 unexpired term.
10 24 7. A majority of the board constitutes a quorum.
10 25 Sec. 8. NEW SECTION. 16.192 IOWA JOBS BOND PROGRAM.
10 26 1. The Iowa jobs board established in section 16.191 shall
10 27 administer an Iowa jobs bond program to assist in the
10 28 development and completion of new public construction projects
10 29 relating to disaster relief and mitigation and to local
10 30 infrastructure.
10 31 2. A city, county, school district, community college,
10 32 institution of higher learning under the control of the state
10 33 board of regents, or a public organization in this state may
10 34 submit an application to the board for financial assistance
10 35 for a project under the program. For purposes of this



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11 1 subsection, "public organization" means a nonprofit economic
11 2 development organization or other nonprofit organization that
11 3 sponsors or supports community or tourism attractions and
11 4 activities. The financial assistance from the fund shall be
11 5 provided only from funds, rights, and assets legally available
11 6 to the board and shall be in the form of grants, loans,
11 7 forgivable loans, pledges, and credit enhancements and
11 8 financing instruments. The board shall consider the following
11 9 criteria in prioritizing eligible projects:

11 10 a. Project readiness including how quickly the project can
11 11 be started and the estimated time the project will take to be
11 12 completed.

11 13 b. The total number and quality of jobs to be created by
11 14 the project.

11 15 c. Contributions of the project to the lasting imprint on
11 16 this state.

11 17 d. Amounts of federal, state, and private sources of any
11 18 leveraged funds.

11 19 e. The ability of the project to fund depreciation costs.

11 20 f. Contributions of the project to sustainability and
11 21 energy efficiency.

11 22 g. The benefits of the project to areas distressed by high
11 23 unemployment.

11 24 3. a. The total amount of allocations for disaster relief
11 25 and mitigation projects and public building projects shall not
11 26 exceed one hundred twenty-five million dollars.

11 27 b. The total amount of allocations for local
11 28 infrastructure, broadband technology, and alternative energy
11 29 infrastructure projects shall not exceed seventy-five million
11 30 dollars.

11 31 c. Any portion of an amount allocated for projects that
11 32 remain unexpended or unencumbered one year after the
11 33 allocation has been made may be reallocated to another project
11 34 category, at the discretion of the board. The board shall
11 35 ensure that all net proceeds be expended within three years



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12 1 from when the allocation was made.
 12 2 4. The board shall develop the appropriate level of
 12 3 transparency regarding project fund allocations and shall
 12 4 ensure that funds obligated under this section are coordinated
 12 5 with other federal program funds received by the state, and
 12 6 that projects receiving funds are located in geographically
 12 7 diverse areas.

12 8 Sec. 9. 2008 Iowa Acts, chapter 1179, section 18,
 12 9 unnumbered paragraph 1, is amended to read as follows:

12 10 There is appropriated from the ~~FY 2009 tax-exempt bond~~
~~12 11 proceeds restricted capital funds account of the tobacco~~
~~12 12 settlement trust fund Iowa jobs bond fund~~ pursuant to section
 12 13 ~~12E.12, subsection 1, paragraph "b", subparagraph (1A)~~ 12.88,
 12 14 ~~as if enacted in this Act~~ by the Eighty-third General
 12 15 Assembly, 2009 Session, to the following departments and
 12 16 agencies for the fiscal year beginning July 1, 2008, and
 12 17 ending June 30, 2009, the following amounts, or so much
 12 18 thereof as is necessary, to be used for the purposes
 12 19 designated:

12 20 Sec. 10. 2008 Iowa Acts, chapter 1179, section 18,
 12 21 subsection 1, paragraphs b through k, are amended to read as
 12 22 follows:

12 23 b. For renovations to the capitol complex utility tunnel
 12 24 system:

12 25	\$ 4,763,078
12 26	<u>1,000,000</u>

12 27 c. For costs associated with capitol interior and exterior
 12 28 restoration:

12 29	\$ 6,900,000
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12 30 d. For upgrades to the electrical distribution system
 12 31 serving the capitol complex:

12 32	\$ 4,470,000
12 33	<u>850,000</u>

12 34 e. For heating, ventilating, and air conditioning
 12 35 improvements in the Hoover state office building:



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13 1 \$ 1,500,000
 13 2 f. For costs associated with the central energy plant
 13 3 addition and improvements:
 13 4 \$ 623,000
 13 5 g. For building security and firewall protection in the
 13 6 Hoover state office building:
 13 7 \$ 165,000
 13 8 h. For projects related to major repairs and major
 13 9 maintenance for state buildings and facilities under the
 13 10 purview of the department:
 13 11 \$ 15,000,000
 13 12 Of the amount appropriated in this lettered paragraph, up
 13 13 to \$1,000,000 may be used for demolition purposes.
 13 14 i. For the purchase of Mercy capitol hospital:
 13 15 \$ ~~3,400,000~~
 13 16 3,950,000
 13 17 It is the intent of the general assembly that the
 13 18 department will use other appropriations made or other funds
 13 19 available to the department for the acquisition of buildings
 13 20 to complete the purchase of this building.
 13 21 j. For capital improvements at the civil commitment unit
 13 22 for a sexual offenders facility at Cherokee:
 13 23 \$ 829,000
 13 24 k. For costs associated with the restoration and
 13 25 renovation, including major repairs and major maintenance, at
 13 26 the governor's mansion at Terrace Hill:
 13 27 \$ 769,543
 13 28 Sec. 11. 2008 Iowa Acts, chapter 1179, section 18,
 13 29 subsections 2 through 9, are amended to read as follows:
 13 30 2. DEPARTMENT FOR THE BLIND
 13 31 For costs associated with the renovation of dormitory
 13 32 buildings:
 13 33 \$ 869,748
 13 34 3. DEPARTMENT OF CORRECTIONS
 13 35 a. For expansion of the community-based corrections



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14 1 facility at Sioux City:
 14 2 \$ 5,300,000
 14 3 b. For expansion of the community-based corrections
 14 4 facility at Ottumwa:
 14 5 \$ 4,100,000
 14 6 c. For expansion of the community-based corrections
 14 7 facility at Waterloo:
 14 8 \$ 6,000,000
 14 9 d. For expansion of the community-based corrections
 14 10 facility at Davenport:
 14 11 \$ 2,100,000
 14 12 e. For expansion, including land acquisition, of the
 14 13 community-based corrections facility at Des Moines:
 14 14 \$ 18,100,000
 14 15 It is the intent of the general assembly that the funds
 14 16 appropriated in paragraphs "a" through ~~"e"~~ "e" be used to
 14 17 expand the number of beds available through new construction
 14 18 and remodeling and not for replacement of existing facilities.
 14 19 ~~d.~~ f. For expansion of the Iowa correctional facility for
 14 20 women at Mitchellville:
 14 21 \$ 47,500,000
 14 22 ~~e.~~ g. For the remodeling of kitchens at the correctional
 14 23 facilities at Mount Pleasant and Rockwell City:
 14 24 \$ 12,500,000
 14 25 4. DEPARTMENT OF EDUCATION
 14 26 For major renovation and major repair needs, including
 14 27 health, life, and fire safety needs, and for compliance with
 14 28 the federal Americans With Disabilities Act, for state
 14 29 buildings and facilities under the purview of the community
 14 30 colleges:
 14 31 \$ 2,000,000
 14 32 The moneys appropriated in this subsection shall be
 14 33 allocated to the community colleges based upon the
 14 34 distribution formula established in section 260C.18C.
 14 35 5. DEPARTMENT OF NATURAL RESOURCES



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15 1 a. For infrastructure improvements for a state river
15 2 recreation area located in a county with a population between
15 3 21,900 and 22,100:
15 4 \$ 750,000

15 5 b. For the construction and installation of an angled
15 6 well, pumps, and piping to connect the existing infrastructure
15 7 from the new well to a lake located in a county with a
15 8 population between 87,500 and 88,000:
15 9 \$ 500,000

15 10 Moneys appropriated in this lettered paragraph are
15 11 contingent upon receipt of matching funds from a state taxing
15 12 authority surrounding such lake.

~~15 13 e. For the construction of the cabins, activity building,
15 14 picnic shelters, and other costs associated with the opening
15 15 of the Honey creek premier destination park:
15 16 \$ 4,900,000~~

~~15 17 The department shall not obligate any funding under this
15 18 appropriation without approval from the department of
15 19 management. The department shall provide quarterly updates to
15 20 the Honey creek premier destination park authority and the
15 21 legislative services agency on the obligation and spending of
15 22 this appropriation.~~

~~15 23 In light of this appropriation, the department shall not
15 24 request additional appropriations for funding the construction
15 25 of future additional amenities at the Honey creek destination
15 26 park beyond the fiscal year ending June 30, 2009. In the
15 27 event that the chairperson of the authority delivers a
15 28 certificate to the governor, pursuant to section 463C.13,
15 29 stating the amounts necessary to restore bond reserve funds,
15 30 it is the general assembly's intent upon consideration of the
15 31 governor's request to first seek refunding from the
15 32 department's budget.~~

15 33 ~~d.~~ c. For implementation of lake projects that have
15 34 established watershed improvement initiatives and community
15 35 support in accordance with the department's annual lake



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16 1 restoration plan and report, notwithstanding section 8.57,
 16 2 subsection 6, paragraph "c":
 16 3 \$ 8,600,000
 16 4 (1) It is the intent of the general assembly that the
 16 5 department of natural resources shall implement the lake
 16 6 restoration annual report and plan submitted to the joint
 16 7 appropriations subcommittee on transportation, infrastructure,
 16 8 and capitals and the legislative services agency on December
 16 9 26, 2006, pursuant to section 456A.33B. The lake restoration
 16 10 projects that are recommended by the department to receive
 16 11 funding for fiscal year 2007=2008 and that satisfy the
 16 12 criteria in section 456A.33B, including local commitment of
 16 13 funding for the projects, shall be funded in the amounts
 16 14 provided in the report.
 16 15 Of the amounts appropriated in this lettered paragraph, at
 16 16 least the following amounts shall be allocated as follows:
 16 17 (a) For clear lake in Cerro Gordo county:
 16 18 \$ 3,000,000
 16 19 (b) For storm lake in Buena Vista county:
 16 20 \$ 1,000,000
 16 21 (c) For carter lake in Pottawattamie county:
 16 22 \$ 200,000
 16 23 (2) Of the moneys appropriated in this lettered paragraph,
 16 24 \$200,000 shall be used for the purposes of supporting a low
 16 25 head dam public hazard improvement program. The moneys shall
 16 26 be used to provide grants to local communities, including
 16 27 counties and cities, for projects approved by the department.
 16 28 (a) The department shall award grants to dam owners
 16 29 including counties, cities, state agencies, cooperatives, and
 16 30 individuals, to support projects approved by the department.
 16 31 (b) The department shall require each dam owner applying
 16 32 for a project grant to submit a project plan for the
 16 33 expenditure of the moneys, and file a report with the
 16 34 department regarding the project, as required by the
 16 35 department.



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17 1 (c) The funds can be used for signs, posts, and related
 17 2 cabling, and the department shall only award money on a
 17 3 matching basis, pursuant to the dam owner contributing at
 17 4 least 20 cents for every 80 cents awarded by the department,
 17 5 in order to finance the project. For the remainder of the
 17 6 funds, including any balance of money not awarded for signs,
 17 7 posts, and related cabling, the department shall only award
 17 8 moneys to a dam owner on a matching basis. A dam owner shall
 17 9 contribute one dollar for each dollar awarded by the
 17 10 department in order to finance a project.

17 11 6. STATE BOARD OF REGENTS

17 12 For infrastructure, deferred maintenance, and equipment
 17 13 related to Iowa public radio:

17 14 \$ 2,000,000

17 15 7. IOWA STATE FAIR

17 16 For infrastructure improvements to the Iowa state
 17 17 fairgrounds including but not limited to the construction of
 17 18 an agricultural exhibition center on the Iowa state
 17 19 fairgrounds:

17 20 \$ ~~5,000,000~~

17 21 8,000,000

17 22 8. DEPARTMENT OF TRANSPORTATION

17 23 a. For deposit into the public transit infrastructure
 17 24 grant fund created in section 324A.6A:

17 25 \$ 2,200,000

17 26 b. For infrastructure improvements at the commercial
 17 27 service airports within the state:

17 28 \$ 1,500,000

17 29 Fifty percent of the funds appropriated in this lettered
 17 30 paragraph shall be allocated equally between each commercial
 17 31 air service airport, forty percent of the funds shall be
 17 32 allocated based on the percentage that the number of enplaned
 17 33 passengers at each commercial air service airport bears to the
 17 34 total number of enplaned passengers in the state during the
 17 35 previous fiscal year, and ten percent of the funds shall be



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18 1 allocated based on the percentage that the air cargo tonnage
18 2 at each commercial air service airport bears to the total air
18 3 cargo tonnage in the state during the previous fiscal year.
18 4 In order for a commercial air service airport to receive
18 5 funding under this lettered paragraph, the airport shall be
18 6 required to submit applications for funding of specific
18 7 projects to the department for approval by the state
18 8 transportation commission.

18 9 9. DEPARTMENT OF VETERANS AFFAIRS

18 10 ~~a.~~ For matching funds for the construction of resident
18 11 living areas at the Iowa veterans home and related
18 12 improvements associated with the Iowa veterans home
18 13 comprehensive plan:

18 14 \$ 20,555,329

18 15 ~~b. To build a memorial plaza that honors veterans from the
18 16 Dubuque area:~~

18 17 \$ ~~100,000~~

18 18 Sec. 12. 2008 Iowa Acts, chapter 1179, sections 19 and 20,
18 19 are amended to read as follows:

18 20 SEC. 19. TAX-EXEMPT STATUS == USE OF APPROPRIATIONS.

18 21 Payment of moneys from the appropriations in this division of
18 22 this Act shall be made in a manner that does not adversely
18 23 affect the tax-exempt status of any outstanding bonds issued
18 24 by the ~~tobacco settlement authority~~ treasurer of state.

18 25 SEC. 20. REVERSION. Notwithstanding section 8.33, moneys
18 26 appropriated in this division of this Act for the fiscal year
18 27 beginning July 1, 2008, and ending June 30, 2009, shall not
18 28 revert at the close of the fiscal year for which they are
18 29 appropriated but shall remain available for the purposes
18 30 designated until the close of the fiscal year that begins July
18 31 1, ~~2011~~ 2012, or until the project for which the appropriation
18 32 was made is completed, whichever is earlier.

18 33 Sec. 13. APPROPRIATIONS == IOWA JOBS BOND FUND. There is
18 34 appropriated from the Iowa jobs bond fund pursuant to section
18 35 12.88, if enacted by the Eighty=third General Assembly, 2009



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19 1 Session, to the following departments and agencies for the
19 2 fiscal year beginning July 1, 2008, and ending June 30, 2009,
19 3 the following amounts, or so much thereof as is necessary, to
19 4 be used for the purposes designated:

19 5 1. DEPARTMENT OF TRANSPORTATION

19 6 a. For multimodal transportation projects including
19 7 trails, transit, rail, and aviation projects:
19 8 \$ 50,000,000

19 9 b. For road and highway projects with an emphasis on road
19 10 safety and the rehabilitation of deficient bridges:
19 11 \$200,000,000

19 12 Of the amount appropriated in this lettered paragraph,
19 13 fifty percent shall be allocated for state highway and road
19 14 projects through the state transportation commission's
19 15 application process to reduce structurally deficient or
19 16 functionally obsolete bridges and to improve highway safety,
19 17 twenty percent shall be allocated to cities, twenty percent
19 18 shall be allocated to counties to support local roads not
19 19 eligible for disaster aid and to improve highway safety, and
19 20 ten percent shall be allocated for road flood recovery efforts
19 21 for assisting local governments to rebuild local roads damaged
19 22 by natural disasters.

19 23 2. IOWA FINANCE AUTHORITY

19 24 a. For water quality and wastewater improvement projects:
19 25 \$100,000,000

19 26 The Iowa finance authority shall establish and administer a
19 27 water quality financial assistance program. The purpose of
19 28 the program shall be to provide additional financial
19 29 assistance to communities receiving loans from the Iowa water
19 30 pollution control works and drinking water facilities
19 31 financing program pursuant to section 16.131. The program
19 32 shall be administered in accordance with rules adopted by the
19 33 authority pursuant to chapter 17A.

19 34 b. For deposit into the housing assistance fund created in
19 35 section 16.40:



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20 1 \$ 10,000,000

20 2 Funds in this lettered paragraph shall be allocated with
20 3 the same funding formula used in the state jumpstart housing
20 4 programs to the same administering entities under contract for
20 5 the state jumpstart housing programs. Administering entities
20 6 may recover reasonable costs.

20 7 For purposes of this lettered paragraph, program funds are
20 8 limited to federal emergency management agency=registered
20 9 homeowners that can demonstrate unmet needs for financial
20 10 assistance to the satisfaction of the administering agency.
20 11 Funds may be used for down payment assistance, interim
20 12 mortgage assistance, and home repairs.

20 13 The state jumpstart housing program income limits do not
20 14 apply for purposes of this lettered paragraph. Including the
20 15 state jumpstart housing programs and the flex housing fund for
20 16 disaster recovery, an aggregate limit of \$50,000 per homeowner
20 17 plus a limit of \$10,000 per homeowner for energy efficiency
20 18 repairs applies to establish a maximum aggregate limit of
20 19 \$60,000 per homeowner.

20 20 c. For deposit into the housing trust fund created in
20 21 section 16.181:

20 22 \$ 15,000,000

20 23 For purposes of this lettered paragraph, to ensure all Iowa
20 24 communities have reasonable access to funds in the housing
20 25 trust fund, local housing trust funds formed along the
20 26 boundaries set out in chapter 28H shall be eligible to
20 27 participate in the flex housing fund for economic stimulus.
20 28 Counties that are not included in a council of governments
20 29 region shall be included in the same region used for the
20 30 purposes of the community development block grant program for
20 31 purposes of participating in programs established under this
20 32 lettered paragraph. In addition, Iowa cities that receive an
20 33 allocation under the community development block grant program
20 34 are eligible to participate in programs established under this
20 35 lettered paragraph.



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21 1 \$ 25,000,000
 21 2 Moneys appropriated in this section shall be prioritized
 21 3 based upon project readiness including how quickly the project
 21 4 can be started and the estimated time the project will take to
 21 5 be completed, the total number and quality of jobs to be
 21 6 created by the project, contributions of the project to the
 21 7 lasting imprint on this state, contributions of the project to
 21 8 sustainability and energy efficiency, amounts of federal,
 21 9 state, and private sources of any leveraged funds, the ability
 21 10 of the project to fund depreciation costs, and the benefits of
 21 11 the project to areas distressed by high unemployment.
 21 12 Sec. 14. EMERGENCY RULES. The Iowa jobs board created in
 21 13 section 16.191, if enacted in this Act, may adopt emergency
 21 14 rules under section 17A.4, subsection 3, and section 17A.5,
 21 15 subsection 2, paragraph "b", to implement the provisions of
 21 16 this Act and the rules shall be effective immediately upon
 21 17 filing unless a later date is specified in the rules. Any
 21 18 rules adopted in accordance with this section shall also be
 21 19 published as a notice of intended action as provided in
 21 20 section 17A.4.
 21 21 Sec. 15. EFFECTIVE DATE. This Act, being deemed of
 21 22 immediate importance, takes effect upon enactment.
 21 23 EXPLANATION
 21 24 This bill authorizes the issuance of tax-exempt bonds,
 21 25 creates an Iowa jobs bond program, an Iowa jobs board, and an
 21 26 Iowa jobs bond fund, makes and revises appropriations, and
 21 27 provides for an immediate effective date.
 21 28 The bill provides that the treasurer of state shall issue
 21 29 tax-exempt bonds to be used in the development and completion
 21 30 of public construction projects in the state including
 21 31 multimodal transportation projects including trails, transit,
 21 32 rail, and aviation projects, housing projects, water quality
 21 33 and wastewater improvement projects, road and highway projects
 21 34 with an emphasis on public safety and rehabilitation of
 21 35 deficient bridges, and for purposes of the Iowa jobs bond



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22 1 program created in the bill. The treasurer of state shall
22 2 have all of the powers which are necessary to issue and secure
22 3 bonds and carry out the purposes of the Iowa jobs bond fund
22 4 created in the bill. The treasurer of state shall issue bonds
22 5 in principal amounts which are necessary to provide sufficient
22 6 funds for the Iowa jobs bond fund, the payment of interest on
22 7 the bonds, the establishment of reserves to secure the bonds,
22 8 the costs of issuance of the bonds, other expenditures of the
22 9 treasurer of state incident to and necessary or convenient to
22 10 carry out the bond issues for the fund, and all other
22 11 expenditures of the treasurer of state necessary or convenient
22 12 to administer the fund; provided, however, excluding the
22 13 issuance of refunding bonds, bonds issued pursuant to this
22 14 section may be issued in two or three phases in amounts which
22 15 provide aggregate net proceeds of not more than \$750 million.
22 16 The bill provides that the money set aside in a fund or
22 17 funds pledged for any series or issue of bonds or notes shall
22 18 be held for the sole benefit of the series or issue separate
22 19 and apart from moneys pledged for another series or issue of
22 20 bonds or notes of the treasurer of state.
22 21 The bill provides that the bonds are investment securities
22 22 and negotiable instruments within the meaning of and for
22 23 purposes of the uniform commercial code, Code chapter 554.
22 24 The bonds issued under the bill are payable solely and only
22 25 out of the moneys, assets, or revenues of the Iowa jobs bond
22 26 fund and any bond reserve funds, all of which may be deposited
22 27 with trustees or depositories in accordance with bond or
22 28 security documents and pledged by the treasurer of state to
22 29 the payment thereof. Bonds issued under the bill shall
22 30 contain on their face a statement that the bonds do not
22 31 constitute an indebtedness of the state. The treasurer of
22 32 state shall not pledge the credit or taxing power of the state
22 33 or any political subdivision of this state or make bonds
22 34 issued pursuant to this section payable out of any moneys
22 35 except those in the Iowa jobs bond fund. The proceeds of



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23 1 bonds issued by the treasurer of state and not required for
23 2 immediate disbursement may be deposited with a trustee or
23 3 depository as provided in the bond documents and invested or
23 4 reinvested in any investment as directed by the treasurer of
23 5 state and specified in the trust indenture, resolution, or
23 6 other instrument pursuant to which the bonds are issued
23 7 without regard to any limitation otherwise provided by law.
23 8 The bill also provides that bonds issued under the bill are
23 9 declared to be issued for a general public and governmental
23 10 purpose and all bonds issued under this section shall be
23 11 exempt from taxation by the state of Iowa and the interest on
23 12 the bonds shall be exempt from the state income tax and the
23 13 state inheritance tax.
23 14 The bill provides that bonds or notes issued pursuant to
23 15 the bill are not debts of the state, nor of any political
23 16 subdivision of the state, and do not constitute a pledge of
23 17 the faith and credit of the state or a charge against the
23 18 general credit or general fund of the state.
23 19 The bill creates the Iowa jobs board consisting of 11
23 20 members located for administrative purposes within the Iowa
23 21 finance authority. Board membership includes five members
23 22 from the general public and the director of the department of
23 23 economic development, the executive director of the rebuild
23 24 Iowa office, the executive director of the Iowa finance
23 25 authority, the director of the department of workforce
23 26 development, the director of the office of energy
23 27 independence, and the director of transportation. The board
23 28 shall administer an Iowa jobs bond program to assist in the
23 29 development and completion of new public construction projects
23 30 relating to disaster relief and mitigation, public buildings,
23 31 local infrastructure, broadband technology, and alternative
23 32 energy infrastructure. The board shall prioritize project
23 33 applications made to the board by a city, county, school
23 34 district, community college, institution of higher learning
23 35 under the state board of regents, or a public organization



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24 1 based on how quickly the project can be started and the time
24 2 the project will take to be completed, the total number and
24 3 quality of jobs to be created by the project, contributions of
24 4 the project to the lasting imprint on this state,
24 5 contributions of the project to sustainability and energy
24 6 efficiency, amounts of federal, state, and private sources of
24 7 any leveraged funds, and the ability of the project to fund
24 8 depreciation costs, and the benefits of the project to areas
24 9 distressed by high unemployment.

24 10 The bill creates an Iowa jobs bond fund as a separate and
24 11 distinct fund in the state treasury. The moneys in the fund
24 12 are appropriated to the departments of administrative
24 13 services, corrections, education, natural resources,
24 14 transportation, and veterans affairs, the department for the
24 15 blind, Iowa finance authority, Iowa state fair, and the state
24 16 board of regents and to the Iowa jobs board for purposes of
24 17 the Iowa jobs bond program established in the bill. The
24 18 treasurer of state shall act as custodian of the fund and
24 19 disburse moneys contained in the fund. Revenue for the Iowa
24 20 jobs bond fund shall include but is not limited to the
24 21 proceeds of bonds issued to capitalize and pay the costs of
24 22 the fund and investment earnings on the proceeds, interest
24 23 attributable to investment of money in the fund or an account
24 24 of the fund, moneys in the form of a devise, gift, bequest,
24 25 donation, federal or other grant, reimbursement, repayment,
24 26 judgment, transfer, payment, or appropriation from any source
24 27 intended to be used for the purposes of the fund, all of which
24 28 shall be deposited with the treasurer of state and credited to
24 29 the fund. Moneys in the Iowa jobs bond fund are not subject
24 30 to Code section 8.33. Interest or earnings on moneys in the
24 31 fund shall be credited to the fund.

24 32 The bill also provides that the treasurer of state may
24 33 create and establish one or more special funds, to be known as
24 34 bond reserve funds, to secure one or more issues of bonds or
24 35 notes issued under the bill. The bill also provides that, in



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25 1 order further to assure maintenance of the bond reserve funds,
25 2 the treasurer shall, on or before January 1 of each calendar
25 3 year, make and deliver to the governor the treasurer's
25 4 certificate stating the sum, if any, required to restore each
25 5 bond reserve fund to the bond reserve fund requirement for
25 6 that fund. Within 30 days after the beginning of the session
25 7 of the general assembly next following the delivery of the
25 8 certificate, the governor shall submit to both houses printed
25 9 copies of a budget including the sum, if any, required to
25 10 restore each bond reserve fund to the bond reserve fund
25 11 requirement for that fund. Any sums appropriated by the
25 12 general assembly and paid to the treasurer pursuant to this
25 13 subsection shall be deposited by the treasurer in the
25 14 applicable bond reserve fund.

25 15 The bill allocates \$56 million annually for the fiscal year
25 16 beginning July 1, 2009, and for each fiscal year through the
25 17 fiscal year beginning July 1, 2028, from the state's wagering
25 18 tax allocations in Code section 8.57 for deposit into the Iowa
25 19 jobs bond fund created in the bill. This allocation is
25 20 preceded by allocations from the state's wagering taxes to the
25 21 general fund, the vision Iowa fund, and the school
25 22 infrastructure fund.

25 23 The bill replaces the appropriations made for project
25 24 funding for FY 2008=2009 from the FY 2009 tax=exempt
25 25 restricted capitals fund account established in Code section
25 26 12E.12 with appropriations from the Iowa jobs bond fund
25 27 created in Code section 12.88 of the bill for the departments
25 28 of administrative services, corrections, education, natural
25 29 resources, transportation, and veterans affairs, the
25 30 department for the blind, Iowa state fair, and the state board
25 31 of regents, and, except for certain appropriations made to the
25 32 departments of administrative services, corrections, natural
25 33 resources, and veterans affairs, appropriates moneys for the
25 34 same fiscal year for the same departments and the same
25 35 projects.



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26 1 The bill makes appropriations from the Iowa jobs bond fund
26 2 created in the bill to the department of transportation for
26 3 multimodal transportation projects including trails, transit,
26 4 rails, and aviation projects, and for road and highway
26 5 projects with an emphasis on road safety and the
26 6 rehabilitation of deficient bridges, and to the Iowa finance
26 7 authority for water quality and wastewater improvement
26 8 projects, and for deposit in the housing assistance fund and
26 9 for deposit in the housing trust fund for certain housing
26 10 projects. The designated departments shall consider the same
26 11 eligibility criteria for projects as previously described to
26 12 be considered by the Iowa jobs board.
26 13 The bill takes effect upon enactment.
26 14 LSB 1692XL 83
26 15 rh/rj/8.3